

**ADOPTED REGULATION OF
THE STATE BOARD OF HEALTH
LCB File No. R004-24**

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§ 1-3, 5 and 17, NRS 449.0302; §§ 4, 6, 7, 11-14 and 16, NRS 449.0302 and 449.103, as amended by section 1 of Assembly Bill No. 267, chapter 202, Statutes of Nevada 2023, at page 1176; §§ 8-10, NRS 449.0302 and 449.101; § 15, NRS 449.0302 and 449.104.

A REGULATION relating to health care; authorizing the audit of a course or program of cultural competency training; revising the specific types of discrimination in which certain facilities are prohibited from engaging; removing certain requirements relating to statements, notices and information on prohibited discrimination that must be posted in certain facilities; prescribing the amount of cultural competency training that certain agents or employees of certain facilities are required to complete; revising the requirements and procedures for the review and approval by the Department of Health and Human Services of a course or program on cultural competency training; revising requirements governing the course materials for such a course or program; revising requirements governing the adaptation of certain health records to reflect gender identity or expression; repealing requirements governing the provision of certain information to patients or residents and the designation of a representative of a facility to ensure compliance with certain requirements; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits medical facilities, facilities for the dependent and certain other licensed health facilities and any employee or independent contractor of such a facility from discriminating in the admission of, or the provision of services to, a patient or resident based wholly or partially on the actual or perceived race, color, religion, national origin, ancestry, age, gender, physical or mental disability, sexual orientation, gender identity or expression or human immunodeficiency virus status of the patient or resident or any person with whom the patient or resident associates. (NRS 449.101) Existing regulations prescribe the specific types of discrimination which are prohibited, including: (1) discrimination that results in a person not being treated with dignity and which is based wholly or partially on the person being in a protected class listed above; (2) certain indirect discrimination; and (3) discrimination which is

based wholly or partially on the discriminated person associating with persons who are in such a protected class. (NAC 449.011913) **Section 8** of this regulation: (1) revises prohibitions on discrimination based on a person being actually in or perceived to be in a protected class listed above to be more clear and concise; and (2) corrects a drafting error relating to indirect discrimination.

Existing law requires medical facilities, facilities for the dependent and certain other licensed health facilities to: (1) develop and carry out policies to prevent discrimination; and (2) post in the facility and on the Internet website of the facility a statement that the facility does not discriminate. (NRS 449.101) Existing regulations set forth the specific requirements for such a statement, including: (1) the size of the paper and text of the statement; and (2) the locations in a facility where the statement must be posted. (NAC 449.011921) **Section 9** of this regulation removes the requirements that such a statement must: (1) state the name of the facility; and (2) be posted in certain locations in a facility.

Existing law requires the State Board of Health to adopt regulations requiring a facility to conduct training relating specifically to cultural competency that is approved by the Department of Health and Human Services for certain agents and employees of the facility. (NRS 449.103) Assembly Bill No. 267 (A.B. 267) of the 2023 Legislative Session additionally requires: (1) the Board to set forth by regulation the frequency with which such a facility is required to conduct such training; and (2) agents and employees who provide clinical, administrative or support services and regularly have direct patient contact as part of their regular job duties or oversee such agents or employees to receive such training. (NRS 449.103, as amended by section 1 of Assembly Bill No. 267, chapter 202, Statutes of Nevada 2023, at page 1176) **Section 11** of this regulation removes a requirement that any agent or employee of the facility who provides care to a patient or resident of the facility receive cultural competency training because A.B. 267 specifies the agents or employees who must receive such training. (NRS 449.103, as amended by section 1 of Assembly Bill No. 267, chapter 202, Statutes of Nevada 2023, at page 1176) **Section 11** additionally requires each agent or employee who is required to receive cultural competency training to receive: (1) such training within 90 days after the employee or agent is hired or contracted, as applicable; and (2) at least 2 hours of such training biennially thereafter.

Section 12 of this regulation removes the requirement that a facility that uses a course or program of cultural competency training apply to the Department for approval and instead requires the provider of the course or program to apply for such approval. **Section 12** also revises the required contents of an application for such approval. **Section 13** of this regulation revises requirements governing the course materials that must be included in a program or course of cultural competency training. **Section 13** also requires the Department, upon request, to provide a copy of those requirements to an applicant for approval, rather than a facility.

