

**REGULATION ADOPTED BY THE  
NEVADA STATE BOARD OF HEALTH  
LCB File No. R090-16**

**INFORMATIONAL STATEMENT**

**Pursuant to the provisions of NRS 233B.066, the following informational statement is submitted:**

**DESCRIPTION OF HOW PUBLIC COMMENT WAS SOLICITED  
SUMMARY OF THE PUBLIC RESPONSE  
EXPLANATION OF HOW OTHER INTERESTED PERSONS MAY OBTAIN A COPY  
OF THE SUMMARY**

**A clear and concise explanation of the need for the adopted regulation**

The proposed regulations provide provisions for the following:

- This will establish regulatory provisions of community based living arrangement services (CBLA), which are individualized services and designed to maximize a person's independence. These services are provided in a home setting, and in the natural community setting. Services are for compensation for individuals served by the Division of Public and Behavioral Health.
- Requires for a person or governmental entity to hold a provisional certificate or certificate by the Division to provide CBLA services or receive payment of these services. Prescribes the process of application, acceptance, denial and training requirements. Places timeframes of how long the certifications are good for; 1 year for a provisional with no renewal, and every 2 years for certifications.
- Authorizes the Division to conduct quality assurance reviews, and to take action as needed. Sets forth the standards in which a provider must comply, including maintaining certain records.
- Maintains certain rights to the recipients of services and authorizes any person to file a complaint with the Division against a provider of services.
- Prescribes the grounds in which the Division may revoke a provisional certificate or certificate. In addition, it authorizes the Division to terminate a provider immediately if it is determined that a person is in imminent or probable risk of harm.

**How public comment was solicited:**

The Division of Public and Behavioral Health a Notice of Public Workshop with the intent of soliciting comments not only from the affected business but also from the general public on proposed changes to the regulation. A hearing with the intent to adopt regulations was held on December 9, 2016 at the following locations:

- Division of Public and Behavioral Health, 4150 Technology Way, Room 303, Carson City, NV

- Southern Nevada Health District, 280 S. Decatur, Red Rock Conference Room, Las Vegas, NV
- Division of Aging and Disability Services, EI Services, 1020 Ruby Vista Dr., Elko, NV

In the notice the public was notified that a copy of the proposed regulation was on file and available to reproduction at the following locations:

- Division of Public and Behavioral Health, 727 Fairview Drive, Suite E, Carson City, NV
- Division of Public and Behavioral Health, 4220 S. Maryland Parkway, Suite 810, Building D, Las Vegas, NV
- Nevada State Library and Archives, 100 Stewart Street, Carson City, NV

And on the internet at

[http://dpbh.nv.gov/Reg/MedicalLabs/Notice\\_of\\_Public\\_Workshops\\_and\\_Proposed\\_Regulations/](http://dpbh.nv.gov/Reg/MedicalLabs/Notice_of_Public_Workshops_and_Proposed_Regulations/) and <https://www.leg.state.nv.us/App/Notice/A/> as well as posted at the following locations:

Division of Public and Behavioral Health, 4150 Technology Way, First Floor Lobby, Carson City

Nevada State Library and Archives, 100 Stewart Street, Carson City

Legislative Building, 401 S. Carson Street, Carson City

Grant Sawyer Building, 555 E. Washington Avenue, Las Vegas

Washoe County District Health Department, 9<sup>TH</sup> and Wells, Reno

Division of Public and Behavioral Health's web page: <http://health.nv.gov/>

Carson City Library, Carson City, NV

Churchill County Library, Fallon, NV

Clark County District Library, Las Vegas, NV

Douglas County Library, Minden, NV

Elko County Library, Elko, NV

Esmeralda County Library, Goldfield, NV

Eureka Branch Library, Eureka, NV

Henderson District Public Library, Henderson, NV

Humboldt County Library, Winnemucca, NV

Lander County Library, Battle Mountain, NV

Lincoln County Library, Pioche, NV

Lyon County Library, Yerington, NV

Mineral County Library, Hawthorne, NV

Pahrump Library District, Pahrump, NV

Pershing County Library, Lovelock, NV

Storey County Library, Virginia City, NV

Tonopah Public Library, Tonopah, NV

Washoe County Library, Reno, NV

White Pine County Library, Ely, NV

### **Summary of the public response:**

No general public comments or written statements were received following the posting of this notice.

### **How other interested persons may obtain a copy of the public response to the regulations:**

No general public comments or written statements were received following the posting of this notice.

