

Steve Sisolak
Governor

Richard Whitley, MS
Director



**DEPARTMENT OF
HEALTH AND HUMAN SERVICES**
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH
Helping people. It's who we are and what we do.



Lisa Sherych
Administrator

Ihsan Azzam,
Ph.D., M.D.
Chief Medical Officer

NOTICE OF PUBLIC HEARING

Intent to Adopt Regulations
(LCB File No. R030-20P1)

NOTICE IS HEREBY GIVEN that the State Board of Health will hold a public hearing to consider amendments to Chapter 422 of Nevada Administrative Code (NAC), regulations for the certification of tenancy support services are found in LCB File No. 030-20RP1 and are authorized under NRS 422.3964, 433.324 and 439.200. The fees in § 7 are authorized by NRS 422.3964, 433.324, 439.150 and 439.200. This public hearing is to be held by the State Board of Health meeting on December 3, 2021.

The State Board of Health will be conducted via videoconference beginning at 9:00 a.m. on December 3, 2021 at the following locations:

Join Zoom Meeting

<https://zoom.us/j/91711965467?pwd=WDc0MWJUVnZGRc85VEp1QnNUUExlZz09>

Meeting ID: 917 1196 5467

Passcode: 422977

Dial by your location

+1 669 900 9128 US (San Jose)

833 548 0276 US Toll-free

Find your local number: <https://zoom.us/u/aLPEjSYA>

The proposed changes to NAC 422 include the following:

- Sections 2-6 of the proposed amendment define terms related to tenancy support services.
- Section 7 of the proposed amendment requires that any provider of tenancy support services that receives state or federal funding must be certified by the Division of Public and Behavioral Health and prescribes the requirements for certification and recertification. This section also sets the fee for certification and recertification at \$100.

- Section 8 of the proposed amendment prescribes the process for the review and approval of an application.
- Section 9 of the proposed amendment requires each program to have a designated operator and list of entities that may serve as an operator. This section also prescribes requirements for programs that are conducted by a corporation.
- Section 10 of the proposed amendment requires an operator to notify the Division of any anticipated change that is likely to affect the certification of the program.
- Section 11 of the proposed amendment requires the operator of a program to develop and maintain a manual of policies and procedure.
- Sections 11-14 of the proposed amendment prescribe the required contents of those policies and procedures.
- Section 15 of the proposed amendment requires an operator to establish a plan for improving the quality of services provided by the program and ensuring the integrity of the program is maintained.
- Section 16 of the proposed amendment prescribes the requirements to ensure the confidentiality of records maintained by the program.
- Section 17 of the proposed amendment requires programs to provide services to assist clients.
- Section 18 of the proposed amendment requires an operator to maintain staff records and maintain the confidentiality of those records. This section also requires an employment contract or other document describing standards of job performance signed by a member of the staff to clearly specify the nature and amount of any service to be provided by the staff member.
- Section 19 of the proposed amendment requires an operator to maintain certain liability insurance.
- Section 20 of the proposed amendment requires an operator to notify the Division of any incident that may pose an imminent or probable risk of harm or welfare of a client, employee of the program, or visitor to the program. This section also requires an operator to report to the Division the death of a client during the provision of services.
- Section 21 of the proposed amendment prohibits an operator or employee of a program from knowingly providing false information to the Division. This section also requires the operator and employees of a program to use information generally accepted in the field of tenancy housing services when performing duties related to the program. This section additionally requires an operator to supervise the staff of the program and prohibits an operator from allowing a client to grant power of attorney to the operator or a member of the staff.
- Section 22 of the proposed amendment requires the operator of a program to designate a manager of the program and establishes the qualifications a person must have to be designated a manager of the program.
- Section 23 of the proposed amendment prescribes the required qualifications of a supervising member of the staff of a program and training and competence for a member of the staff of a program.
- Section 24 of the proposed amendment prescribes the grounds for the denial, suspension or revocation of certification and requires the Division to report any known violation of any local, state or federal law, regulation or ordinance by an operator to the appropriate regulatory agencies.
- Section 25 of the proposed amendment requires the Division to notify an operator of any intended action to deny, suspend or revoke the certification of the program and provides for the immediate termination of the

provision of services by an operator of a program if any ground for the denial, suspension or revocation of certification places any person at an imminent or probable risk of harm.

- Section 26 of the proposed amendment prescribes the procedure for appealing a decision of the Division concerning the denial, suspension or revocation of certification.

