

**DIVISION OF PUBLIC & BEHAVIORAL HEALTH
BUREAU OF PREPAREDNESS, ASSURANCE, INSPECTIONS AND STATISTICS
PUBLIC HEALTH PREPAREDNESS PROGRAM**

December 9, 2016

LCB File No. R067-16

Informational Statement per NRS 233B.066

1. A clear and concise explanation of the need for the adopted regulation.

The proposed regulations are necessary to carry out the requirements of Nevada Revised Statute (NRS) 629.490. Further, they are necessary to address gaps and clarify language in the existing statutory structure.

The proposed regulations clarify existing statutory language regarding Sponsoring Organization Registration and Approval Letter; add new definition for “Division Filing Officer”; and address exemption of Sponsoring Organization Registration during a disaster.

2. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

a) How public comment was solicited:

- i. A Small Business Impact Questionnaire was sent to all NRS 629.400-490 sponsoring organization registrants and statewide health care stakeholders on September 15, 2016 via the Nevada Health Alert Network (EMResource) to over 1,300 individuals.
- ii. A Public Workshop was conducted on November 4, 2016 in Carson City at the Division of Public and Behavioral Health, 4150 Technology Way, Room 303.
- iii. A Public Hearing was conducted on December 9, 2016 via videoconference, in Carson City at the Division of Public and Behavioral Health, Room 303, 4150 Technology Way, Southern Nevada Health District, Red Rock Trail Room A&B, 280 S. Decatur Blvd., Las Vegas, and Division of Aging and Disability Services, Early Intervention Services, 1020 Ruby Vista Drive, Suite 102, Elko.

b) Summary of the public response:

Kate Gonnella, Burning Man Chief of Emergency Operations, Burning Man Organization

Ms. Gonnella stated concern during the Public Workshop about Section 2, Item 2 being too restrictive for Sponsoring Organizations operating in areas of extremely limited internet coverage.

Christina Conti, Emergency Medical Services and Public Health Preparedness Program Manager, Washoe County Health District

Ms. Conti stated concern during the Public Workshop about Sponsoring Organizations using NRS 629.400-490 for healthcare services during events instead of solely NRS 450B.650-700, Emergency Medical Services at Special Events.

c) Explanation how other interested persons may obtain a copy of the summary:

Any persons interested in obtaining a copy of the summary may email, call, or mail in a request to Malinda Southard at the Division of Public and Behavioral Health, Public Health Preparedness Program, 4150 Technology Way, Suite 200, Carson City, NV 89706, (775) 684-4039, msouthard@health.nv.gov. A copy of the summary can also be viewed and downloaded on the website:

[http://dpbh.nv.gov/Programs/PHP/dta/Statutes/Public_Health_Preparedness_\(PHP\)_-_Statutes/](http://dpbh.nv.gov/Programs/PHP/dta/Statutes/Public_Health_Preparedness_(PHP)_-_Statutes/).

3. Number of persons in attendance

a) Attended the Public Workshop:

- a. Carson City: 5 people signed in
- b. Teleconference: 1 person called in

b) Attended the Public Hearing:

- a. Carson City: 40 people signed in
- b. Las Vegas: 25 people signed in
- c. Elko: 0

c) Testified at the Public Workshop:

- a. Carson City: 1 person provided testimony
- b. Teleconference: 1 person provided testimony

d) Testified at the Public Hearing:

- a. Carson City: 2 people provided testimony
- b. Las Vegas: 0
- c. Elko: 0

e) Submitted to the agency written statements:

- a. Zero written statements were provided to the agency.

f) If provided, the name, telephone number, business address, business telephone number, e-mail address and name of entity represented for individuals described in Items 3(a-e):

- a. The sign-in sheets from these meetings are included with this statement as Attachment 1.

4. A description of how comment was solicited (i.e., notices) from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Pursuant to NRS 233B.0608 (2) (a), the Division of Public and Behavioral Health requested input from stakeholders that are likely to be affected by the proposed regulation. A Small Business Impact Questionnaire (SBIQ) and a copy of the proposed regulation were sent to all NRS 629.400-490 sponsoring organization registrants and statewide health care stakeholders on September 15, 2016 via the Nevada Health Alert Network (EMResource) to over 1,300 individuals.