### **Persons who attended the workshop and hearing:**

**Workshop:** *Members of the public* - Tas Cofer II, Tas Cofer III, and Kelly Cofer (A Caring Place), Lori Walton (Mojave Mental Health), Evangeline Cruz (Loving Grace LLC), Lizette Angat-Ulan (MIJN Corp), Roselyn Javier (St. Benedict LLC), Tina Angat (MIJN Corp), Maricon Angat (MIJN Corp), Maria Cagnicla (MIJN Corp), John Badiola (JABA LLC, FDB Enterprises Inc), Dolora Badiola (FDB Enterprises), Therma Balingit (Joren LLC), Marieta Narciso (MIJN Corp), Ernie Dizon (MIJN Corp), Michael Narago (MIJN Corp). *Staff* - Mamdoe Dyamwalle (Southern Nevada Adult Mental Health Services), Aqueelah Wert (Southern Nevada Adult Mental Health Services), Ellen Richardson-Adams (Southern Nevada Adult Mental Health Services), Anabel Ballard (Southern Nevada Adult Mental Health Services), Susanne Sliwa (Senior Deputy Attorney General).

**Hearing:** *Members of the public* - Linda Anderson (DAG), Julie Slabaugh (DAG), Nadia Navarro (Amber Skies CS), Susi Traniday (Minkaboo LLC), Mario Traniday (Minkaboo LLC), Fred Olmstead (Board of Nursing), Kimberly Hodges (Rising Star), Adrian Sykes (Rising Star), Diane Rolfs (REMSA/Care Flight), Fergus Laughridge (HGH EMS), Larry Parrott (MVFPD), Angela Barosso (CCHHS), JW Hodge (REMSA/Care Flight), Ron Walter (Care Flight), Kevin Romero (REMSA/Committee on EMS), Jenna Burton (EMS), Jason Lewis (OV2), Rebecca Vernon Ritter (DHCFP), Temple Fletcher (Care Flight), Lea Cartwright (NPA), Darryl Cleveland (TMCC & NNFCA), Vicki McVeigh (Pride House LLC), Dario Lopez (Pride House LLC), Dennis Nolan (Reno Fire Dept), Marissa Brown (NHA), John Mohler (John Mohler & Co), Scott Huntley (North Lyon Co. Fire), Sheri Eggleston (DHCFP), Blayne Osborn (NRHP), Chris Bosse (Renown), Joanna Jacob (Ferrari Public Affairs), Christina Conti (WCHD), Evangeline Cruz (Loving Grace LLC), Thelma Balingit (Joven LLC), Edit Farmer (CCL), Lori Walter (Mojave), Josefina Adams (S Adams Corp), Carl Bottorf (Lifeguard Intl), Tas Cofer (A Caring Place), Kelly Cofer (A Caring Place Residence), Tas Cofer III (A Caring Place Residence), Jason Schwartz (UNRSOM/Mojave Clinic), Vicky Green-Jobe (PPG), Laura Palmer (SNHD), Daniel Kipnis (CPR Society), John Badiola (FDB Enterprises), Maricon Angat (MIJN Corp), Bernadette Angat (MIJN Corp), Diane McGinnis (DNP), Donna Miller (Lifeguard Intl), Michael Marcino (MIJN Corp). *DPBH staff* - Cody Phinney (DPBH Administrator), Barrett Evans (EHS), Lindsey Doolittle (EHS), Erin Lynch (PHP), Malinda Southard (PHP), Joe Pollock (Dept Administrator, Regulatory and Planning Services), John DiMuro (Chief Medical Officer),

Leon Ravin (Statewide Psychiatric Medical Director), Beckie Pinkston (NNAMHS), Brian Burris (NNAMHS), Edith Farmer (Child Care Licensing), Latisha Brown (Child Care Licensing), Paul Shubert (HCQC), Ellen Richardson-Adams (SNAMHS), Anabel Ballard (SNAMHS), Mamdoe Dyamwalle (SNAMHS).

**Persons who testified at the workshop of public hearing:**

**Workshop:** - Tas Cofer II, Tas Cofer III, and Kelly Cofer (A Caring Place), Lori Walton (Mojave Mental Health), Evangeline Cruz (Loving Grace LLC), Lizette Angat-Ulan (MIJN Corp), Roselyn Javier (St. Benedict LLC), Tina Angat (MIJN Corp), Maricon Angat (MIJN Corp), Maria Cagnicla (MIJN Corp), John Badiola (JABA LLC, FDB Enterprises Inc), Dolora Badiola (FDB Enterprises), Therma Balingit (Joren LLC), Marieta Narciso (MIJN Corp), Ernie Dizon (MIJN Corp), Michael Narago (MIJN Corp).

**Hearing:** Ellen Richardson-Adams (SNAMHS).

**Persons who submitted written statements:**

No written statements were received.

