

NOTICE OF PUBLIC HEARING

Intent to Adopt Regulations
(LCB File No. R134-18)

NOTICE IS HEREBY GIVEN that the State Board of Health will hold a public hearing to consider amendments to Chapter 433 of Nevada Administrative Code (NAC), Administration of Mental Health and Intellectual and Developmental Disability Programs. This public hearing is to be held in conjunction with the State Board of Health meeting on December 7, 2018.

The State Board of Health will be conducted via videoconference beginning at 9:00 a.m. on Friday, December 7, 2018 at the following locations:

Division of Public and Behavioral Health 4150 Technology Way, Room #303 Carson City, NV 89706	Grant Sawyer Office Building 555 E. Washington Ave. Las Vegas, NV 89101
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The proposed changes to NAC 433 include the following:

- Establishment of fees for application to be a Community-Based Living Arrangement (CBLA) provider. The proposed regulations would require a \$100 fee for the initial application for a provisional certificate as well as \$100 fee for renewal every two years
- Establishes requirements for fire safety as well as requirements for a safe environment.
- Allows a maximum of 6 residents in a CBLA home and establishes space requirements in resident bedrooms.
- Allows for an attestation that the applicant has enough working capital to operate the facility.
- Establishes requirements for kitchen, dining and common areas.
- Establishes training requirements for applicants and employees of CBLAs.

1. Anticipated effects on the business which NAC 433 regulates:

A. *Adverse effects:* With the new amended regulations, a fee was established for certification of CBLA homes. Currently there is no fee for a provider to get certified. With the amended regulations a non-refundable \$100 fee will be imposed for application to be certified by the Division.

B. *Beneficial:* Providers would be able to take on an additional clients which could be a financial benefit. Training could be done prior to having to wait for a screening panel approval by the Division. Removes the requirement that an applicant has enough working capital to provide services for at least 3 months without compensation and changes it to an

attestation that an applicant has sufficient working capital to effectively provide services. The proposed regulations continue to require applicants to have sufficient working capital to effectively provide services while eliminating this burden.

- A. *Immediate*: As soon as the proposed regulations become effective it would allow providers to process their application quicker to become a CBLA.
- B. *Long-term*: There may be an increased number of CBLA providers in Nevada.

2. Anticipated effects on the public:

- A. *Adverse*: None.
- B. *Beneficial*: May decrease the number of individuals diagnosed with a mental illness to be homeless on the streets.
- C. *Immediate*: Would put additional safety measures in place that would be required to be followed if someone opened a CBLA. It would also remove a barrier that may have delayed processing of applications with applicants attesting to their financial stability.
- D. *Long-term*: There may be an increased number of CBLA's in Nevada providing rehabilitation homes for individuals with mental health conditions.

3. The estimated cost to the Division of Public and Behavioral Health for enforcement of the proposed regulations includes: Although funding for inspections will be transferring over from mental health services to cover inspection costs, we have also incurred additional costs to process certification applications. The \$100 fee for the application for a provisional certificate and the \$100 renewal fee to be collected every 2 years (period not to exceed 2 years) will be used to support the initial and renewal certification application workload, including the issuing of certificates. The cost to process the fees is based on staff hours to process applications, follow up on documents submitted with providers and all correspondence. On average it takes about 5 hours from the beginning to end of the application process for our staff to complete. The \$100 fee is to compensate HCQC for a full-time staff to process the application completely.

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, Julie Kotchevar, Ph.D, to be received no later than November 21, 2018 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
727 Fairview Drive, Suite E
Carson City, NV 89701

Nevada State Library
100 Stewart Street
Carson City, NV 89701

Nevada Division of Public and Behavioral Health
4220 S. Maryland Parkway, Suite 810, Building D
Las Vegas, NV 89119

A copy of the regulations and small business impact statement can be found on-line by going to:
http://dpbh.nv.gov/Reg/HealthFacilities/State_of_Nevada_Health_Facility_Regulation_Public_Workshops/

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 Rook Street
Carson City, NV 89702

Churchill County Library
553 South Main Street
Fallon, NV 89406

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

Henderson District Public Library

80 South Monroe Street
Eureka, NV 89316-0283

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

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

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

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

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

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

280 South Green Valley Parkway
Henderson, NV 89012

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

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

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

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

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.