



DIVISION OF PUBLIC & BEHAVIORAL HEALTH

BUREAU OF BEHAVIORAL HEALTH WELLNESS AND PREVENTION

LCB File No. R013-20

Informational Statement per NRS 233B.066

1. A clear and concise explanation of the need for the adopted regulation;

These regulations were created and adopted as a result of the passage of AB85 during the 80th Session of the Nevada Legislature. The legislation requires the Board of Health to adopt regulation concerning the care and treatment of individuals alleged to be in a mental health crisis and other related matters. The necessary supplements include: the issuance and renewal of licenses for providers of nonemergency secure behavioral health transport services, required operational policies, insurance, and documentation for such providers, required training and vehicle standards, the circumstances in which a provider can transport a patient, and a fee structure for licensure and vehicle inspection. This amendment has been developed by the Division in consultation with providers and stakeholders from around the state to bring NAC 433A into compliance with the legislation passed in 2019 and are meant to improve the way we care for those in mental health crisis.

An errata was adopted by the Board of Health to amend R013-20 with four changes. First, the errata changes Sec. 3 to make the renewal of a license for a provider of nonemergency secure behavioral health transport services biennial. This brings this licensure into conformity with the licensure of similar provider types. Second, the errata changes Sec. 5.1.a. to allow for the recertification of evidence-based training concern de-escalation biennially instead of annually. This was done because this particular training provides the employees with a certificate valid for two years. Third, the errata removes language from Sec. 9 that requires the attendant to be seated in the driver's compartment of the vehicle. This was done because the attendant needs the ability to be with the patient during transport when necessary. Fourth, the errata changes the requirement of certain trainings from all staff employed by the provider to just those who provide direct services to patients. This was done because providers employ individuals, such as administrative staff, that do not require such training for their positions.

2. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary;

Public comment and feedback was solicited from the community and stakeholders during a public workshop which was held on February 6, 2020. No public comment was received.

Public comment was also solicited at the public hearing of the Board of Health, held on June 5, 2020. Due to Section 37 of the Governor's Directive 21, the Board of Health meeting on June 5th was conducted by phone conference without a physical location for attendees. All members of the public had the opportunity to join and provide testimony. No one testified, verbally or in written form, in support or against the proposed regulation.

Anyone interested in obtaining further information can contact the Bureau of behavioral Health Wellness and prevention at 4126 Technology Way Suite 200, Carson City, NV 89706.

3. **A statement indicating the number of persons who attended each hearing, testified at each hearing, and submitted written statements regarding the proposed regulation. This statement should include for each person identified pursuant to this section that testified and/or provided written statements at each hearing regarding the proposed regulation, the following information, if provided to the agency conducting the hearing:**
- (a) Name**
 - (b) Telephone Number**
 - (c) Business Address**
 - (d) Business telephone number**
 - (e) Electronic mail address; and**
 - (f) Name of entity or organization represented**

A public workshop which was held on February 6, 2020. At that workshop, twenty-six individuals signed in both in Carson City and Las Vegas. Please see the attached sign in sheets.

A public hearing was held on June 5, 2020. At that hearing, twenty-five people called in and made their presence known. That number includes the members of the Board of Health, staff of the Division of Public and Behavioral Health, as well as members of the public. As there were other items on the agenda, it is possible that not all those that signed in were in attendance for LCB File No R011-20. No one testified in support of or against the proposed regulation or provided written statements during the hearing. The names of the attendees are; Jon Pennell, DVM, Jeffrey Murawsky, M.D., Monica Ponce, DDS, Judith Bittner, Charles Smith, Dipti Shah, M.D., Joseph Filippi, Executive Assistant; Rex Gifford, Administrative Assistant III; Lisa Sherych, Administrator DPBH; Dr. Ihsan Azzam, State of Nevada Chief Medical Officer; Stephen Wood, Health and Human Services Specialist; Dr. Leon Ravin, Statewide Psychiatric Medical Director; Dawn Yohey, Clinical Program Planner; Joseph Tucker, Manager Primary Care Office; Latisha Brown, Childcare Facilities Surveyor Manager; Paul Shubert, Chief, Bureau of Health Care Quality and Compliance; Jesse Wellman, Biostatistician, Linda Anderson, Deputy Attorney General; Julie Slabaugh, Deputy Attorney General; Dr. Fermin Leguen, SNHD County Health Officer; Dr. Sharon Knafo, School Head, Shenker Academy; Steve Messinger, Policy Director Nevada Primary Care Association; Chris Schneider, Mountain View Lutheran; Diane Nicolette, TMCC E.L. Cord Childcare Foundation Center; Hailey Hammel, Washoe County Child Advisory Board.

