

**PROPOSED REGULATION OF THE
STATE BOARD OF HEALTH**

LCB File No. R096-10

June 21, 2010

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §§1 and 2, NRS 439.150 and 439.200.

A REGULATION relating to public health; repealing fees for certain services formerly performed by the State Hygenic Laboratory (now the State Public Health Laboratory); and providing other matters properly relating thereto.

Section 1. NAC 439.650 is hereby amended to read as follows:

439.650 When an entity or person requests the services of the Health Division of the Department of Health and Human Services in collecting a sample of water, the Health Division shall charge and collect a fee of \$133 from the requester for each visit to the site by an employee of the Health Division. ~~[This fee must be charged in addition to any fees assessed pursuant to NAC 439.520, 439.530 or 439.540.]~~

Sec. 2. NAC 439.510, 439.520, 439.525, 439.530, 439.540, 439.551, 439.560, 439.570, 439.575, 439.580 and 439.590 are hereby repealed.

TEXT OF REPEALED SECTIONS

439.510 Applicability, collection and waiver of fees. (NRS 439.150, 439.200)

1. In NAC 439.520 to 439.590, inclusive, the State Board of Health prescribes fees to be charged and collected for certain services performed in the Laboratory.
2. Except as otherwise provided in subsections 3 and 4, the fee for each test specified in NAC 439.520 to 439.590, inclusive, must be collected before the analysis is started unless arrangements are made in advance with the approval of the Administrator.
3. If an applicant for any test specified in NAC 439.520 to 439.590, inclusive, declares under penalty of perjury that he does not have the money to pay the fee prescribed, the fee may be waived by the Administrator.
4. A sample submitted to the Laboratory that is required for certification or used for quality control is not subject to a fee.

439.520 Fees for separate analyses of water, wastewater and extracts from certain substances. (NRS 439.150, 439.200)

1. The fees for the analysis of certain chemicals in water, wastewater and extracts from liquids, soils, sludges, sediments, tissues and air filters are as follows:

Chemical and Method	Fee for Each Analysis
Ammonia-nitrogen	\$9
Ammonia-nitrogen, distilled	14
Antimony	22
Arsenic, hydride method	11

Chemical and Method	Fee for Each Analysis
Chloride.....	4
Cyanide.....	50
Fluoride	9
Mercury, total	17
Nitrate.....	12
Nitrite-nitrogen.....	9
Kjeldahl-nitrogen	33
Oxygen, dissolved	6
Phosphorous, ortho.....	9
Phosphorous, total	17
Selenium, hydride method.....	22
Sulfate.....	11

2. The fee set forth in this subsection for the analysis of a metal such as aluminum, arsenic, barium, boron, cadmium, calcium, chromium, copper, iron, lead, magnesium, manganese, mercury, nickel, potassium, selenium, silica, silver, sodium or zinc, is determined by the methodology used. The methodology will depend on any applicable laws relating to the analysis, the proposed use of the resulting data and the limits of the given methodology. The fees for the analysis of a metal are:

Using flame atomic absorption or inductively coupled plasma spectroscopy \$4

Using graphite furnace atomic absorption spectroscopy..... 17

3. The fees for determining the following characteristics of water, wastewater, and extracts from liquids, soils, sludges, sediments, tissues and air filters are:

Alkalinity.....	\$4
Biochemical demand for oxygen.....	29
Chemical demand for oxygen	11
Color.....	1
Conductivity	2
Hardness (including an analysis for calcium and magnesium)	8
PH.....	2
Turbidity.....	4

4. The fees for the analysis of certain substances in water, wastewater, and extracts from liquids, soils, sludges, sediments, tissues and air filters are:

Herbicides (2, 4-D and 2, 4, 5-TP).....	\$150
Oil and grease.....	31
Pesticides (endrin, lindane, methoxychlor and toxaphene).....	150
Settleable solids.....	2
Substances which absorb methylene blue	22
Total dissolved solids	11

Total suspended solids	10
Volatile suspended solids	10

439.525 Fees for preparation or extraction of certain substances for analysis. (NRS 439.150, 439.200) The fee for the preparation or extraction of a liquid, soil, sludge, sediment, tissue or an air filter for analysis are as follows:

Procedure	Fees
For weighing a high volume air filter (per weighing)	\$2
For distilled water extraction of a high volume air filter.....	10
For nitric acid extraction of a high volume air filter	10
For total metals or total recoverable metals extraction for inductively coupled plasma or atomic absorption analysis	10
For EP TOX extraction.....	10
For additional digestions required by the analytical methods before analysis of EP TOX extracts, the fee is the same as the fee charged for total metals extraction.	
For the preparation and extraction of a sample of tissue.....	15
For analyzing any parameter extracted pursuant to this section, the fee is prescribed in subsection 1 of NAC 439.520.	

439.530 Fees for combined analyses of water and wastewater. (NRS 439.150, 439.200)

The fees for performing combined analyses of water and wastewater are as follows:

Combined Analysis	Fee
Standard analysis of drinking water (consisting of examinations for alkalinity, arsenic, bicarbonate, calcium, carbonate, chloride, color, copper, fluoride, hardness, iron, magnesium, manganese, nitrate, pH, potassium, sodium, sulfate, total dissolved solids, turbidity and zinc)	\$94
Analysis of a community public water system for gross alpha radiation or gross beta radiation, or both.....	30
Analysis of a community or noncommunity, nontransient public water system for regulated volatile organic compounds using United States Environmental Protection Agency Method 502.2	120
Analysis of a community or noncommunity, nontransient public water system for regulated trihalomethanes using United States Environmental Protection Agency Method 501.2	40

439.540 Administrative fee. (NRS 439.150, 439.200) In addition to the appropriate fee or fees listed in NAC 439.520 and 439.530, an administrative fee of \$6 must be charged and collected for each sample submitted to the State Hygienic Laboratory for an analysis.

439.551 Fees for tests of water or wastewater for coliform or streptococci. (NRS 439.150, 439.200) The State Hygienic Laboratory shall charge and collect the following fees for each sample of water or wastewater submitted for the following tests:

1. Total coliform\$12
2. Fecal coliform\$12
3. Fecal streptococci.....\$12

439.560 Fees for certain tests of samples of blood. (NRS 439.150, 439.200) The State Hygienic Laboratory shall charge and collect the following fees for each sample of blood submitted for the following tests:

1. The antibody to the human T-cell lymphotropic virus III (including Western Blot).....\$5
2. Hepatitis B, individual markers.....\$8

439.570 Fee for test for chlamydia trachomatis. (NRS 439.150, 439.200) Except as otherwise provided in NAC 439.575, the State Hygienic Laboratory shall charge and collect a fee of \$4.50 for a test for chlamydia trachomatis collected by urethral and endocervical swabs.

439.575 Fees for deoxyribonucleic acid probe tests. (NRS 439.150, 439.200) The State Hygienic Laboratory shall charge and collect the following fees for each sample submitted for a deoxyribonucleic acid probe test:

1. Deoxyribonucleic acid probe test for neisseria gonorrhoeae\$6
2. Deoxyribonucleic acid probe test for chlamydia trachomatis.....\$6

439.580 Fee for each culture submitted for neisseria gonorrhoeae testing. (NRS 439.150, 439.200) The State Hygienic Laboratory shall charge and collect a fee of \$6 for each culture submitted for neisseria gonorrhoeae testing.

439.590 Fee for each sample of blood submitted for syphilis testing. (NRS 439.150, **439.200**) The State Hygienic Laboratory shall charge and collect a fee of \$6 for each sample of blood submitted for syphilis testing.