The questions on the SBIQ 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?

Summary of Response

<p>Summary of Comments Received 7 Responses were received out of the 1,353 SBIQs sent out <u>Small Business Impact Questionnaires distributed:</u></p> <ul style="list-style-type: none"> • Nevada Health Alert Network (HAN) EMResource Alert System Notification = 1,100 • Inter-Hospital Coordinating Council = 2 • Douglas County Healthcare Coalition = 90 • Southern Nevada Healthcare Coalition = 100 • Rural Healthcare Preparedness Partners = 48 • Burning Man = 4 • Remote Area Medical = 4 • Medical Reserve Corps Unit Leaders = 4 <p>2 responses did not directly respond to the SBIQ</p>			
Will a specific regulation have an adverse economic effect upon your business?	Will the regulation(s) have any beneficial effect upon your business?	Do you anticipate any indirect effects upon your business?	Do you anticipate any indirect beneficial effects upon your business?
0 – Yes 3 – No	0 – Yes 3 – No	0 – Yes 3 – No	0 – Yes 3 – No

Any persons interested in obtaining a copy of the summary may email, call, or mail in a request to Malinda Southard at the Division of Public and Behavioral Health, Public Health Preparedness Program, 4150 Technology Way, Suite 200, Carson City, NV 89706, (775) 684-4039, msouthard@health.nv.gov. The Small Business Impact Statement can also be viewed and downloaded on the website:

[http://dpbh.nv.gov/Programs/PHP/dta/Statutes/Public_Health_Preparedness_\(PHP\)_-_Statutes/](http://dpbh.nv.gov/Programs/PHP/dta/Statutes/Public_Health_Preparedness_(PHP)_-_Statutes/)

- 5. If, after consideration of public comment, the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change. The statement should also explain the reasons for making any changes to the regulation as proposed.**

After consideration of public comment, the regulation was changed to reflect exemption of Sponsoring Organization Registration during a disaster so as to not hinder any health care volunteer efforts in a time of greatest need, nor to conflict with any hospital or health care facility making requests for health care volunteers in time of disaster.

The regulation was also changed to reflect the Division shall have 5 days from receipt of registration to approve or deny the Sponsoring Organization Registration to reflect the Division having the opportunity to deny a Sponsoring Organization Registration in the event the Sponsoring Organization Registration does not meet minimum criteria.

6. The estimated economic effect of the regulation on the business which it is to regulate and on the public.

Anticipated effects on the business:

Adverse Effects: The concern was raised as to how to process additional volunteer health care providers after the sponsoring organization registration was already approved by the Division for an event. In an effort to meet these concerns and continue to meet the overall goal of protection of public health, the Division reduced the time frame to one business day notice for additional volunteer health care providers, recognizing the credential of the volunteer health care provider would still need to be confirmed by the sponsoring organization. This may not be entirely possible in remote areas of Nevada with unreliable internet coverage.

Beneficial: Clearly outlines the requirements needed for a sponsoring organization to register with the Division and ensures any additional volunteers meet the requirements.

Immediate: The stated adverse and beneficial effects would be immediate impacts as soon as the proposed regulations become effective.

Long-Term: The long-term impacts would be the same as the immediate impacts.

Anticipated effects on the public:

Adverse Effects: None anticipated.

Beneficial: Increased public health and safety.

Immediate: Increased public health and safety.

Long-Term: Increased public health and safety.

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

No change in program enforcement costs is anticipated. The regulation will be enforced as a regular part of the ongoing Public Health Preparedness Program operations and does not represent an additional expenditure of staff time and effort.

- 8. 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.**

The Division is not aware of any similar regulations of other State or governmental agencies that the proposed regulations overlap or duplicate.

- 9. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

The Division is not aware of any provisions which are more stringent than a federal regulation which regulates the same activity.

- 10. If the regulation establishes a new fee or increases an existing fee, a statement indicating the total annual amount the agency expects to collect and the manner in which the money will be used.**

The proposed regulations do not impose a new fee or increase existing fees.