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DEPARTMENT OF HEALTH AND HUMAN SERVICES

DIVISION OF PUBLIC AND BEHAVIORAL HEALTH
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Proposed Amendments to Nevada Administrative Code (NAC) 441A in accordance with SB 211 (2021), AB 192 (2021), & SB 275 (2021)

Public Workshop Minutes for LCB File No. R002-22 & R148-22

January 12, 2023

In Attendance

- Preston Tang
- Ghasi Phillips-Bell
- Lindsey Kinsinger
- Jeanne Ruff
- Denise Stokich
- James Lau
- Kagan Griffin
- Tory Johnson
- Vanessa Dunn
- Victoria M. Young
- Steve Messinger
- Angelica Hall (COMC)
- Pierron E. Tackes
- Tami M. Conn
- Jennifer Howell
- Vickie S. Ives
- John F. Packham
- Melissa Peek-Bullock
- Heather Shoop
- Anastasia Cadwallader
- Marissa Brown
- 2 people called in

Public Workshop commenced at 9:00 AM PST via Microsoft Teams.

Mr. Preston Tang thanked everyone for being here and introduced himself as the Health Program Specialist I with the State of Nevada, with the Division of Public and Behavioral Health, Office of HIV. Mr. Tang introduced Tory Johnson,

Health Program Manager II with the Office of HIV and Lindsey Kinsinger, Health Program Manager II with the Office of Public Health Investigations and Epidemiology (OPHIE). Mr. Tang stated that this public workshop will be conducted in accordance with NRS 241.020, Nevada Open Meeting Law. Mr. Tang added that a copy of the regulations, small business impact statement, and this public workshop notice were made available on the DPBH OPHIE – Regulations and the Office of HIV (OoH) – Regulation Development webpages, and a copy is available on the Nevada Legislature’s website and posted in the chat for convenience. Mr. Tang continued that a copy of the regulations and the notice of this workshop is on file, and copies may be obtained in person or by mail at the following locations: Division of Public and Behavioral Health in Carson and Reno, the Nevada State Library and Archives, Southern Nevada Health District, and Washoe County Health District. Mr. Tang stated that if you needed the addresses, you may reference to the public workshop notice packet, or to reach out to Tory Johnson at tojohnson@health.nv.gov or at 702-486-0767. Mr. Tang added that following this public workshop, the draft regulations are subset of the public hearing rulemaking process conducted by the Board of Health (BOH). Mr. Tang continued that all updates regarding this and other related meetings will be posted to the DPBH OPHIE and OoH Regulation websites. Mr. Tang added that the proposed regulations heard today will be presented at a future Board of Health meeting, and an appropriate notice will be forthcoming. Mr. Tang stated that this workshop is being recorded and will be transcribed and made available online at DPBH – OPHIE and OoH Regulations websites. Mr. Tang asked the audience to mute your camera or phone when you are not speaking, and to please not to put the conference call on hold as the music will play and disrupt the conference. Mr. Tang continued with some friendly reminders when speaking, please state your name before speaking to help us accurately transcribe minutes, and those joining us who are planning to give public comment to withhold your statements until the floor has been opened.

Mr. Tang stated that the public workshop will cover LCB File No. R002-22 and LCB File No. R148-22, and will start with LCB File No. R002-22. Mr. Tang stated that the proposed changes will revise the Nevada Administrative Code (NAC) Chapter 441A in accordance with Senate Bill (SB) 211 of the 2021 Legislative Session and Nevada Revised Statutes (NRS) Chapter 441A. Mr. Tang continued that the proposed regulations stem from the passage of Senate Bill (SB) 211 (formerly Bill Draft Request [BDR] 40-563), that was introduced during the 2021 Nevada 81st Legislative Session and signed by Governor Steve Sisolak on June 4, 2021. Mr. Tang added that the bill establishes requirements relating to testing for sexually transmitted diseases (STD) and human immunodeficiency virus (HIV), and the proposed regulations will update NAC Chapter 441A in accordance with the requirements set forth in SB 211. Mr. Tang stated that current regulations do not outline the requirement to consult with patients about whether they wish to be tested for HIV or STDs. Mr. Tang continued the proposed regulation will update and require certain emergency medical service providers in a hospital or primary care setting to inquire if their patient would like HIV or STD testing. Mr. Tang added that the medical provider must assist the patient in obtaining a test(s) where practical and medically indicated. Mr. Tang stated that there are several public health reasons for bringing this change forward: first, Nevada is ranked 5th for the highest rates of HIV diagnoses in 2019, Nevada is ranked 1st for primary and secondary syphilis in 2019, Nevada ranked 4th for congenital syphilis in 2019, Nevada ranked 17th for chlamydia in 2019, and Nevada ranked 15th for gonorrhea in 2019. Mr. Tang continued with the Centers for Disease Control and Prevention (CDC) recommends that individuals between the ages of 13 and 64 to get tested for HIV and STD as part of routine health care, and also recommends more frequent screening of HIV and STDs once every 3 to 6 months for individuals with increased risk of infections. Mr. Tang stated that the United States Preventive Services Task Force (USPSTF) provides a “Grade A” recommendation that clinicians screen for HIV and STDs in adolescents and adults aged 15 to 65 years. Mr. Tang added that younger adolescents and older adults who are at an increased risk of infection should also be screened. Mr. Tang stated the adverse effects of LCB File No. R002-22 are the Division of Public and Behavioral Health does not anticipate any adverse impacts to the businesses or general public in the State of Nevada, and it would also eliminate patients’ need, awkwardness, and shyness to self-advocate for HIV and STD testing. Mr. Tang continued with the beneficial effects of LCB File No. R002-22 which are Nevada would have an increased billing for HIV and STDs. Mr. Tang added the immediate effects would have an increase in opportunities for testing HIV and STDs across Nevada, and it would create an open dialogue with medical providers regarding any

