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NOTICE OF INTENT TO ACT UPON A REGULATION

NOTICE OF HEARING FOR THE AMENDMENT OF REGULATIONS OF THE BOARD OF HEALTH

LCB File No. R004-24RP1 revises LCB File No. R016-20AP relating to cultural competency training (CCT) for employees of health care facilities is being revised by establishing new standards in accordance with AB267 of the 2023 legislative session.

NOTICE IS HEREBY GIVEN that the State Board of Health will hold a public hearing to consider amendments to Chapter 449 of Nevada Administrative Code (NAC). This public hearing is to be held in conjunction with the State Board of Health meeting on June 7, 2024.

The State Board of Health will be conducted via videoconference beginning at 9:00 am on June 7, 2024, at the following locations:

- Microsoft Teams
https://teams.microsoft.com/l/meetup-join/19%3ameeting_NTJmNTFIZGItNDFhYy00NDJjLWlzMtktZTA3NTBiZDE2Mmlw%40thread.v2/0?context=%7b%22tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22oid%22%3a%22768e443d-3be6-48f0-9bb0-7e72f1276b8d%22%7d
- Join By Phone
(775) 321-6111; Phone Conference ID: 228 824 297#
- Physical Locations
Division of Public and Behavioral Health
Hearing Room 303
4150 Technology Way
Carson City, NV 89706

Southern Nevada Health District
Red Rock Trail Rooms A & B
208 S. Decatur Blvd.
Las Vegas, NV 89107

The proposed changes to LCB File No. R016-20AP contained in LCB File No. R004-24RP1, as authorized by AB267 of the 2023 legislative session, include the following:

- Ensure the new regulatory language establishes minimum standards for cultural competency training (CCT)
- Establishing requirements for course time and adjusting periodicity requirements to require minimum standards for CCT
- Restructuring regulations to ensure the responsible state agency can review new CCT program submissions within the 10 day allowance, while maintaining statutory topic requirements

- Maintenance of language that obligates facilities to ensure policies are in place to protect the rights of individuals when observed through the lens of cultural competency
- New language developed that allows for flexibility in the development of courses
- Reduction in burden on health care facilities to generate CCT
- Eliminate the requirement for health facilities to report the specific CCT course the facility will use to educate its employees

1. Anticipated effects on the businesses which LCB File No. R004-24RP1 regulates:

- Adverse effects:* Some respondents to the small business impact questionnaire indicated there would be an adverse economic effect, but did not relate this to the new agency draft of CCT regulations, rather related the adverse effects to the necessity for CCT in general and based related costs on the current regulation (LCB File #R016-20AP).
- Beneficial effects:* Most respondents, indicated there would be no beneficial effect, but referenced costs associated with the current CCT regulation (LCB File #R016-20AP). However, some commented that that there would be a beneficial effect associated with reduced hours of instruction.
- Immediate:* There are no anticipated immediate effects on businesses.
- Long-term:* It is anticipated that the proposed regulations will eventually encourage more facilities to submit CCT programs for approval and this will result in reduced costs for those facilities.

2. Anticipated effects on the public:

- Adverse:* There are no anticipated adverse effects for the public receiving services in health care facilities associated with the proposed regulation.
- Beneficial:* There are no anticipated beneficial effects to the public based on continued CCT training for employees in health care facilities.
- Immediate:* There are no anticipated immediate effects to the public.
- Long-term:* There are anticipated long-term beneficial effects to the public based on health care facility employees receiving CCT.

3. The Division of Public and Behavioral Health (DPBH) determined the impact on small businesses by distributing an email containing a link to the Small Business Impact Questionnaire to actively licensed facilities, hospitals, agencies, programs or homes listed in NRS 449.119 and to intermediary service organizations as set forth in NRS 449.4304. The results from the questionnaire were analyzed and tallied and then documented in a small business impact statement. DPBH also conducted a public workshop on November 14, 2023 and received additional information about the impact on all businesses and DPBH received suggested language that was incorporated into the final agency draft of these regulations to further reduce the impact of these regulations on businesses.

4. There should be no additional costs to the agency to enforce the proposed regulations. It is anticipated that the workload to track, review and approve CCT courses will continue to be incorporated into the Division's overall workload.

5. The proposed regulations do not overlap or duplicate any other Nevada state or federal regulations.

Members of the public may make oral comments at this meeting. Persons wishing to submit written testimony or documentary evidence in excess of two typed, 8-1/2" x 11" pages must submit the material to the Board's Secretary, Cody Phinney, to be received no later than May 31, 2024, at the following address:

Secretary, State Board of Health

Division of Public and Behavioral Health
4150 Technology Way, Suite 300
Carson City, NV 89706
stateBOH@health.nv.gov

Written comments, testimony, or documentary evidence in excess of two typed pages will not be accepted at the time of the hearing. The purpose of this requirement is to allow Board members adequate time to review the documents.

A copy of the notice and proposed regulations are on file for inspection and/or may be copied at the following locations during normal business hours:

- Nevada Division of Public and Behavioral Health - 4150 Technology Way, Suite #300, Carson City, NV 89706
- Nevada Division of Public and Behavioral Health - 4220 S. Maryland Parkway, Bldg. A, Ste. 100, Las Vegas, NV 89119
- Nevada State Library and Archives - 100 Stewart Street, Carson City, NV, 89701

A copy of the regulations and small business impact statement can be found online by going to:
https://dph.nv.gov/Reg/HealthFacilities/State_of_Nevada_Health_Facility_Regulation_Public_Workshops/

A copy of the public hearing notice can also be found at Nevada Legislature's web page:
<https://www.leg.state.nv.us/App/Notice/A/>

Copies may be obtained in person, by mail, or by calling the Division of Public and Behavioral Health at:

Division of Public and Behavioral Health
Bureau of Health Care Quality and Compliance
4220 S. Maryland Parkway, Building A, Suite 100
Las Vegas, NV 89119
(702) 486-6515
tcarney@health.nv.gov

Copies may also be obtained from the Nevada State Library at the address listed below:

Nevada State Library & Archives
100 N. Stewart Street
Carson City, NV 89701

Per NRS 233B.064(2), upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.