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Governor

Richard Whitley,
MS
Director



DEPARTMENT OF HEALTH AND HUMAN SERVICES



NEVADA DIVISION of PUBLIC
and BEHAVIORAL HEALTH



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Chief Medical Off

DIVISION OF PUBLIC & BEHAVIORAL HEALTH

DIVISION OF PUBLIC AND BEHAVIORAL HEALTH
LCB FILE NO. R002-22

INFORMATIONAL STATEMENT PER NRS 233B.066

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

The proposed regulations related to the passage of Senate Bill 211 [SB 211, formerly Bill Draft Request (BDR) 40-563] will update Nevada Administrative Code (NAC) 441A. SB 211 was introduced during the Nevada 81st (2021) Legislative Session and signed by Governor Steve Sisolak on June 4, 2021. The bill establishes requirements relating to testing for sexually transmitted diseases (STD) and human immunodeficiency virus (HIV).

Current regulations do not outline the requirement for physicians to offer patients HIV and/or STD screenings at the time of a medical visit. The proposed regulation will update the NACs to be congruent with the bill language contained in LCB File No. R002-22.

2. A description of how public comment was solicited, a summary of public response and public workshop information.

The Division of Public and Behavioral Health solicited public comments through three (3) Public Workshops and Small Business Impact (SBI) questionnaire. In addition to the public and online postings of Notice of Public Workshops and SBI Questionnaire, the Division also solicited via email through multiple listservs targeting medical providers, health facilities, professional Doctor of Medicine (MD) / Doctor of Osteopathic medicine (DO) / nurse practitioner (NP) associations, North and South HIV Prevention Planning Groups, and more.

PUBLIC WORKSHOP

1. A public workshop was held on Thursday, January 6, 2022. There were 14 participants who attended the workshop virtually.
2. A public workshop was held on Monday, July 18, 2022, on the updated errata language. There were 18 participants who attended the workshop virtually.
3. A public workshop was held on Thursday, January 12, 2023, on the updated errata language. There were 23 participants who attended the workshop virtually.

Any persons interested in obtaining a copy of the summary of public response and public workshop information, may obtain this information online at:

https://dpbh.nv.gov/Programs/HIV/dta/Policies/HIV_Regulation_Development_Processes/

In addition, any persons interested in obtaining a copy of the summary of public response and public workshop information, may e-mail, call, or mail a request to Preston Nguyen Tang, Health Program Specialist I at the Division of Public and Behavioral Health at:

Pre January 2023	Post January 2023
<p style="text-align: center;">Preston Nguyen Tang, MPH Division of Public and Behavioral Health 1840 East Sahara Avenue Suite 110-111 Las Vegas, NV 89104 Phone: (702) 486-6488 Email: ptang@health.nv.gov</p>	<p style="text-align: center;">Preston Nguyen Tang, MPH Division of Public and Behavioral Health 2290 South Jones Boulevard Suite 110 Las Vegas, NV 89146 Phone: (702) 486-6488 Email: ptang@health.nv.gov</p>

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**

The Division of Public and Behavioral Health held three (3) Public Workshops for LCB File No. R002-22.

Public Workshops #1

A public workshop was held virtually on Thursday, January 6, 2022. There were nine (9) participants who attended the workshop, excluding the Division of Public and Behavioral Health staff members. No written statement was submitted in advance to the Public Workshop. Additionally, no public comment was made by community members attending the public workshop.

Public Workshop #2

A public workshop was held virtually on Monday, July 18, 2022, regarding the updated errata language. There were 10 participants who attended the workshop, excluding the Division of Public and Behavioral Health staff members. There was one (1) written statement that was submitted for the public workshop held on July 18, 2022, expressing support of this legislative initiative.

Name: John Phoenix, MSN, APRN, FNP-C
 Telephone Number: (702) 523-9025
 Business Address: 1820 E Sahara Ave Suite 201 Las Vegas, NV 89104
 Business telephone number: (702) 979-1111
 Electronic mail address: jphoenixaprn@huntridgefcf.org
 Name of entity or organization represented: Huntridge Family Clinic
 Website: www.huntridgefamilyclinic.org

There were public comments from six (6) participants from July 18, 2022, Public Workshop supporting the errata language contained in LCB File No R002-22.

- 1) Linda Anderson, Esq. – Nevada Public Health Foundation
- 2) John Phoenix – Huntridge Family Clinic
- 3) Andre Wade – Silver State Equality

- 4) Jennifer Bennett – Pacific Education and Training Center Nevada
- 5) Hazel Gusman – From University Medical Center (Nurse Navigator)
- 6) Dr. Cheryl Radeloff – Southern Nevada Health District / Southern Nevada HIV Prevention Planning Group

Public Workshop #3

A public workshop was held virtually on Thursday, January 12, 2023, on the updated errata language. There were 15 participants who attended the workshop, excluding the Division of Public and Behavioral Health staff members. No written statement was submitted in advance to the Public Workshop.

There was a public comment from one (1) participant from January 12, 2023, Public Workshop supporting the errata of LCB File No R002-22.