behaviors impacting their patient's health. Mr. Tang stated that all insurances in Nevada are required to cover HIV and STD testing following USPSTF and CDC guidelines. Mr. Tang went on to describe the long-term effects of LCB File No. R002-22 will reduce the future cost of medical care and treatment of late diagnosis of HIV and STDs, it will destigmatize HIV and STDs among medical providers and the public, and the proposed regulations will decrease HIV and STD occurrence in the State of Nevada and potentially end the HIV epidemic in Nevada. Mr. Tang stated that the OPHIE did not receive any written testimony or documentary evidence. Mr. Tang opened the floor for public comment on the proposed regulations LCB File No. R002-22.

Mr. Tang asked if there was anyone who wished to provide public comment.

Ms. Jennifer Howell with Washoe County Health District stated for the record that Washoe County Health District supports all the changes and appreciates the hard work and collaboration between the community, the health districts, and the State. Ms. Howell added that she and Washoe County Health District support this change and are excited to see this moving forward.

Mr. Tang thanked Ms. Howell. Mr. Tang asked if there is anyone else who would like to comment.

Hearing none, Mr. Tang thanked everyone and passed it on to Mr. Tory Johnson to cover the next set of proposed regulations LCB File No. R148-22.

Mr. Tory Johnson thanked Mr. Tang and introduced himself as the Office of HIV Section Manager. Mr. Johnson stated that the proposed changes will revise Nevada Administrative Code (NAC) 441A in accordance with Senate Bill (SB) 275 and Assembly Bill (AB) 192 of the 81st Legislative session in the Nevada Revised Statutes (NRS) Chapter 441A. Mr. Johnson added that the proposed regulations stem from the passage of SB 275 formally bill draft request 40-220, and AB 192 formally 0-453, which were both introduced during the 2021 Nevada 81st Legislative Session and signed by Governor Steve Sisolak on June 4, 2021. Mr. Johnson continued that SB 275 revises provisions related to communicable diseases, including isolation and quarantine of a case, are suspected case of a communicable diseases, and removal of duplicative references to HIV and AIDS. Mr. Johnson stated that AB 192 revises provisions governing the testing of pregnant women for certain sexually transmitted infections. Mr. Johnson added that the proposed regulations will update NAC Chapter 441A in accordance with the requirements set forth in SB 275 and AB 192. Mr. Johnson stated that current regulations do not require reporters to indicate if a women tests positive for syphilis is pregnant or requires treatment. Mr. Johnson continued that information that the proposed regulation will update and require that a report of a pregnant women who has or suspecting of having syphilis must include, without limitation, the fact that the case occurred in a pregnant women and if treatment was provided. Mr. Johnson added that the type of treatment that was provided and/or if the woman refused treatment. Mr. Johnson continued that the CDC recommends all pregnant women in the U.S. should be screened for syphilis during their pregnancy, and women who test positive should be treated using the most current sexually transmitted infection treatment recommendations. Mr. Johnson stated that lastly, the bill revises or proposes revisions as follows: the procedures followed by county or city board of health or a health authority when isolating, quarantining, or treating certain persons; provisions governing the investigation of a case or suspected case of a communicable disease and an order for a person with a communicable disease to submit to examination and treatment; provisions concerning certain offenses relating to communicable diseases; revising provisions concerning court-ordered testing for communicable disease; provisions prohibiting the disclosure of information about certain persons investigated by the healthy authority; provisions requiring the alleged victim of a crime involving sexual penetration to be provided with information concerning sexually transmitted diseases; revising certain terminology used to refer the human immunodeficiency virus and related matters; reestablishing the Advisory Task Force on HIV Exposure Modernization; setting for the duties of the Task Force; abolishing certain crimes relating the human immunodeficiency virus; repealing certain additional provisions relating to communicable diseases; providing a penalty; and providing other matters properly relating thereto. Mr. Johnson stated that there are several public health reasons for bringing these changes forward, first Nevada ranked fifth (5th) for the highest rates of HIV diagnoses in 2019, second Nevada

