

**PROPOSED REGULATION OF THE
NEVADA HEALTH AUTHORITY**

LCB FILE NO. R168-26I

**The following document is the initial draft regulation proposed
by the agency submitted on 07/09/2026**

PROPOSED REGULATION RELATED TO
CARA PLANS OF CARE

Authority: NRS 439.200; 449.0302

Explanation: Language in *blue italics* is new; language in ~~red-strikethrough~~ text is language to be omitted.

These proposed regulations revise provisions related to CARA plans of care as they relate to the role of the Health Care Purchasing and Compliance Division of the Nevada Health Authority and the Division of Public and Behavioral Health of the Department of Human Services to conform with recommendations of the Legislative Auditor. In addition, they clarify the role of the medical facility with providers and the provider's responsibility to do the required plan of care.

Amend NAC 449.947 as follows:

NAC 449.947 Establishment and contents of plan; use of form; provision of copy to parent or guardian and Division. (NRS 439.200, 449.0302)

1. A provider of health care who delivers or provides medical services to an infant in a medical facility and who, in his or her professional capacity, knows or has reasonable cause to believe that the infant was born with a fetal alcohol spectrum disorder, is affected by a prenatal substance use disorder or is experiencing symptoms of withdrawal from a substance as a result of exposure to the substance in utero shall ensure that a CARA Plan of Care is established for the infant before the infant is discharged from the medical facility.
2. A CARA Plan of Care must be completed using the form prescribed by the Division *of Public and Behavioral Health in the Department of Human Services* and include, without limitation:
 - (a) Measures to ensure the immediate safety of the infant;
 - (b) Measures to address the needs of the infant and his or her family or caregiver for substance use disorder treatment and health care;
 - (c) Measures to ensure that the infant and his or her family or caregiver receive any necessary services, including, without limitation, referrals to appropriate providers of such services; and
 - (d) Any other information necessary to ensure that the needs of the infant are met.
3. When an infant is discharged from a medical facility, the medical facility shall provide a copy of any CARA Plan of Care established pursuant to subsection 1 to:
 - (a) Each parent or legal guardian of the infant to whom the CARA Plan of Care pertains, or both, if applicable; and
 - (b) The Division *of Public and Behavioral Health in the Department of Human Services*, within 24 hours after the discharge, or by the close of the next business day if the discharge occurs on a weekend or state-recognized holiday; and

(c) If a parent or legal guardian is unavailable, refuses to accept the CARA Plan of Care, or leaves the medical facility prior to receiving the plan, the medical facility is exempt from the requirement in paragraph (a) provided that the facility documents the attempted delivery and the specific reason for non-delivery in the infant's medical record;

4. A medical facility shall ensure that a provider of health care who delivers or provides medical services to an infant in a medical facility in accordance with Section 1, establishes a CARA Plan of Care for the infant and family or caregiver as required. Failure by a medical facility to ensure that a CARA Plan of Care is completed for an eligible infant in accordance with Section 3 shall result in a fine of \$5,000 for each occurrence.

(Added to NAC by Bd. of Health by R133-18, eff. 12-19-2018)

Amend NAC 449.948 as follows:

NAC 449.948 Duties of Division; confidentiality and protection of plans and related information. (NRS 439.200, 449.0302)

1. The Division *of Public and Behavioral Health in the Department of Human Services* shall:

(a) Monitor, in accordance with 42 U.S.C. § 5106a(b)(2)(B)(iii)(II), the implementation of each CARA Plan of Care that it receives pursuant to NAC 449.947 to ensure that the infant to whom the CARA Plan of Care pertains and his or her family or caregiver are receiving appropriate services; and

(b) Provide a copy of a CARA Plan of Care in the possession of the Division to an agency which provides child welfare services upon request.

2. Except as otherwise provided in this section and NRS 239.0115, each CARA Plan of Care in the possession of the Division *of Public and Behavioral Health in the Department of Human Services* or an agency which provides child welfare services and any information associated with such a CARA Plan of Care is confidential, not subject to subpoena or discovery and not subject to inspection by the general public.

3. The Division *of Public and Behavioral Health in the Department of Human Services* and an agency which provides child welfare services shall ensure that each CARA Plan of Care in the possession of the Division *of Public and Behavioral Health in the Department of Human Services* or the agency which provides child welfare services, as applicable, and any information associated with such a CARA Plan of Care is:

(a) Adequately protected from fire, theft, loss, destruction, other hazards and unauthorized access; and

(b) Stored in a manner that protects the security and confidentiality of the information.

4. As used in this section, "agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(Added to NAC by Bd. of Health by R133-18, eff. 12-19-2018)