

Steve Sisolak
Governor



Richard Whitley, MS
Director

**DEPARTMENT OF
HEALTH AND HUMAN SERVICES**
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH
Helping people. It's who we are and what we do.



Lisa Sherych
Administrator

Ihsan Azzam,
Ph.D., M.D.
Chief Medical Officer

NOTICE OF INTENT TO ACT UPON A REGULATION

(LCB File No. R009-22)

Notice of Hearing for the Amendment
of Regulations of the State Board of Health

NOTICE IS HEREBY GIVEN that the State Board of Health will hold a public hearing to consider amendments to Nevada Administrative Code (NAC) 433. This public hearing is to be held in conjunction with the State Board of Health meeting on December 2, 2022.

The State Board of Health will be conducted at **9:00 am on Friday, December 2, 2022**, this meeting will be held online, by phone, and at two physical locations:

Online Platform:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_M2UwZmYwOGQtOWFhYy00ZGI1LTk2OTEtZWlyMDE0MDc2NDc1%40thread.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%22455656b7-d121-4709-ba81-3f70d51b1100%22%7d

Join by Phone:

- +1 775-321-6111
- Conference ID: 153 453 179#

Meeting Locations:

- Southern Nevada Health District (SNHD)
Red Rock Trail Rooms A and B
280 S. Decatur Blvd
Las Vegas, NV 89107
- Nevada Division of Public and Behavioral Health
Hearing Room No. 303, 3rd Floor
4150 Technology Way
Carson City, NV 89706

The proposed changes will revise Section 10 of LCB File No. R012-20 and are being proposed in accordance with Nevada Revised Statute 433.324. The proposed regulations establish a Regulation relating to mental health; establishing a procedure for determining whether to involuntarily administer psychotropic medication to a patient at a public or private mental health facility; and providing other matters properly relating thereto.

The proposed changes to NAC 433 include the following:

- To initiate the procedures set forth in sections 9-14, inclusive, of this regulation for the involuntary administration of psychotropic medication to a patient at a public or private mental health facility that has established such procedures, the practitioner who is primarily responsible for treating the patient must submit to the director of the facility a request to involuntarily administer psychotropic medication to the patient.
- Clarifies language that the patient must be currently admitted to a public or private mental health facility under an involuntary court-ordered admission pursuant to NRS 433A.200. Clarifies language of type of admission to facility before involuntary administration of psychotropic medication is administered.
- Removes language that allows for involuntary administration of a psychotropic medication for a patient who is admitted under an emergency admission.
- Adds language to clarify the former terminology “unable to care for himself or herself” by setting criteria and needs of client before administration of medication can be determined.

1. Anticipated effects on the business which NAC 433 regulates:

- A. *Adverse effects:* The Division of Public and Behavioral Health does not anticipate any adverse/negative impacts to businesses or general public in the State of Nevada.
- B. *Beneficial:* The positive/beneficial effects of the proposed regulations to businesses in the State of Nevada would be clear definition of what constitutes unable to care for self, ensures client rights to understand the reason for the admission to facility, medication administration, possible side effects, and outcome if untreated.
- C. *Immediate:* As soon as the proposed regulations become effective it gives definition to practitioner on procedures for the involuntary administration of psychotropic medication to a patient at a public or private mental health facility.
- D. *Long-term:* The long-term positive/beneficial effects that mental health facilities have a procedure that provides clear criteria for involuntary administration of psychotropic medications and patients understand their rights to understand procedures to admission to facility.

2. Anticipated effects on the public:

- A. *Adverse:* The Division of Public and Behavioral Health does not anticipate any adverse/negative impacts to general public in the State of Nevada.
- B. *Beneficial:* The positive/beneficial effects of the proposed regulations to businesses in the State of Nevada would be clear definition of what constitutes unable to care for self, ensures client rights to understand the reason for the admission to facility, medication administration, possible side effects, and outcome if untreated.
- C. *Immediate:* As soon as the proposed regulations become effective it gives definition to practitioner on procedures for the involuntary administration of psychotropic medication to a patient at a public or private mental health facility.
- D. *Long-term:* The long-term positive/beneficial effects that mental health facilities have a procedure that provides clear criteria for involuntary administration of psychotropic medications and patients

understand their rights to understand procedures to admission to facility.

3. The Division of Public and Behavioral Health determined the impact on small business by soliciting responses through the Public Workshop and Small Business impact (SBI) questionnaire. SBI Statement was solicited via email to multiple listservs targeting healthcare facilities, Licensing Boards, advocacy and civil rights organizations and their members. Additionally, the information for the Public Workshop, SBI Questionnaire, SBI Statement was also provided online via the State of the Nevada, Division of Public and Behavioral health, Clinical Services web page ([Clinical Services Regulation Development web page](#)). Interested parties could also request a physical copy via email (sent via mail) or in person at the Division of Public and Behavioral Health office located at 4126 Technology Way Carson City, NV 89706.

4. The proposed regulations will not add any cost to the current regulatory enforcement activities conducted by the Division of Public and Behavioral Health.

5. The proposed regulations do not overlap or duplicate any other Nevada state or federal regulations.

6. The proposed regulations do not establish a new fee nor increase an existing fee.

Members of the public may make oral comments at this meeting. Persons wishing to submit written testimony or documentary evidence in excess of two typed, 8-1/2" x 11" pages must submit the material to the Board's Secretary, Lisa Sherych, to be received no later than 5 DAYS BEFORE MEETING DATE at the following address:

Secretary, State Board of Health
Division of Public and Behavioral Health
4150 Technology Way, Suite 300
Carson City, NV 89706
stateBOH@health.nv.gov

Written comments, testimony, or documentary evidence in excess of two typed pages will not be accepted at the time of the hearing. The purpose of this requirement is to allow Board members adequate time to review the documents.

A copy of the notice and proposed regulations are on file for inspection and/or may be copied at the following locations during normal business hours:

Nevada Division of Public and Behavioral Health
4126 Technology Way, Suite#100
Carson City, NV 89706

Nevada Division of Public and Behavioral Health

Rawson-Neal Psychiatric Hospital
1650 Community College Drive
Las Vegas, NV 89146

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

A copy of the regulations and small business impact statement can be found on-line by going to:
[the Clinical Services Regulation Development web page](#) A copy of the public hearing notice can also be found
at Nevada Legislature's web page: <https://www.leg.state.nv.us/App/Notice/A/>

Copies may be obtained in person, by mail, or by calling the Division of Public and Behavioral Health at

Nevada Central Cancer Registry
4126 Technology Wy, Suite 200
Carson City, NV 89706
E-mail: dpbhNCCR@health.nv.gov
Telephone: 775-684-5968

Copies may also be obtained from the Nevada State Library at the address listed below:

Nevada State Library & Archives
100 N. Stewart Street
Carson City, NV 89701

Per NRS 233B.064(2), upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.