

DIVISION OF PUBLIC & BEHAVIORAL HEALTH
(OFFICE OF PUBLIC AND BEHAVIORAL HEALTH)
LCB File No. R121-14

Informational Statement per NRS 233B.066

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

Nevada Administrative Code (NAC) Chapter 441A (Infectious Diseases; Toxic Agents) provides authorities and requirements related to the investigation, reporting, prevention, and control of communicable diseases. Proposed changes include amendments to NAC 441A.235 eliminating the current threshold requirements for Human Immunodeficiency Virus (HIV) laboratory reporting which will allow the local health authority to increase its capacity and ability to identify new HIV/AIDS cases and improve its ability to control the spread of the virus; amendments to NAC 441A.350-380 improve facility compliance with tuberculosis (TB) screening requirements designed to prevent a public health threat due to TB and enhance local health authority powers to control and prevent the spread of TB; as well as the proposed NAC 441A.247 clarifying which public agencies are required to share health information, the circumstances and procedures for sharing information, and how health information will be handled confidentially. This proposed regulation expands the current infectious disease reporting requirements of NAC 441A.225 by requiring specified agencies to share requested information relevant to an investigation relating to an infectious disease or exposure to a biological, radiological or chemical agent.

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;

Pursuant to NRS 233B.0609, the Division of Public and Behavioral Health has requested public comment during the Public Workshop which was held on April 23, 2015 at 1:30pm in Las Vegas and Carson City through a videoconference. Public comment was received from both locations. A copy of the meeting can be obtained by contacting Sandi Larson at 702.486.0068 or slarson@health.nv.gov.

Summary of public responses which were addressed in changes to the proposed regulations:

- *Comment was made regarding the process which federal standards were adopted and it was requested that this determination be a consensus or majority vote of the local and state public health agencies and/or presentation at the Board of Health (section 4, Subsection 2).*
- *Clean up language was suggested for Section 11, Subsection 3, Paragraph a, to add back in “and any other communicable disease” with clarification to those diseases that pose a threat.*
- *Clean up language was suggested to be consistent for “screening tests” and “skin tests” for regulations referencing tuberculosis.*

Summary of public responses which no changes were needed or required:

- *A comment was made on the burden of tuberculosis in Nevada being only less than 100 cases annually and questions on the screening costs, as well as frequency of testing, physical exams, and certification of the healthcare worker and for new employees.*
- *Clarification on immunization laws were provided to one comment that the measles reporting is reactive, not proactive.*
- *One comment was in support for mandatory reporting for positive tuberculosis skin test or other diagnostic test for children 5 years and under.*
- *One comment was in support of the changes to the regulations about rabies control (sections 13 and 14).*

3. A statement indicating the number of persons who attended each meeting or workshop, 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 at each hearing and/or submitted written statements regarding the proposed regulation, the following information, if provided to the agency conducting the hearing or workshop:

- (a) Name
- (b) Telephone Number
- (c) Business Address
- (d) Business telephone number
- (e) Electronic mail address; and
- (f) Name of entity or organization represented

During the public workshop on April 23, 2015 there were a total of 27 people in attendance, 16 at the Las Vegas location and 11 at the Carson City location as well as two people who provided written testimony. At this public workshop six people provided public comment and one provided written comment.

- a) Launy Saez (Global Health Network)*
- b) Telephone Number: 702.696.1555*
- c) Business Address: 3441 W. Sahara, Suite C-2, Las Vegas, NV 89102*
- d) Business Telephone: 702.696.1555*
- e) Electronic Mail Address:*
- f) Entity or Organization represented: Global Safety Network*

- a) Darlene Stelgis, (representing self)*
- b) Telephone Number: 702.893.8968*
- c) Business Address: 1012 E. Sahara Avenue, Las Vegas, NV 89104*
- d) Business Telephone: 702.893.8968*
- e) Electronic Mail Address: crcn@earthlink.net*
- f) Entity or Organization represented: Self/Clinical Research Center of Nevada*

- a) Louise Hesse*
- b) Telephone Number: 702.233.7569*
- c) Business Address: 657 N. Town Center Drive, Las Vegas, NV 89144*

- d) *Business Telephone: 702.233.7000*
- e) *Electronic Mail Address: Entity or Organization represented: Valley Health Systems*

