ADOPTED REGULATION OF

THE STATE BOARD OF HEALTH

LCB File No. R107-24

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

AUTHORITY: §§ 1 and 2, NRS 442.140, 442.190 and 442.330.

A REGULATION relating to public health; repealing the requirement that the Chief of the Bureau of Children's Services of the Department of Human Services inform all employees of the Bureau of regulations relating to confidential records; eliminating the requirement that the Chief Medical Officer of the State of Nevada establish procedures to ensure the enforcement of the requirement that the Chief of the Bureau inform all employees of the Bureau of certain regulations relating to confidential information; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Human Services, through the State Board of Health, to adopt regulations necessary for: (1) the administration of a detailed plan for a maternal and child health program the purpose of which is to develop, extend and improve health services, and to provide for development of demonstration services in needy areas for persons who are pregnant, are giving birth or have given birth and children; and (2) the administration of a plan or plans for a program of service for children who have special health care needs or who are suffering from conditions which lead to a handicap the purpose of which is to develop, extend and improve services for locating such children, and for providing for medical, surgical, corrective and other services and care, and providing facilities for diagnosis, hospitalization and aftercare. (NRS 442.130, 442.140, 442.180, 442.190)

Existing law requires: (1) the Division of Public and Behavioral Health of the Department to establish and maintain a statewide system for the collection and analysis of information concerning birth defects and other adverse birth outcomes; and (2) the Board to adopt regulations to ensure that any information obtained by the system that would reveal the identity of a patient remains confidential. (NRS 442.320, 442.330)

Existing regulations provide that any information concerning personal facts and circumstances obtained by the State or a local staff administering the programs of services for maternal and child health and the care and treatment of children with special needs is a privileged communication and must be held confidential. (NAC 442.060) Existing regulations further require the Chief of the Bureau of Children's Services of the Division to inform all

employees of the Bureau of regulations relating to confidential materials. (NAC 442.080) **Section 2** of this regulation repeals this requirement.

Existing regulations require the Chief Medical Officer to establish appropriate procedures to ensure the enforcement of the requirement that the Chief of the Bureau inform all employees of the Bureau of regulations relating to confidential materials. (NAC 442.090) **Section 1** of this regulation makes a conforming change by removing a reference to the requirement repealed by **section 2**.

Section 1. NAC 442.090 is hereby amended to read as follows:

442.090 The Chief Medical Officer shall establish appropriate procedures to ensure the enforcement of NAC 442.060 ~~[,]~~ ***and*** 442.070 **.** ~~[and 442.080.]~~

Sec. 2. NAC 442.080 is hereby repealed.

TEXT OF REPEALED SECTION

442.080 Chief of Bureau of Children's Services to inform employees of policy. (NRS 442.140, 442.190, 442.330) The Chief of the Bureau of Children's Services shall inform all employees of the Bureau of regulations relating to confidential materials.