4. **A description of how comment was solicited (i.e., notices) from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**

A small business impact survey was sent to the one company that was identified as meeting the standard of a small business pursuant to NRS 233B.0608 (2) (a).

Summary of Response

Summary of Comments Received

(There were { 1 } responses received out of { 1 } small business impact questionnaires distributed)

(Q#1) Will a specific regulation have an adverse economic effect upon your business?	(Q#2) Will the regulation(s) have any beneficial effect upon your business?	(Q#3) Do you anticipate any indirect adverse effects upon your business?	(Q#4) Do you anticipate any indirect beneficial effects upon your business?
{ } "Yes" Responses	{ } "Yes" Responses	{ } "Yes" Responses	{ } "Yes" Responses
{ 1 } "No" Responses	{ 1 } "No" Responses	{ 1 } "No" Responses	{ 1 } "No" Responses
<p><u>Comments (Q#1):</u> No further comment was received.</p> <p><u>Comments (Q#2):</u> No further comment was received.</p> <p><u>Comments (Q#3):</u> No further comment was received.</p> <p><u>Comments (Q#4):</u> No further comment was received.</p>			

5. If, after consideration of public comment, the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change. The statement should also explain the reasons for making any changes to the regulation as proposed.

The respondent indicated that the regulation would not have any impact on their business, and they did not provide any additional feedback on the small business impact survey. The Division received no further public comment. Therefore, it was determined that no change was required.

6. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and in each case must include:

- (a) Both adverse and beneficial effects; and**
- (b) Both immediate and long-term effects.**

Anticipated effect on regulated businesses:

- Adverse effect: There is no anticipated adverse effect.
- Beneficial effect: This regulation creates a new licensure and allows for a new type of service to be provided within the state.
- Immediate effect: Businesses wishing to provide nonemergency secure behavioral health transport services in Nevada will be able to apply for licensure.

- Long-term effect: Licensed businesses providing nonemergency secure behavioral health transport services will be able to operate and provide said service in Nevada.

Anticipated effect on the public:

- Adverse effect: There is no anticipated adverse effect on the public.
- Beneficial effect: The public will have access to nonemergency secure behavioral health transport services.
- Immediate effect: There is no anticipated immediate effect on the public.
- Long-term effect: The public will have access to nonemergency secure behavioral health transport services.

7. The estimated cost to the agency for enforcement of the proposed regulation.

The Division anticipates one applicant at the beginning of this program. Therefore the cost to the Division will be approximately \$946. However, the fees collected for licensure of nonemergency secure behavioral health transport services and inspection of vehicles have been established to cover all costs to the Division for the licensure program and enforcement.

8. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, name the regulating federal agency.

This regulation does not overlap with the regulations of any state or federal agency.

9. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

There are no applicable federal regulations.

10. If the regulation establishes a new fee or increases an existing fee, a statement indicating the total annual amount the agency expects to collect and the manner in which the money will be used.

This regulation establishes a fee structure for the licensure of providers of nonemergency secure behavioral health transport services as well as fees for the inspection and reinspection of a vehicle used to provide such services. The fees will be used by the Division to conduct the licensure and inspection for providers. The fees are as follows: for an initial application for a license, \$900, for the renewal of a license, \$120, for the late renewal of a license, \$190, inspection of a vehicle, \$23, for the reinspection of a vehicle, \$75. Currently, the Division anticipates one applicant for licensure. For the first year of the program, the Division expects to collect \$946. If the number of applicants does not increase, the Division expects to collect approximately \$270 every two years thereafter.