1. Anticipated effects on the business which NAC 422 regulates:

- A. *Adverse effects*: There is no identified adverse effect, direct or indirect, on small business in Nevada. All identified affected organizations are non-profits or government entities, and therefore do not meet the definition of a small business in NRS 233B.
- B. *Beneficial*: There is estimated direct beneficial effects for the non-profits and government entities that are impacted by this regulation. After receiving the certification detailed in R030-20, they will be able to receive Medicaid reimbursement for providing tenancy housing services.
- C. *Immediate*: As soon as the regulations are implemented, the Division will be able to establish the certification process and providers will be able to apply for certification and begin offering tenancy housing services.
- D. *Long-term*: These regulations allow for a mechanism by which Medicaid can reimburse for tenancy housing services for certified providers. This will also enable individuals to maintain housing who previously could not without these services.

2. Anticipated effects on the public:

- A. *Adverse*: There is no anticipated adverse impact on the public.
- B. *Beneficial*: The public will have access to tenancy housing services which were previously unavailable.
- C. *Immediate*: There is no anticipated immediate effects on the public.
- D. *Long-term*: The public will have access to tenancy housing services as well as Medicaid reimbursement.

3. The estimated cost to the Division of Public and Behavioral Health for enforcement of the proposed regulations is estimated to be an initial fee of \$100 with an annual renewal fee of \$100. These fees are set in proposed regulation and would be used to cover the costs to enforce the proposed regulations.

The proposed regulations do not overlap or duplicate any other Nevada state regulations.

Members of the public may make oral comments at this meeting. Persons wishing to submit written testimony or documentary evidence in excess of two typed, 8-1/2" x 11" pages must submit the material to the Board's Secretary, Lisa Sherych, to be received no later than November 30, 2021 at the following address:

Secretary, State Board of Health
Division of Public and Behavioral Health
4150 Technology Way, Suite 300
Carson City, NV 89706

Written comments, testimony, or documentary evidence in excess of two typed pages will not be accepted at the

time of the hearing. The purpose of this requirement is to allow Board members adequate time to review the documents.

A copy of the notice and proposed regulations are on file for inspection and/or may be copied at the following locations during normal business hours:

Nevada Division of Public and Behavioral Health
Bureau of Behavioral Health Wellness and Prevention
4126 Technology Way, Ste. 200
Carson City, NV 89706

A copy of the regulations and small business impact statement can be found on-line by going to:

<https://dpbh.nv.gov/Programs/ClinicalSAPTA/dta/Statutes/SAPTAStatutes/>

A copy of the public hearing notice can also be found at Nevada Legislature's web page:

<https://www.leg.state.nv.us/App/Notice/A/>

Copies may be obtained in person, by mail, or by calling the Division of Public and Behavioral Health at (775) 684-1030 in Carson City or (702) 486-6515 in Las Vegas.

Copies may also be obtained from any of the public libraries listed below:

Carson City Library
900 North Roop Street
Carson City, NV 89702

Churchill County Library
553 South Main Street
Fallon, NV 89406

White Pine County Library
950 Campton Street
Ely, NV 89301-1965

Clark County District Library
1401 East Flamingo Road
Las Vegas, NV 89119

Douglas County Library
1625 Library Lane
Minden, NV 89423

Elko County Library
720 Court Street
Elko, NV 89801

Esmeralda County Library
Corner of Crook and 4th Street
Goldfield, NV 89013-0484

Eureka Branch Library
80 South Monroe Street
Eureka, NV 89316-0283

Henderson District Public Library
280 South Green Valley Parkway
Henderson, NV 89012

Humboldt County Library
85 East 5th Street
Winnemucca, NV 89445-3095

Lander County Library
625 South Broad Street
Battle Mountain, NV 89820-0141

Lincoln County Library
93 Maine Street
Pioche, NV 89043-0330

Lyon County Library
20 Nevin Way
Yerington, NV 89447-2399

Mineral County Library
110 1st Street
Hawthorne, NV 89415-1390

Pahrump Library District
701 East Street
Pahrump, NV 89041-0578

Pershing County Library
1125 Central Avenue
Lovelock, NV 89419-0781

Storey County Library
95 South R Street
Virginia City, NV 89440-0014

Tonopah Public Library
167 Central Street
Tonopah, NV 89049-0449

Washoe County Library
301 South Center Street
Reno, NV 89505-2151

Per NRS 233B.064(2), upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.