**HOW COMMENT WAS SOLICITED FROM AFFECTED BUSINESS, A SUMMARY OF THEIR RESPONSE, AND HOW INTERESTED PERSONS MAY OBTAIN A COPY OF THE SUMMARY**

The Division of Public and Behavioral Health published and disseminated 102 Small Business Impact Questionnaires along with a Notice of Public Workshop to DPBH's contracted providers, Board of Nursing, Nevada State Housing Division, and HUD. The Small Business Impact Questionnaire was comprised of the following 5 questions:

1. How many employees are currently employed by your business? If more than 150, you will not need to answer the rest of the questions. Please mail or fax questionnaire to the above address. If less than 150, please continue with the remaining questions.
2. Will a specific regulation have an adverse economic effect upon your business? If so, please indicate the estimated dollar amount(s) you believe the adopted regulations will cost you over one calendar year with a brief explanation as to how the dollar amount was calculated.
3. Will the regulation(s) have any beneficial effect upon your business? If so, please include any cost savings you believe the adopted regulations will save you over one calendar year with an estimated dollar amount if applicable.
4. Do you anticipate any indirect adverse effects upon your business?
5. Do you anticipate any indirect beneficial effects upon your business?

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### **Summary of the affected business' response:**

Out of the 102 questionnaires that were disseminated for input only 7 responses were received.

- **Question 2:** Will a specific regulation have an adverse economic effect upon your business? If so, please indicate the estimated dollar amount(s) you believe the adopted regulations will cost you over one calendar year with a brief explanation as to how the dollar amount was calculated  
*No = 5, Yes = 2, No Response/Unknown = 0*
- **Question 3:** Will the regulation(s) have any beneficial effect upon your business? If so, please include any cost savings you believe the adopted regulations will save you over one calendar year with an estimated dollar amount if applicable.  
*No = 7, Yes = 0, No Response/Unknown = 0*
- **Question 4:** Do you anticipate any indirect adverse effects upon your business?  
*No = 3, Yes = 4, No Response/Unknown = 0*
- **Question 5:** Do you anticipate any indirect beneficial effects upon your business?  
*No = 2, Yes = 5, No Response/Unknown = 0*

During the workshop, the LLCs expressed financial concerns of not knowing what the impact will be to their business. The businesses expressed that they believe the training opportunities that will be provided by the Division are a positive. In addition, the specific background disqualifications make it easier for the businesses to “weed out” individuals that they believe will not be a good fit. Lastly, there was positive public comment that there was not a licensing fee through the Division.

### **How other interested persons may obtain a copy of the public response to the regulations:**

Public interested in obtaining a copy of the summary were notified in the notice to email, call, or mail in a request to the contact person below:

Division of Public and Behavioral Health  
Southern Nevada Adult Mental Health Services  
Anabel Ballard  
6161 W. Charleston Blvd.  
Las Vegas, NV 89146

**THE REGULATION WAS ADOPTED IN ENCLOSED FORM.**

**THE ESTIMATED ECONOMIC EFFECT OF THE REGULATION ON THE BUSINESS WHICH THE BOARD REGULATES AND ON THE PUBLIC**

**The economic effect of the regulation on the contracted providers:**

The economic effect is unknown at this time on the contracted providers. The feedback from the providers is that there is no additional cost. The Board of Health has the authority to charge fees. At this time there are no fees involved.

**The economic effect of the regulation on the general public.**

There will be no economic effect to the general public by adoption of this regulation.

**THE ESTIMATED COST TO THE DIVISION OF PUBLIC AND BEHAVIORAL HEALTH TO ENFORCE THE PROPOSED REGULATION**

The Division of Public and Behavioral Health estimates that there will be no additional cost to itself to enforce the proposed regulation. It is known that there will be an increased workload for mandatory trainings, quality assurance field oversights, certification processes, business office auditing, and potential growth of new provider applicants. This is in addition to the current workloads of the department, but the Division/Agencies are proactively working towards the future system to close the gap smoothly for both the staff and the providers systematically.

**THE REGULATION OF THE DIVISION OF PUBLIC AND BEHAVIORAL HEALTH DOES NOT OVERLAP OR DUPLICATE ANY REGULATIONS OF ANY OTHER STATE OF GOVERNMENTAL AGENCIES, INCLUDING THE FEDERAL GOVERNMENT.**

**THE REGULATION OF THE DIVISION OF PUBLIC AND BEHAVIORAL HEALTH DOES NOT INCLUDE PROVISIONS WHICH ARE MORE STRINGENT THAN A FEDERAL REGULATION WHICH REGULATES THE SAME ACTIVITY.**

**THE NEW REGULATION DOES NOT PROVIDE OR INVOLVE A NEW FEE.**