Section 14 of this regulation revises certain time periods for the review and approval by the Department of a course or program of cultural competency training. **Section 14** also provides that the approval of a course or program by the Department is valid for 3 years.

Section 17 of this regulation repeals a requirement that the Division of Public and Behavioral Health of the Department assign a course number to an approved course or program and **section 14** instead requires the Director of the Department or his or her designee to assign such a course number. **Section 4** of this regulation authorizes: (1) the Director or his or her

designee to audit an approved course or program; and (2) the Department to revoke the approval of the course or program if the course or program no longer meets the necessary requirements. **Section 16** of this regulation deems a course or program that was approved before the effective date of this regulation to be approved until 3 years after the effective date of this regulation.

Existing law requires the Board to adopt regulations that require a facility to adapt electronic records to reflect the gender identities or expressions of patients or residents. (NRS 449.104) Existing regulations require a medical facility, facility for the dependent or other residential facility to adapt electronic and paper health records to reflect the gender identity or expression of a patient or resident in differing manners, depending on the type of facility. (NAC 449.011943) **Section 15** of this regulation limits the requirement to adapt records to apply only to the extent practicable by and available within the systems in use at the facility. **Section 15** also establishes uniform requirements governing such adaptation of records across all types of facilities.

Existing regulations require a facility that adapts electronic records to reflect the gender identity or expression of patients or residents to develop a method to obtain thorough and medically relevant information to accurately reflect the diverse gender identities or expressions of patients or residents. (NAC 449.011943) **Section 15** requires any such method to protect the privacy of patients or residents.

Existing regulations require a facility to post prominently in the facility and on any Internet website to market the facility a notice that a patient or resident who has experienced prohibited discrimination may file a complaint with the Division. (NAC 449.011919) Existing regulations also require a facility to: (1) provide to a patient or resident, upon admission, a written copy of certain statements, notices and information concerning prohibited discrimination; and (2) designate a person to ensure compliance with the provisions relating to discrimination and cultural competency. (NAC 449.011923, 449.011949) **Section 17** repeals those provisions and **sections 9 and 10** of this regulation make conforming changes by removing references to those repealed provisions.

Sections 2 and 3 of this regulation define and interpret certain terms used in **section 4** and existing law. **Sections 6 and 7** of this regulation revise existing definitions to update certain references to existing law. **Section 5** of this regulation makes conforming changes to indicate the proper placement of **sections 2-4** in the Nevada Administrative Code.

Section 1. Chapter 449 of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

Sec. 2. *“Patient or resident” includes, without limitation, any person who receives services from a facility.*

Sec. 3. As used in NRS 449.103, as amended by section 1 of Assembly Bill No. 267, chapter 202, Statutes of Nevada 2023, at page 1176, and NAC 449.011901 to 449.011951, inclusive, and sections 2, 3 and 4 of this regulation, the Board will interpret the term “agent or employee” to:

- 1. Have the meaning ascribed to “employee” in NRS 608.010; and*
- 2. Include a person who performs a service for a fixed price according to his or her own methods and without subjection to the supervision or control of the person paying the fixed price, except as to the results of the work, and not as to the means by which the services are accomplished.*

Sec. 4. 1. The Director or his or her designee may audit a course or program of cultural competency training approved by the Department pursuant to NAC 449.011939. If the Director or his or her designee audits a course or program, the provider of the course or program shall make all course materials and attendance documents available to the auditor at no cost to the auditor.

2. If the Director or his or her designee determines as the result of an audit conducted pursuant to subsection 1 that the course or program no longer meets the requirements set forth in NAC 449.011901 to 449.011951, inclusive, and sections 2, 3 and 4 of this regulation, the Department may revoke its approval of the course or program. If the Department revokes its approval, the Office of Minority Health and Equity of the Department shall remove the course or program from the list of approved courses and programs maintained on the Internet website of the Office pursuant to subsection 5 of NRS 449.103, as amended by section 1 of Assembly Bill No. 267, chapter 202, Statutes of Nevada 2023, at page 1176.