ranked first for Primary and Secondary Syphilis in 2019, and third Nevada ranked fourth for Congenital Syphilis in 2019. Mr. Johnson added that DPBH does not anticipate any adverse/negative impacts to businesses and general public on LCB File No. R148-22. Mr. Johnson continued on to list the beneficial impacts on LCB File No. R148-22 for the public would be fewer cases of untreated syphilis, lower rates of congenital syphilis that could result in less overall medical costs to medical systems and lower cost in supporting children K-12 education, and lessen support services costs that an individual who is born with congenital syphilis could require to support in adulthood. Mr. Johnson stated the immediate effects of the proposed regulations would be improvement on the reporting information reported to public health for women who test positive for syphilis during pregnancy. Mr. Johnson added that the reporting information will allow for disease investigators to provide better investigations and confirm that women are adequately treated during pregnancy to prevent congenital syphilis. Mr. Johnson continued with the long-term positive/beneficial of the proposed changes in LCB File No. R148-22 would be the reduction of the future cost of medical care and a reduction of cost for support services in the State of Nevada for those born with congenital syphilis. Mr. Johnson stated that he will now pass it on to Ms. Lindsey Kinsinger to discuss additional updates.

Ms. Lindsey Kinsinger thanked Mr. Johnson and introduced herself as the Office of Public Health Investigations and Epidemiology (OPHIE) Manager. Ms. Kinsinger added that in addition to the changes brought forth in SB 274 and AB 192, LCB File No. R148-22 will update NAC 441A in the following way. Ms. Kinsinger stated that add the following conditions as reportable communicable diseases. Ms. Kinsinger continued with any condition identified by the CDC as a nationally notifiable condition including Cyclosporiasis, which is a parasite as well as monkey pox. Ms. Kinsinger added that it would also update requirements for Haemophilus influenzae invasive disease removes the requirement for it to be a Type B; Hepatitis B will specify acute and chronic; Hepatitis C will specify perinatal, acute, and chronic; and influenza will have removed the reference to persons under 18 years of age. Ms. Kinsinger stated that the updates will reference the current recommended treatment guidelines. Ms. Kinsinger stated an example that references were to manuals published in 2015 and those have been updated to 2021. Ms. Kinsinger added reporting requirements for electronic case reporting, and add a reporting requirement for medical laboratories to report negative results for Hepatitis C and HIV. Ms. Kinsinger continued that the update will add a requirement for healthcare providers to provide negative results or proof of treatment for a specific person if requested by the health authority. Ms. Kinsinger added the update will require for schools to inform parents or guardians of children who might have been exposed to a communicable disease, and for schools to provide information to parents so they can monitor children for sign and symptoms of the communicable disease to which they were exposed. Ms. Kinsinger stated SB 275 and AB 192, R148-22 will update NAC 441A proposed regulations in the following ways, update reporting requirements for tuberculosis testing and treatment; update investigation requirements for Chlamydia and Gonorrhea to specify that the health authority may investigate a case rather than shall investigate each case; update treatment language for sexually transmitted infections to specify that a person shall be offered treatment, rather than receives treatment; update investigation criteria for Lyme Disease to better align with CDC guidance; add additional exclusion criteria from school for individuals who test positive for measles; prohibit the exclusion of workers from sensitive occupations, should exclusion of the person be prohibited by the Americans with Disabilities Act of 1990; and prohibit the exclusion of children from a child care facility or school, should exclusion of the person be prohibited by Americans with Disabilities Act 1990. Ms. Kinsinger stated to encourage transparency, our office did not receive any written testimony or documentary evidence. Ms. Kinsinger opened the floor for public comment on the proposed regulations LCB File No. R148-22 in accordance with NAC 441A. Ms. Kinsinger added a friendly reminder to unmute your device or telephone, please introduce yourself, state your name clearly and the agency you represent, then please provide your public comment, and limit your response to three minutes or less.

Ms. Jennifer Howell with Washoe County Health District stated that her and her agency support the changes. Ms. Howell asked clarification on the reference to AIDS being eliminated from the draft regulation, she thought that the intention was to eliminate the term AIDS or Acquired Immune Deficiency Syndrome from the draft regulation.

Ms. Kinsinger thanked Ms. Howell for her comment. Ms. Kinsinger stated the term AIDS has been removed from draft regulation. Ms. Kinsinger asked if there was anyone else to provide public comment. Hearing none, Ms. Kinsinger asked if anyone else wish to provide public comment on LCB File No. R148-22. Hearing none, Ms. Kinsinger thanked everyone for their time and wished them a great rest of their day.

Public Workshop for LCB File No. R002-22 and R148-22 adjourned at 9:27 AM PST.