

DIVISION OF PUBLIC AND BEHAVIORAL HEALTH

LCB File # R104-12

Information Statement per NRS 233B.066

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

Nevada Revised Statute (NRS) 439.847, added to NRS in 2009, requires the Nevada Division of Public and Behavioral Health to collect and publish data from skilled nursing facilities (SNFs) reported through the National Healthcare Safety Network (NHSN) as soon as the module becomes available. Currently only hospitals and ambulatory surgery centers with a specified number of patients per day are required to report to the Division through NHSN. The system currently supports the enrollment of long-term care/skilled nursing facilities in a limited fashion, though much work is currently being done to enhance the features and functionality for this facility type. The system collects data for long-term care/skilled nursing facilities on a few key infection control indicators that pertain to patient and healthcare personnel safety. For patient safety, catheter-associated urinary tract infections (CAUTIs) and multi-drug resistant organisms (MDROs), including *Clostridium difficile*, may be reported. For healthcare personnel safety, exposure to blood and/or other bodily fluids and influenza vaccine coverage and/or influenza exposure management may also be reported. The data collected through NHSN must be compiled into a report that lists facility-specific data by rate and total number and provided to the Center for Health Information Analysis (CHIA) to display on their website (NRS 439A.270) as required by the statute.

The attached requested changes reflect the addition of language to specify reporting requirements of SNFs, as well as “clean-up” fixes to remove/edit current language.

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

A public workshop was held at Division of Public and Behavioral Health (Carson City) and video conferenced to Las Vegas on Wednesday, December 5, 2012 at 2PM. One member of the public attended and did not have any requested changes to the regulation as written in LCB File No. R104-12. No member of the public provided testimony at the workshop. Small business questionnaires and notices of the public workshop were mailed to all licensed hospitals and skilled nursing facilities. There were a total of 14 responses faxed or mailed back with none indicating that the regulation would have an effect on their business.

A summary of the Hearing for Amendment of Nevada Administrative Code, Chapter 439 can be obtained by contacting the Office of Public Health, Informatics and Epidemiology at, 4150 Technology Way, Suite 300, Carson City, NV 89701.

3. The number of persons who:

(a) Attended the hearing;

One member of the public attended the public hearing on Wednesday, December 5, 2012. Eighteen (18) individuals signed in at the March 28, 2014 Board of Health meeting, but it is unclear how many individuals came specifically to hear testimony on these proposed regulations.

(b) Testified at each hearing; and

No one from the public provided testimony at either public hearing for the proposed regulations.

(c) Submitted to the agency written statements.

No one submitted written statements for the public hearings.

4. For each person identified above, the following information if provided to the Division of Public and Behavioral Health: Name, telephone number, business address, business telephone number, electronic mail address and name of entity or organization represented. (Please see attached copies of sign-in sheet)

Eighteen (18) people were present at the Board of Health hearing, but it is unclear how many of those individuals came specifically to hear testimony on these proposed regulations. Kimisha Griffin, Health Program Specialist II for the Office of Public Health, Informatics and Epidemiology presented the proposal to amend Nevada Administrative Code, Chapter 439. No one provided testimony at the hearing.

5. 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.

In November 2012, a small business impact questionnaire and workshop notice which included information on how to obtain a copy of the proposed regulations was sent to impacted facilities. The workshop notice and draft regulations were also, distributed through the Division of Public and Behavioral Health's List Serv and posted in accordance with open meeting law. Out of 101 small business impact questionnaires distributed, only 14 responses were received. The following is a summary of the 14 responses.

Summary of Response

Summary Of Comments Received (14 responses were received out of 101 small business impact questionnaires distributed)			
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 adverse effects upon your business?	Do you anticipate any indirect beneficial effects upon your business?
No - 14 Yes - 0	No -14 Yes - 0	No -14 Yes - 0	No -14 Yes - 0

Number of Respondents out 101	Adverse economic effect?	Beneficial effect?	Indirect adverse effects?	Indirect beneficial effects?
14	0	0	0	0

A summary of the Hearing for Amendment of Nevada Administrative Code, Chapter 439 can be obtained by contacting the Division of Public and Behavioral Health, 4150 Technology Way, Suite 300, Carson City, NV 89701.

6. If 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.

The Division of Public and Behavioral Health has provided several opportunities for all licensed hospitals and skilled nursing facilities to provide input and comments over the past two years regarding the proposed addition to the regulations, including the economic impact the proposed regulations may have on their facility type. No modifications to the proposed regulations have been made as a result of this input. Workshops were held on December 5, 2012 in Carson City and Las Vegas allowing for further input by all licensed hospitals and skilled nursing facilities regarding the proposed regulations and how they will impact them. No comments were provided. As there was no objection to the proposed regulation to those who it would affect, the recommendation is that the regulations be adopted without any changes.

7. 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

- A. Beneficial effects: NRS 439.847 will result in reporting from SNFs in order to track infection rates for CAUTI, C. diff and provide influenza vaccination rates for healthcare workers in hospitals and SNFs. This regulation will allow the Division to determine what type of training is needed for healthcare workers in order to provide appropriate education to decrease infection rates in Nevada and to provide safer healthcare environments. Consumers will have access to infection rate data which would make them knowledgeable when choosing a healthcare provider.
- B. Adverse effects: Consumers may choose a different provider based upon this information.
- C. Immediate effects: Increased public awareness to and safety of healthcare environments.
- D. Long term effects: Increased public awareness and safety of healthcare environments.

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

The estimated cost to the Division of Public and Behavioral Health for enforcement of the proposed regulations is \$0.

9. 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 regulatory federal agency.

There are no other regulations that overlap or duplicate the proposed regulations.

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

This section is not applicable to the proposed regulations.

11. 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 proposed regulations do not add a new fee or increase an existing fee.