Sec. 5. NAC 449.011901 is hereby amended to read as follows:

As used in NAC 449.011901 to 449.011951, inclusive, *and sections 2, 3 and 4 of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 449.011903 to 449.011911, inclusive, *and section 2 of this regulation* have the meanings ascribed to them in those sections.

Sec. 6. NAC 449.011903 is hereby amended to read as follows:

“Cultural competency training” means the training required by ~~NAC 449.011931.~~ *subsection 1 of NRS 449.103, as amended by section 1 of Assembly Bill No. 267, chapter 202, Statutes of Nevada 2023, at page 1176.*

Sec. 7. NAC 449.011911 is hereby amended to read as follows:

“Facility” means a ~~medical~~ facility ~~[- facility for the dependent or facility which is otherwise required by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed.]~~ *listed in subsection 1 of NRS 449.103, as amended by section 1 of Assembly Bill No. 267, chapter 202, Statutes of Nevada 2023, at page 1176.*

Sec. 8. NAC 449.011913 is hereby amended to read as follows:

Pursuant to paragraph (e) of subsection 1 of NRS 449.0302 and paragraph (a) of subsection 2 of NRS 449.101, the specific types of prohibited discrimination include, without limitation:

1. Discrimination ~~[that results in a person not being treated with dignity and]~~ which is based wholly or partially on the actual or perceived race, color, religion, national origin, ancestry, age, gender, physical or mental disability, sexual orientation, gender identity or expression or human immunodeficiency virus status of the patient or resident or any person with whom the patient or

resident associates ~~{H}~~, *including, without limitation, where the discrimination results in a person not being treated with dignity and respect.*

2. Indirect discrimination that may or may not be intentional and which results in the application of policies ~~{that are applied uniformly and}~~ in a ~~{nondiscriminatory}~~ *discriminatory* manner by the facility.

3. ~~{Discrimination which is based wholly or partially on the person associating with other persons who:~~

~~—(a) Are actually or perceived to be of a different race, color, religion, national origin, ancestry, age, gender, sexual orientation, gender identity or expression or human~~

~~immunodeficiency virus status of the person; or~~

~~—(b) Actually or are perceived to have a physical or mental disability.~~

~~—4.}~~ Harassment or bullying of any kind of a person because of his or her actual or perceived race, color, religion, national origin, ancestry, age, gender, physical or mental disability, sexual orientation, gender identity or expression or human immunodeficiency virus status.

Sec. 9. NAC 449.011921 is hereby amended to read as follows:

~~{H}~~ The statement required to be posted pursuant to paragraph (b) of subsection 2 of NRS 449.101 and the notice and information required to be posted pursuant to subsection 3 of NRS 449.101 ~~{or NAC 449.011919, as applicable,}~~ must:

~~{(a) State the name of the facility; and~~

~~—(b) When posted in the facility:~~

~~—(1)}~~ *1.* Be not less than 8.5 inches in height and 11 inches in width, with margins not greater than 0.5 inches on any side; and

~~{(2)}~~ 2. Be written using a single typeface in not less than 22-point type.

~~{2. When posting prominently the statement required to be posted pursuant to paragraph (b) of subsection 2 of NRS 449.101 and the notice and information required to be posted pursuant to subsection 3 of NRS 449.101 or NAC 449.011919, as applicable, the facility shall post the statement or notice and information in each:~~

- ~~—(a) Public entrance of the facility;~~
- ~~—(b) Waiting room of the facility; and~~
- ~~—(c) Public dining room of the facility.]~~

Sec. 10. NAC 449.011926 is hereby amended to read as follows:

A facility shall:

1. Develop and adopt a written policy on how a complaint with the facility ~~{that is filed pursuant to paragraph (b) of subsection 1 of NAC 449.011923 is}~~ :

(a) May be filed with the facility; and

(b) Will be documented, investigated and resolved; and

2. Maintain a log that lists:

(a) All complaints *concerning prohibited discrimination that are filed* with the facility ;
~~{that are filed pursuant to paragraph (b) of subsection 1 of NAC 449.011923;}~~

(b) The actions taken by the facility to investigate and resolve ~~{the}~~ *each* complaint; and

(c) If no action was taken ~~{}~~ *concerning a complaint*, an explanation as to why no action was taken.