- a) *Richard Cichy*
- b) *Telephone Number: 702.306.8983*
- c) *Business Address: P.O. Box 3902, Las Vegas, NV 89127*
- d) *Business Telephone: 702.759.1000*
- e) *Electronic Mail Address:*
- f) *Entity of Organization represented: Southern Nevada Health District*

- a) *Randal Todd*
- b) *Business Address: 1001 E. 9th Street, Reno, NV 89520*
- c) *Business Telephone: 775.328.2443*
- d) *Electronic Mail Address: rtodd@washoecounty.us*
- e) *Entity or Organization represented: Washoe County Health District*

- a) *Miguel Forero*
- b) *Business Address: 5500 Snyder Avenue, Carson City, NV 89701*
- c) *Business Telephone: 775.887.3294*
- d) *Electronic Mail Address: mforero@doc.nv.gov*
- e) *Entity or Organization represented: Nevada Department of Corrections*

- a) *Beverly McGrath*
- b) *Telephone Number: 775.815.1690*
- c) *Business Address: N/A*
- d) *Business Telephone: 775.815.1690*
- e) *Electronic Mail Address: BevDDAL@msn.co*
- f) *Entity of Organization represented: Nevada Legislative Specialist & Special Projects, ASPCA, Best Friends Animal Society, Nevada Humane Society, SPCA of No. Nevada, NV Political Action for Animals, Lake Tahoe Humane Society & SPCA, Compassion Charity of America, Pet Network Humane Society, Wylie Animal Rescue Foundation Paw Pac, Lake Tahoe Wolf Rescue, Hidden Valley Horse Rescue, Fallon Animal Welfare Group, NHS Carson City*

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 has requested input from licensed laboratories, hospitals, correctional facilities, public health authorities, non-and-for-profit animal shelters in Nevada through both small business impact questionnaires.

A Small Business Impact Questionnaire was sent to licensed laboratories, hospitals, correctional facilities, public health authorities, non- and for-profit animal shelters in Nevada along with a copy of the proposed regulation changes, on October 23, 2014. A copy of the summary can be obtained by contacting Sandi Larson at 702.486.0068 or slarson@health.nv.gov.

The questions on the questionnaire were:

- 1) How many employees are currently employed by your business?*
- 2) Will a specific regulation have an adverse economic effect upon your business?*
- 3) Will the regulation(s) have any beneficial effect upon your business?*
- 4) Do you anticipate any indirect adverse effects upon your business?*
- 5) Do you anticipate any indirect beneficial effects upon your business?*

Summary of Response- *Please see NRS 233B.066 Statement for detailed responses to the small business impact statement.*

Summary Of Comments Received (94 responses were received out of 1,581 small business impact questionnaires distributed to valid address, only 57 of those responses had less than 155 employees)			
Will a specific regulation have an adverse economic effect upon your business?	Will the regulation (s) have any beneficial effect upon your business?	Do you anticipate any indirect adverse effects upon your business?	Do you anticipate any indirect beneficial effects upon your business?
Yes= 6	Yes= 6	Yes= 5	Yes= 4
No= 47 No Response= 4	No= 48 No Response= 3	No=48 No Response= 4	No= 48 No Response= 5

Number of Respondents out 1,683 mailings*	Adverse economic effect?	Beneficial effect?	Indirect adverse effects?	Indirect beneficial effects?
57	6	6	5	4

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 board of health had no proposed changes to R121-14 thus the proposed regulations were adopted by the Board of Health without any changes.

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.

a) The major adverse effects based which may result from the proposed changes include a potential staffing burden, additional staff may be needed or an increase workload of current staff which may result in additional costs in order to adhere to the proposed regulations. The beneficial effects these changes include overall improvement in protecting the public of communicable diseases by improved testing and treatment policies, case identification and reduce the potential expose to diseases for business, agencies, and the community.

b) Immediate effects of the proposed changes will include increased identification infectious diseases within the community while the long term benefits include being able to identify infectious disease earlier or before infectious periods to protect the public.

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

There is no cost is expected to enforce this regulation 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.

The proposed regulations do not overlap or duplicate other government or federal agencies.

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

The proposed regulations are not more stringent than 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.

The proposed regulations will not create a new fee or an existing fee.