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# DEPARTMENT OF HEALTH AND HUMAN SERVICES



NEVADA DIVISION of PUBLIC  
and BEHAVIORAL HEALTH



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*DIVISION OF PUBLIC & BEHAVIORAL HEALTH*  
*Health Protection & Preparedness Bureau*  
*Emergency Medical Services*  
*LCB File No. R111-22*

## INFORMATIONAL STATEMENT PER NRS 233B.066

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

The proposed addition/change of regulations to NAC 440 in LCB File No. R111-22 clarifies language as instructed by the Nevada State Legislature's Sunset Committee. These clarifications include how to fill out a death certificate, aligning time limits for medical certifiers to sign death certificates in the regulation to existing law, and clarifying who is responsible for signing a death certificate once the coroner relinquishes jurisdiction. Additional changes include clarifications for identification requirements for declarations of paternity, gender identity options and the evidence needed to change, the delayed birth process and evidence, the English replacement of a foreign birth certificate for use in the United States, who is responsible for transferring a death record from one funeral home to another, non-refundable fee status once services have been rendered and the removal of notary services from regulation.

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

On July 5, 2022, the Office of Vital Records distributed 4,362 small business questionnaires and proposed regulations were posted on the Division's website. Only six responses were received from the Small Business Impact Questionnaire. On November 14, 2022, a public workshop was held to solicit the public's input. On December 2, 2022, a public hearing was conducted to get final input and a ruling from the Board of Health.

Interested persons may obtain a copy of the Small Business Impact Statement, with a summary of responses, at [https://dpbh.nv.gov/Programs/BirthDeath/Birth\\_and\\_Death\\_Vital\\_Records\\_-\\_Home/](https://dpbh.nv.gov/Programs/BirthDeath/Birth_and_Death_Vital_Records_-_Home/)

<p align="center"><b>Summary of Comments Received</b></p> <p align="center">(There were 6 responses received out of 4,362 small business impact questionnaires distributed)</p>			
<p><b>(Q#1) Will a specific regulation have an adverse economic effect upon your business?</b></p>	<p><b>(Q#2) Will the regulation(s) have any beneficial effect upon your business?</b></p>	<p><b>(Q#3) Do you anticipate any indirect adverse effects upon your business?</b></p>	<p><b>(Q#4) Do you anticipate any indirect beneficial effects upon your business?</b></p>
<p>{ 1 } "Yes" Responses</p>	<p>{ 1 } "Yes" Responses</p>	<p>{ 1 } "Yes" Responses</p>	<p>{ 0 } "Yes" Responses</p>
<p>{ 5 } "No" Responses</p>	<p>{ 5 } "No" Responses</p>	<p>{ 5 } "No" Responses</p>	<p>{ 6 } "No" Responses</p>
<p align="center"><u>Comments (Q#1):</u> N/A</p> <p align="center"><u>Comments (Q#2):</u> N/A</p> <p align="center"><u>Comments (Q#3):</u> No Cost Benefits. Allowing families to have their choice of gender is beneficial. So is implementing "X" – especially for the upcoming generations.</p> <p align="center"><u>Comments (Q#4):</u> N/A</p>			

3. On November 14, 2022, at 11:00 am, the Public Workshop was held. In Carson City, there were no attendees. In Las Vegas, there were no attendees. The remaining attendees were via video and phone.

Video Attendees

- Melanie Rouse, Coroner, Clark County Medical Examiner’s Office, explained a coroner’s jurisdictional scope and the difference between a death occurring under natural circumstance and unnatural circumstance.
- Linda Anderson, Nevada Public Health Foundation, congratulated the Office of Vital Records for their efforts to clean up the language and make it more user friendly.

Phone in Attendees

- Kat Sinkewitz, Health Freedom Nevada, asked for clarification the time limits medica certifiers have to sign, how the cause of death is written, and on who signs death certificates once a coroner has released jurisdiction.

- 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.**

The Office of Vital Records distributed 4,362 Small Business Impact Questionnaires and proposed regulations were posted on the Division's website on July 5, 2022. A return of the questionnaire was requested by August 4, 2022, and six (6) questionnaires were returned. Out of the returned questionnaires only one indicated any direct adverse impact and any indirect adverse impact. After obtaining clarification on the regulations the respondent later rescinded his response. Out of the seven responses, only one indicated a direct beneficial impact. All respondents indicated no indirect beneficial impact.

The Notice for Public Workshop was distributed and posted on the Division's website on October 25, 2022. The Public Workshop took place on November 14, 2022, at 11:00 am. At the Public Workshop. The Small Business Impact Statement was presented. One person asked for clarification. Another praised the Office of Vital Records for making the regulations more user friendly.

The Notice for Public Hearing was distributed and posted on the Division's website on October 25, 2022. The Public Hearing took place on December 2, 2022, at 9 a.m. A summary of the Small Business Impact Statement and overview of the proposed regulation changes were presented. No member of the public attended, and no one testified.

A copy of the Small Business Impact Statement is available at [https://dpbh.nv.gov/Programs/BirthDeath/Birth\\_and\\_Death\\_Vital\\_Records\\_-\\_Home/](https://dpbh.nv.gov/Programs/BirthDeath/Birth_and_Death_Vital_Records_-_Home/)

- 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 Division did not receive any comments citing adverse effects on small business. Therefore, the Division proceeded with the language as drafted.

- 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) Adverse effects - None
  - (b) Beneficial effects - None
  - (c) Immediate effects - None
  - (d) Long-term effects - None

There are no estimated economic effects of the proposed regulations on small businesses.

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

No cost to the agency.

- 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.**

At this time, there are no duplicative or more stringent provisions than 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**

At this time, there are no duplicative or more stringent provisions 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.**

This is a fee that has been charged historically by OVR, this request is simply to clarify and label the transaction correctly as a Replacement Birth Certificate of a foreign born.

The goal is to better define in the NAC what is being ordered and processed to ensure we can continue to meet the needs of the community.

OVR does not expect a change in the revenue that is collected, it will simply clearly define what services our agency provides.

**NOTE: The Informational statement is essential. If this statement is not included with the final regulations or is incomplete or inaccurate, LCB will return the regulation to the agency. Unless a statement is supplied, the LCB will not submit the regulation to the Legislative Commission, and the regulation never becomes effective (NRS 233B.0665).**