Sec. 11. NAC 449.011931 is hereby amended to read as follows:

1. ~~{Pursuant to subsection 1 of}~~ *Except as otherwise provided in* NRS 449.103, ~~{within 30 business days after the course or program is assigned a course number by the Division pursuant to NAC 449.011941 or within 30 business}~~ *as amended by section 1 of Assembly Bill No. 267, chapter 202, Statutes of Nevada 2023, at page 1176, a facility shall provide cultural competency training through an approved course or program to an agent or employee described in subsection 2 of NRS 449.103, as amended by section 1 of Assembly Bill No. 267, chapter 202, Statutes of Nevada 2023, at page 1176:*

(a) *Within 90* days ~~{of any}~~ *after contracting with or hiring the* agent or employee ; ~~{being contracted or hired, whichever is later,}~~ and ~~{at}~~

(b) *At least* ~~{once each year}~~ *biennially* thereafter . ~~{, a facility shall conduct training relating specifically to cultural competency for any agent or employee of the facility who provides care to a patient or resident of the facility so that the agent or employee may:~~

- ~~—(a) More effectively treat patients or care for residents, as applicable; and~~
- ~~—(b) Better understand patients or residents who have different cultural backgrounds, including, without limitation, patients or residents who fall within one or more of the categories in paragraphs (a) to (f), inclusive, of subsection 1 of NRS 449.103.}~~ *Such biennial training must consist of at least 2 hours of instruction each biennium.*

2. The facility ~~{shall}~~ *may* provide the training required by subsection 1 ~~{through a course or program that is approved by the Director of the Department or his or her designee pursuant to NAC 449.011939 and is assigned a course number by the Division pursuant to NAC 449.011941.}~~ *over several instructional periods or during a single instructional period so long as the agent or employee:*

(a) Completes the hours of cultural competency training required by subsection 1 and the entire contents of the course or program; and

(b) Receives a certificate of completion on or before the date on which subsection 1 requires the agent or employee to complete the cultural competency training.

3. ~~The~~ *Except as otherwise provided in subsection 4, the facility shall keep documentation in the personnel file of ~~any~~ an agent or employee of the facility or a record of an agent or employee in the relevant electronic system of the facility proof of the completion of the cultural competency training required pursuant to ~~subsection 1.~~ NRS 449.103, as amended by section 1 of Assembly Bill No. 267, chapter 202, Statutes of Nevada 2023, at page 1176.*

4. *If an agent or employee of a facility is exempt from the requirement to complete cultural competency training pursuant to subsection 3 of NRS 449.103, as amended by section 1 of Assembly Bill No. 267, chapter 202, Statutes of Nevada 2023, at page 1176, the facility shall maintain proof in the personnel file of the agent or employee or a record of the agent or employee in the relevant electronic system of the facility that the agent or employee holds a valid professional license, registration or certificate, as applicable, for which the continuing education described in subsection 3 of NRS 449.103, as amended by section 1 of Assembly Bill No. 267, chapter 202, Statutes of Nevada 2023, at page 1176, is required for renewal.*

Sec. 12. NAC 449.011933 is hereby amended to read as follows:

~~1. Within 90 days after a facility is licensed to operate, the facility must submit to the Department on a form prescribed by the Department the course or program which the facility will use to provide cultural competency training. The facility may:~~

~~—(a) Develop or operate the course or program; or~~

~~—(b) Contract with a third party to develop and operate the course or program.~~

~~—2. The~~ *Except as otherwise provided in subsection 6 of NRS 449.103, as amended by section 1 of Assembly Bill No. 267, chapter 202, Statutes of Nevada 2023, at page 1176, the provider of a* course or program ~~submitted by the facility pursuant to subsection 1 must address patients or residents who have different cultural backgrounds from that of the agent or employee of the facility, including, without limitation, patients or residents who fall within one or more of the categories in paragraphs (a) to (f), inclusive, of subsection 1 of NRS 449.103.~~

