

**ADOPTED REGULATION OF THE
STATE BOARD OF HEALTH**

LCB File No. R124-05

Effective November 17, 2005

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

AUTHORITY: §1, NRS 449.0305 and 449.037.

A REGULATION relating to medical facilities; clarifying the information that must be included in the application for an initial license to operate an agency that provides referrals to residential facilities for groups; and providing other matters properly relating thereto.

Section 1. NAC 449.27823 is hereby amended to read as follows:

449.27823 1. A licensed nurse or social worker working in a medical facility or a facility for the dependent licensed by the Bureau may make a referral for a client of the facility or program to a residential facility for groups without first obtaining a license to operate as a referral agency. A person employed by this State or the governing body of any county or city within this State, who is employed in a position in which his duties require him to make referrals for clients to residential facilities for groups, may make ~~[such]~~ *those* referrals without first obtaining a license to operate as a referral agency.

2. An applicant for a license to operate as a referral agency must submit to the Division a completed application on a form provided by the Division. The application *for the initial license* must include, without limitation:

(a) Evidence that the applicant has obtained a contract of insurance for protection against liability to third persons which may be incurred while operating as a referral agency; and

(b) The physical address of the applicant where the records of the referral agency will be maintained.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R124-05

The State Board of Health adopted regulations assigned LCB File No. R124-05 which pertain to chapter 449 of the Nevada Administrative Code on October 14, 2005.

Notice date: 9/14/2005
Hearing date: 10/14/2005

Date of adoption by agency: 10/14/2005
Filing date: 11/17/2005

INFORMATIONAL STATEMENT

1. DESCRIPTION OF HOW PUBLIC COMMENT WAS SOLICITED, SUMMARY OF PUBLIC RESPONSE, AND AN EXPLANATION OF HOW OTHER INTERESTED PERSONS MAY OBTAIN A COPY OF THE SUMMARY.

A Small Business Impact Questionnaire was mailed to the Businesses that Provide Referrals to Residential Facilities for Groups on April 5, 2005. Attachment A is the Small Business Impact Statement Questionnaire. Attachment B is a copy of the Small Business Impact Summary.

Notice of public workshops held on April 28, 2005, in Las Vegas and on April 29, 2005, in Reno was published in the Las Vegas Review Journal and the Reno Gazette Journal on April 11, 2005. Notices of public workshops, and proposed regulations were mailed to all county libraries in Nevada, Businesses that Provide Referrals to Residential Facilities for Groups, and interested parties on April 5, 2005. The Small Business Impact Summary was available at both workshops.

Notice of public hearing regarding the Board's intent to adopt amendments was published in the Las Vegas Review Journal, and the Reno Gazette Journal on or before September 14, 2005. Notices of public hearing, and proposed regulations were mailed to all county libraries in Nevada, Businesses that Provide Referrals to Residential Facilities for Groups, and interested parties on September 8, 2005. The notice of public hearing was mailed to Clark County Health District, and Washoe County District Health Department on September 8, 2005.

The Legislative Council Bureau (LCB) had not completed the review of the proposed regulations until September 28, 2005. The LCB version was mailed out to the above mentioned parties on or before October 3, 2005.

Comments were made on unchanged sections of the regulation and will be looked into at a later date.

Copies of the workshop minutes and Board of Health hearing minutes may be obtained by calling the Bureau of Licensure and Certification at (775) 687-4475.

2. THE NUMBER OF PERSONS WHO:

(A) ATTENDED THE HEARING;

Approximately 62 people attended the October 14, 2005, Board of Health hearing.

(B) TESTIFIED AT EACH HEARING; AND

No individuals testified at the hearing.

(C) SUBMITTED TO THE AGENCY WRITTEN STATEMENTS.

No written statements were submitted to the agency.

3. A DESCRIPTION OF HOW COMMENT WAS SOLICITED FROM AFFECTED BUSINESSES, A SUMMARY OF THEIR RESPONSE, AND AN EXPLANATION HOW OTHER INTERESTED PERSONS MAY OBTAIN A COPY OF THE SUMMARY

Comment was solicited from affected or potentially affected businesses by mailing appropriate facilities and all interested parties the proposed regulations, a small business impact questionnaire, a copy of the small business impact summary, and the notices for the workshops and Board of Health hearings. Copies of the workshop minutes and Board of Health hearing minutes may be obtained by calling the Bureau of Licensure and Certification at (775) 687-4475.

4. IF THE REGULATION WAS ADOPTED WITHOUT CHANGING ANY PART OF THE PROPOSED REGULATION, A SUMMARY OF THE REASONS FOR ADOPTING THE REGULATION WITHOUT CHANGE.

No testimony was received in opposition to the proposed regulation or which suggested changes to the proposed regulation.

5. 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

Anticipated effects on the business which NAC 449 regulates.

Adverse: None

Beneficial: Reduction of time required for renewal of licenses.

Anticipated effects on the public:

Adverse: None

Beneficial: The changes present no anticipated effect to the public.

(B) BOTH IMMEDIATE AND LONG TERM EFFECTS.

Anticipated effects on the business which NAC 449 regulates.

Immediate: None

Long-term: Easier renewal process.

Anticipated effects on the public:

Immediate: None

Long-term: None

6. THE ESTIMATED COST TO THE AGENCY FOR ENFORCEMENT OF THE PROPOSED REGULATION.

There is no anticipated additional cost to the agency for enforcement of the proposed regulation changes.

7. 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.

There is no duplication or overlap of other state or local government agency's regulations.

8. IF THE REGULATION INCLUDES PROVISION WHICH ARE MORE STRINGENT THAN A FEDERAL REGULATION WHICH REGULATES THE SAME ACTIVITY, A SUMMARY OF SUCH PROVISION.

These proposed regulations do not overlap or duplicate federal regulations. The regulations do not have a counterpart in the code of federal regulations.

9. IF THE 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.

The amendments do not establish any new fees or increase any existing fees.

SMALL BUSINESS IMPACT STATEMENT
(Nevada Revised Statutes 233B.0608)

**BUSINESSES THAT PROVIDE REFERRALS TO RESIDENTIAL
FACILITIES FOR GROUPS**

Background:

The purpose of the proposed revised regulations for businesses that provide referrals to residential facilities for groups at NAC 449.27823 will eliminate the need to submit certain documents for renewal of the license.

Interested individuals can obtain a copy of the information packet, including the Small Business Impact Questionnaire, sent to all licensed facilities, from Shirley Rains, Administrative Assistant IV, Bureau of Licensure and Certification, 1550 East College Parkway, Suite 158, Carson City, Nevada 89703

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

Pursuant to NRS 233B.0608 (2) (a), the BLC has requested input from operators of Businesses that Provide Referrals to Residential Facilities for Groups.

A Small Business Impact Questionnaire was sent to businesses that provide referrals to residential facilities for groups along with written correspondence detailing the proposed amendments, including a copy of the proposed regulation changes, on April 5, 2005. 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?

There were no responses received for businesses that provide referrals to residential facilities for groups.

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

The language modification at NAC 449.27823 will have no adverse economic effect on businesses that provide referrals to residential facilities for groups because it actually eliminates requirements for documents to be submitted along with a renewal application.

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

There is no anticipated negative impact on businesses that provide referrals to residential facilities for groups.

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

There is no cost to the agency for enforcement of the proposed amendments.

5. Total amount BLC expects to collect from any fees and the manner in which the money will be used.

No new fees will be collected pursuant to these revisions.

6. An explanation of why any duplicative or more stringent provisions than federal, state or local standards regulating the same activity are necessary.

No duplication or more stringent provision are either created or already in existence.