

**LCB File No. R041-06**

**PROPOSED REGULATION OF THE  
STATE BOARD OF HEALTH**

**PROVISION OF HOSPICE CARE**

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

The following sections have not been revised or modified: NAC 449.017, 449.0171, 449.0171, 449.0172, 449.0173, 449.0175, 449.0176, 449.0177, 449.0181, 449.0183, 449.0184, 449.0185, 449.0186, 449.0187, and 449.0188

**Section 1.** Chapter 449 of NAC is hereby amended by adding thereto the provisions set forth in sections 2, inclusive, of this regulation.

**Sec. 2.** *“Palliative services” means services and treatments directed towards the control of pain and symptoms which provide the greatest degree of relief for the longest period while minimizing any adverse effects of the services and treatments, including without limitation, any side effects of any medications given or administered.*

**Sec. 3.** NAC 449.0178 is hereby amended to read as follows:

449.0178 **“Terminally ill” defined.** “Terminally ill” means a medical diagnosis made by a physician that a person has an anticipated life expectancy of not more than ~~6~~ 12 months.

## SMALL BUSINESS IMPACT STATEMENT

### HOSPICE

#### PROPOSED REGULATIONS for HOSPICE.

The regulations may impose a burden upon small businesses and may directly restrict the formation, operation, or expansion of a small business in Nevada. A small business is defined in Nevada Revised Statutes (NRS) 233B as a “business conducted for profit which employs fewer than 150 full-time or part-time employees.” This small business impact statement complies with the requirements of NRS 233B.0609.

### BACKGROUND

During the 2005 Legislative session, Assembly Bill 271 was introduced and adopted. The bill amended Nevada Revised Statutes Chapter 449 to include a definition of palliative services and to change the definition of terminally ill from a life expectancy of 6 months to a life expectancy of 12 months.

**1. A description of the manner in which comment was solicited from affected small businesses, a summary and an explanation of the manner in which other interested parties may obtain a copy of the summary.**

The 1999 legislature amended Nevada Revised Statutes (NRS) Chapter 233B to require that state agencies assess the impact of regulation changes or development on small businesses. In keeping with this requirement, a review of advertising information, yellow pages, and the white pages was conducted both in northern and southern Nevada. All licensed facilities were sent a small business impact questionnaire (See attachment #A) and a copy of the draft regulations to allow them to express their concerns over the economic impact of these proposed changes to the regulations on their businesses. A total of nineteen (19) questionnaires were sent out and two (2) were returned.

The comments received are summarized as follows:

One (1) questionnaire was returned with no comment.

One (1) respondent stated the changes would help improve access to hospice care.

Copies of the summaries of these questionnaires are available from the office of the Bureau of Licensure and Certification 1550 East College Parkway, Suite 158, Carson City, Nevada 89706 Phone number (775) 687-4475 or 4220 South Maryland Parkway, Building D, Suite 810, Las Vegas, Nevada 89119. (702) 486-6515.

**2. The estimated economic effect of the proposed regulation on the small business which it is to regulate including without limitation both adverse and beneficial effects.**

The beneficial effect of these regulations on small business would be to expand the number of patients eligible for hospice services under state law.

**3. A description of the methods the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.**

The agency reviewed the suggestions for changes that would lessen the economic impact. Wherever possible, in keeping with existing state laws, these changes have been made.

**4. The estimated cost to the agency for enforcement of proposed regulations.**

**The estimated cost to the agency for each facility is \$2,106 for a program of hospice care and \$1,564 plus \$184 per bed for a hospice facility. This includes surveyor time, supervisory time, and clerical time.**

**5. If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

Since July of 1993, all state licensure activities have been supported by fees charged to those health facilities seeking licensure. The agency expects to collect \$2,106 for a program of hospice care and \$1,564 plus \$184 per bed for a hospice facility. The money will be utilized to cover the cost of agency time to educate providers, the clerical and supervisory time required to complete the application process, the surveyor time and supervisory time for inspection, and the clerical time required to issue the license.

**6. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.**

These changes to the regulations are less stringent than the existing Federal Hospice regulations because the Federal definition of terminal illness is 6 months.