~~—3. When a facility submits a course or program pursuant to subsection 1, the facility must also provide to the Department the following information for the instructor of the course or program:~~

~~—(a) The application of the instructor who will teach the course or program;~~

~~—(b) Three letters of recommendation for the instructor, including, without limitation, at least one letter of recommendation in which the recommender has knowledge of the methods the instructor uses in teaching a cultural competency course or program; and~~

~~—(c) The resume of the instructor of the course or program that includes, without limitation, the education, training and experience the instructor has in providing cultural competency training.~~

~~—4. Except as otherwise provided in subsection 5, when a facility submits a course or program pursuant to subsection 1, the facility must also provide to the Department:~~

~~—(a) The syllabus of the course or program;~~

~~—(b) The following information:~~

~~—(1) The name of the facility;~~

~~— (2) The address of the facility;~~

~~— (3) The electronic mail address of the facility;~~

~~— (4) The license number of the facility; and~~

~~— (5)] on cultural competency training must apply to the Department for approval pursuant to subsection 4 of NRS 449.103, as amended by section 1 of Assembly Bill No. 267, chapter 202, Statutes of Nevada 2023, at page 1176. The application must include or be accompanied by:~~

~~1. All materials for the course or program;~~

~~2. The name and contact information of a person [who represents the facility and] who can discuss the course or program [submitted by the facility pursuant to subsection 1;~~

~~— (c) If the facility contracts with a third party who develops and operates the course or program, the following information:~~

~~— (1) The name of the third party;~~

~~— (2) The address of the third party;~~

~~— (3) The electronic mail address of the third party; and~~

~~— (4) The name and contact information of a person who represents the third party and who can discuss the course or program submitted by the facility pursuant to subsection 1;~~

~~— (d) Evidence that the subjects covered by the course or program include, without limitation, the course materials required by NAC 449.011936;~~

~~— (e) A sample sign-in sheet for the course or program that contains:~~

~~— (1) The dates of the course or program; and~~

~~— (2) A place for a participant of the course or program to print and sign his or her name;~~

~~—(f) ;~~

3. *A notation indicating whether the applicant is seeking approval of the course or program for all types of facilities or only certain types of facilities and, if the applicant is seeking approval for only certain types of facilities, the types of facilities for which the applicant is seeking approval;*

4. A sample evaluation form that a participant of the course or program may complete at the end of the course or program which evaluates:

~~—(1) (a)~~ The content of the course or program;

~~—(2) (b)~~ The instructor of the course or program; and

~~—(3) (c)~~ The manner in which the course or program is presented to the participant; and

~~—(g) A sample document that a participant of the course or program may complete at the end of the course or program in which the participant can perform a self-evaluation.~~

5. A ~~facility may submit a course or program pursuant to subsection 1 without submitting the information required in subsection 4 if the course or program:~~

~~—(a) Is provided by:~~

~~—(1) A nationally recognized organization, as determined by the Director of the Department;~~

~~—(2) A federal, state or local government agency; or~~

~~—(3) A university or college that is accredited in the District of Columbia or any state or territory of the United States; and~~

~~—(b) Provides proof} *sample certificate* of completion {upon the} *that a* participant of the course or program *receives upon* completing the course or program that {the Director or his or her designee determines to be satisfactory.~~

~~—6.— When a facility submits pursuant to subsection 1 a course or program that is described in subsection 5, the facility must also provide to the Department:~~

~~—(a) The name of the course or program;~~

~~—(b) The name of the organization, agency, university or college providing the course or program;~~

~~—(c) If the course or program is provided online, the URL of the course or program;~~

~~—(d) If the course or program is provided through a training system, access to the training system;~~

~~—(e) If the course or program is not provided online or through a training system, the syllabus of the course or program;~~

~~—(f) The following information:~~

~~——(1) The name of the facility;~~

~~——(2) The address of the facility;~~

~~——(3) The electronic mail address of the facility;~~

~~——(4) The license number of the facility; and~~

~~——(5) The name and contact information of a person who represents the facility and who can discuss the course or program submitted by the facility pursuant to subsection 1; and~~

~~—(g) Any other information the Department requests to assist the Director or his or her designee in determining whether or not to approve the course or program pursuant to NAC 449.011939.~~

~~—7. As used in this section, “URL” means the Uniform Resource Locator associated with an Internet website.} includes, without limitation:~~

(a) A designated area for the name of the participant and for the date the course or program was completed;

(b) A designated area for the course number assigned by the Department pursuant to subsection 2 of NAC 449.011939; and

(c) The total time required for a participant to complete the course or program.