- 1) Jennifer Howell - Washoe County Health District / Northern Nevada HIV Prevention Planning Group

Any persons interested in obtaining the Notice of Public Workshop, Minutes of Public Workshop, and copy of written statement may obtain this information online at:

https://dpbh.nv.gov/Programs/HIV/dta/Policies/HIV_Regulation_Development_Processes/

In addition, any persons interested in obtaining the Notice of Public Workshop, Minutes of Public Workshop, and copy of written statement, can e-mail, call, or mail in a request to Preston Nguyen Tang, Health Program Specialist I at the Division of Public and Behavioral Health at:

Pre January 2023	Post January 2023
Preston Nguyen Tang, MPH Division of Public and Behavioral Health 1840 East Sahara Avenue Suite 110-111 Las Vegas, NV 89104 Phone: (702) 486-6488 Email: ptang@health.nv.gov	Preston Nguyen Tang, MPH Division of Public and Behavioral Health 2290 South Jones Boulevard Suite 110 Las Vegas, NV 89146 Phone: (702) 486-6488 Email: ptang@health.nv.gov

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.

Pursuant to NRS 233B.0608 (2)(a), the Division of Public and Behavioral Health had requested input from all licensed health facilities in Nevada with 150 or fewer employees and from four opt-in email listservs subscribed by persons interested in information relative to the health facilities and HIV/STD prevention and care.

An online small business impact questionnaire was disseminated via email on Wednesday, November 3, 2021, and responses were received and reviewed. All questionnaire responses were conducted via the web, and none were received via email or mail.

Summary of Response

Out of the small-business impact questionnaires sent out when the questionnaire was distributed, one (1) response was recorded as received from John Phoenix with the Huntridge Family Clinic.

How many employees are currently employed by your business?	Q1) Will a specific regulation have an adverse economic effect upon your business?	Q2) Will the regulation (s) have any beneficial effect upon your business?	Q3) Do you anticipate any indirect adverse effects upon your business?	Q4) Do you anticipate any indirect beneficial effects upon your business?
21	Yes - 0 No - 1	Yes - 1 No - 0	Yes - 0 No - 1	Yes - 1 No - 0
<p>Question 1 (Q1) Explain Response: N/A</p> <p>Question 2 (Q2) Explain Response: Increase access to testing resources, help with increased diagnosis of STI.</p> <p>Question 3 (Q3) Explain Response: N/A</p> <p>Question 4 (Q4) Explain Response: Improvement in STI testing, increased access to HIV prevention services, increased access to HIV testing/treatment.</p>				

INTERESTED PERSONS MAY OBTAIN A COPY OF THE SUMMARY

Any persons interested in obtaining a copy of the summary can be retrieve online at:
https://dpbh.nv.gov/Programs/HIV/dta/Policies/HIV_Regulation_Development_Processes/

Additionally, any persons interested in obtaining a copy of the summary can e-mail, call, or mail in a request to Preston Nguyen Tang, Health Program Specialist I at the Division of Public and Behavioral Health at:

Pre January 2023	Post January 2023
Preston Nguyen Tang, MPH Division of Public and Behavioral Health 1840 East Sahara Avenue Suite 110-111 Las Vegas, NV 89104 Phone: (702) 486-6488 Email: ptang@health.nv.gov	Preston Nguyen Tang, MPH Division of Public and Behavioral Health 2290 South Jones Boulevard Suite 110 Las Vegas, NV 89146 Phone: (702) 486-6488 Email: ptang@health.nv.gov

For a minutes of the Friday, September 1, 2023, Nevada Board of Health public hearing, you may visit:
<https://dpbh.nv.gov/Boards/BOH/Meetings/Meetings/> or by emailing StateBOH@health.nv.gov.

- 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 development of the errata(s) was based on concerns raised by Nevada Board of Health Vice Chair Dr. Jeffrey Murawsky at the Friday, June 3, 2022, Nevada Board of Health Meeting. In consultation with Dr. Jeffrey Murawsky, Senator Dallas Harris, Nevada Deputy Attorney General Pierron Tackes, and local health departments HIV/STD program staff, the language was amended to address the State Board of Health’s language concerns. The errata modified the following in proposed regulation:

- Removed the Centers for Disease Control and Prevention (CDC) HIV and STD Guidelines in Clinical Settings.
- Included United States Preventive Services Task Force (USPSTF) HIV and STD Screening Guidelines.
 - This was done because there are discrepancies in guidelines that would have effected the ability for providers to seek insurance reimbursement for HIV and STD testing.

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

- Adverse effects: The Division of Public and Behavioral Health does not anticipate any adverse/negative impacts to businesses or the public.
- Beneficial: The positive/beneficial effects of LCB File No. R002-22 to businesses in the State of Nevada would increase medical billing for HIV and STDs generating revenue for service providers.

(b) Both immediate and long-term effects.

- Immediate: As soon as the proposed regulation becomes effective, it would increase opportunities for testing of HIV and STD across Nevada. Additionally, it would create an open dialogue with medical providers regarding behaviors that may impact their patients' health. HIV and STD services will become reimbursable as providers will be following the United States Preventive Services Taskforce (USPSTF) guidelines.
 - USPSTF Guidelines provide Grade A & B recommendations for HIV and STD Testing, thus allowing providers to bill insurance for these services..
- Long-term: The long-term positive/beneficial effects of LCB File No. R002-22 to the public would increase overall HIV and STD testing within the State of Nevada. This will result in identifying individuals who may be infected, but don't know it. Additionally, it will improve health outcomes of Nevadans and reduce the overall cost of medical treatment.
 - Routine HIV and STD screenings will allow more provider education and thereby reducing HIV and STD stigma.

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

LCB File No. R002-22 will not add any costs to the current regulatory enforcement activities conducted by the Division of Public and Behavioral Health.

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.

LCB File No. R002-22 does not overlap or duplicate federal, state, or local standards.

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

LCB File No. R002-22 is not more stringent than federal, state, or local standards.

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.

LCB File No. R002-22 does not establish a new fee or increase an existing fee.