Sec. 13. NAC 449.011936 is hereby amended to read as follows:

1. A course or program ~~{subject to the requirements of subsection 4 of NAC 449.011933}~~ *on cultural competency training* must include, without limitation, the following course materials:

~~(a) {An overview of cultural competency;~~

~~—(b) An overview of} *Instruction on* implicit bias , ~~{and}~~ indirect discrimination {;~~

~~—(c) The common assumptions and myths concerning stereotypes and examples of such assumptions and myths;~~

~~—(d) An overview of social determinants of health;~~

~~—(e) An overview of best practices when interacting with} *and the prevention of discriminatory practices and language;*~~

(b) Instruction that uses the voice, perspective or experience of persons who fall within one or more of the categories in paragraphs (a) to (f), inclusive, of subsection 1 of NRS 449.103;

~~{(f) An overview of gender, race and ethnicity;~~

~~—(g) An overview of religion;~~

~~—(h) An overview of sexual orientation and gender identities or expressions;~~

~~—(i) An overview of mental and physical disabilities;~~

~~—(j) Examples of barriers to providing care;~~

~~—(k) Examples of language and behaviors that are discriminatory;} and~~

~~{(l) Examples of a welcoming and safe environment.} and~~

(c) Instruction on preferred approaches to providing care for people who fall within the categories in paragraphs (a) to (f), inclusive, of subsection 1 of NRS 449.103.

2. The course materials included in a course or program, including, without limitation, the course materials required by subsection 1, must include, without limitation:

(a) Evidence-based, peer-reviewed sources;

(b) Source materials that are used in universities or colleges that are accredited in the District of Columbia or any state or territory of the United States;

(c) Source materials that are from nationally recognized organizations, as determined by the Director of the Department;

(d) Source materials that are published or used by federal, state or local government agencies;

or

(e) Other source materials that are deemed appropriate by the Department.

3. The Department ~~{must:}~~ *shall:*

(a) Publish a copy of the requirements set forth in subsections 1 and 2 on its Internet website;
and

(b) Provide a copy of the requirements set forth in subsections 1 and 2 to ~~{a facility}~~ *an applicant requesting approval of a course or program on cultural competency training pursuant to NAC 449.011933* upon request by the ~~{facility}~~ *applicant*.

Sec. 14. NAC 449.011939 is hereby amended to read as follows:

1. The Department shall review the course or program information submitted ~~{pursuant to}~~ *by an applicant requesting approval of a course or program of cultural competency training pursuant to NAC 449.011933 to ensure that it complies with the requirements set forth in* NAC 449.011933 and ~~{, if applicable, NAC}~~ 449.011936 . ~~{within 60 days after receipt. During this review process, the Department may have the course or program reviewed by a person who is an expert on cultural competency or a committee of persons who are experts on cultural competency.}~~

2. If the information that is provided to the Department meets the requirements set forth in NAC 449.011933 and 449.011936, ~~{if applicable,}~~ the Director or his or her designee may approve the course or program ~~{}~~ *and assign it a course number indicating that the course or program is approved by the Department* . If the information that is provided to the Department does not meet the requirements set forth in NAC 449.011933 and 449.011936, ~~{if applicable,}~~ the Director or his or her designee shall not approve the course or program.

3. Within ~~{5}~~ *10* business days after ~~{completing the review}~~ *receipt* of ~~{the information}~~ *an application submitted* pursuant to ~~{subsection 1,}~~ *NAC 449.011933*, the Director or his or her designee shall:

(a) Notify the ~~{facility that submitted the information}~~ *applicant* whether the course or program is approved or not approved pursuant to subsection 2; and

(b) If the Director or his or her designee does not approve the course or program, inform the ~~{facility}~~ *applicant* of any additional information that the ~~{facility}~~ *applicant* needs to submit for the course or program to be approved.

4. The ~~{facility shall submit}~~ *applicant may resubmit the application with* the additional information that the ~~{facility}~~ *applicant* needs to submit pursuant to paragraph (b) of subsection 3 ~~{within 45 days}~~ after being notified that the course or program is not approved pursuant to paragraph (a) of subsection 3. ~~{Upon receiving the additional information, the Director or his or her designee may approve the course or program.}~~ *Within 10 business days after receiving the resubmitted application, the Director or his or her designee shall notify the applicant whether the course or program is approved or not approved.* If the additional information ~~{is not received or}~~ fails to include all of the information that the Director or his or her designee informed the ~~{facility}~~ *applicant* that ~~{it}~~ *the applicant* needed to submit, the Director or his or her designee shall not approve the course or program ~~{}~~ *and the applicant may resubmit the course or program for initial review pursuant to NAC 449.011933.*

5. Any course or program approved pursuant to this section may be provided:

(a) Online;

(b) Through a training system; or

(c) In person.

6. ~~{If the Director or his or her designee approves the course or program, the Director or his or her designee shall notify the Division of the approval of the course or program not later than 7}~~

~~business days after such approval.}~~ *Except as otherwise provided in this subsection, the approval of a course or program by the Department is valid for 3 years after the date on which the course or program was approved. If a provider of an approved course or program wishes for the Department to reapprove the course or program, the provider of the course or program must apply to the Department for approval pursuant to NAC 449.011933 before the date on which the current approval expires. Upon submission of the application, the course or program remains provisionally approved until the Director:*

(a) Notifies the applicant pursuant to subsection 3 that the course or program has been reapproved; or

(b) Notifies the applicant pursuant to subsection 4 that the course or program is not reapproved.

Sec. 15. NAC 449.011943 is hereby amended to read as follows:

1. A facility shall:

(a) Develop policies to ensure that a patient or resident is addressed by his or her preferred name and pronoun and in accordance with his or her gender identity or expression; and

(b) *To the extent practicable and available within the systems in use at the facility:*

(1) Adapt electronic records and any paper records the facility ~~has~~ uses to reflect the ~~gender identities or expressions of patients or residents with diverse gender identities or expressions, including, without limitation:~~

~~—(1) If the facility is a medical facility, adapting health records to meet the medical needs of patients or residents with diverse sexual orientations and gender identities or expressions;~~

~~including, without limitation, integrating~~ *preferred name, pronoun and gender identity or expression of a patient or resident; and*

(2) *Integrate* information concerning ~~{sexual orientation and}~~ gender identity or expression into electronic systems for maintaining health records . ~~}; and~~

~~—(2) If the facility is a facility for the dependent or other residential facility, adapting electronic records and any paper records the facility has to include the preferred name and pronoun and gender identity or expression of a resident.}~~

2. If a patient or resident chooses to provide the following information, the ~~{health}~~ records adapted pursuant to subparagraph (1) of paragraph (b) of subsection 1 must *to the extent required by subsection 1*, include, without limitation:

- (a) The preferred name and pronoun of the patient or resident;
- (b) The gender identity or expression of the patient or resident;
- (c) The gender identity or expression of the patient or resident that was assigned at the birth of the patient or resident;

(d) The sexual orientation of the patient or resident; and

(e) If the gender identity or expression of the patient or resident is different than the gender identity or expression of the patient or resident that was assigned at the birth of the patient or resident:

- (1) A history of the gender transition and current anatomy of the patient or resident; and
- (2) An organ inventory for the patient or resident which includes, without limitation, the organs:

(I) Present or expected to be present at the birth of the patient or resident;

(II) Hormonally enhanced or developed in the patient or resident; and

(III) Surgically removed, enhanced, altered or constructed in the patient or resident.

3. A medical facility that has adapted ~~health~~ records pursuant to subparagraph (1) of paragraph (b) of subsection 1 shall develop a method to lead patients or residents through a series of questions to help obtain thorough and medically relevant information regarding the patients or residents to accurately reflect the diverse gender identities or expressions of patients or residents with diverse gender identities or expression to be used in providing care to the patient or resident ~~. [including, without limitation, when interacting with insurance providers.]~~ A patient or resident may decline to answer any such questions. *The method developed pursuant to this subsection must protect the privacy of patients or residents.*

Sec. 16. This regulation is hereby amended by adding thereto the following transitory language which has the force and effect of law but which will not be codified in the Nevada Administrative Code:

1. Except as otherwise provided in subsection 2, if the Department approved a course or program on cultural competency training before the date on which this regulation is approved by the Legislative Commission and filed with the Secretary of State pursuant to NRS 233B.070, the course or program is deemed to be approved until 3 years after the date on which this regulation is approved by the Legislative Commission and filed with the Secretary of State pursuant to NRS 233B.070.

2. If the provider of such a course or program wishes to continue offering the program after the date set forth in subsection 1, the provider must apply to the Department for approval

pursuant to NAC 449.011933 before that date. Upon submission of the application, the course or program remains provisionally approved until the Director of the Department:

(a) Notifies the applicant pursuant to subsection 3 of NAC 449.011939 that the course or program has been reapproved; or

(b) Notifies the applicant pursuant to subsection 4 of NAC 449.011939 that the course or program has not been reapproved.

3. As used in this section:

(a) “Department” means the Department of Health and Human Services.

(b) “Cultural competency training” has the meaning ascribed to it in NAC 449.011903.

Sec. 17. NAC 449.011919, 449.011923, 449.011941 and 449.011949 are hereby repealed.

TEXT OF REPEALED SECTIONS

449.011919 Posting of notice relating to filing of complaints. (NRS 449.0302) In addition to the statement prescribed by paragraph (b) of subsection 2 of NRS 449.101, a facility shall post prominently in the facility and include on any Internet website to market the facility:

1. Notice that a patient or resident who has experienced prohibited discrimination may file a complaint with the Division; and

2. The contact information for the Division.

449.011923 Provision to patient or resident of information concerning complaints.

(NRS 449.0302)

1. Upon admission of a patient or resident, the facility shall:

(a) Provide the patient or resident with a written copy of the statement required pursuant to paragraph (b) of subsection 2 of NRS 449.101 and the notice and information required pursuant to subsection 3 of NRS 449.101 or NAC 449.011919, as applicable.

(b) Provide the patient or resident with a written notice that a patient or resident who has experienced prohibited discrimination may file a complaint with the facility. The written notice provided by the facility must include, without limitation:

(1) The contact information for the Division;

(2) A clear statement that such a complaint with the facility:

(I) May be filed in addition to the complaint that may be filed with the Division pursuant to subsection 3 of NRS 449.101 or NAC 449.011919, as applicable; and

(II) Is not required to be filed for the patient or resident to file a complaint with the Division pursuant to subsection 3 of NRS 449.101 or 449.011919, as applicable; and

(3) The procedure that the facility uses to address such complaints with the facility and the timeframe for how long it will take the facility to address such complaints with the facility.

2. As used in this section, “prohibited discrimination” means the discrimination described in NAC 449.011913 and in subsection 1 of NRS 449.101.

449.011941 Assignment of course number to course or programs for cultural competency training. (NRS 449.0302, 449.103)

1. Not later than 7 business days after receiving the notice of approval of the course or program pursuant to subsection 6 of NAC 449.011939, the Division shall assign a course number to the approved course or program.

2. Not later than 7 business days after assigning the course number pursuant to subsection 1, the Division shall notify the facility whose course or program is approved pursuant to NAC 449.011939 of the course number assigned pursuant to subsection 1.

449.011949 Designation of representative to ensure compliance. (NRS 449.0302) A facility shall designate a representative of the facility who shall be responsible for ensuring that the facility is in compliance with NAC 449.011901 to 449.011951, inclusive, and NRS 449.101 to 449.104, inclusive.