

**PROPOSED TEMPORARY REGULATION OF THE
HEALTH DIVISION OF THE DEPARTMENT
OF HUMAN RESOURCES**

Section 1. Chapter 453A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 4, inclusive of this regulation.

Section 2. *“Division” means the health division of the department of human resources.*

Section 3. *“State health officer” means the state health officer or in the absence of a state health officer, the designee of the administrator of the division.*

Section 4. *1. A person may submit to the state health officer a petition in the form prescribed by the division requesting that a particular disease or condition qualify as chronic or debilitating medical condition.*

2. The content of a petition is confidential and except as provided in section 7, the division shall not disclose the name or other identifying information of the attending physician or the person who submitted the petition.

3. The division, through the state health officer, will approve or deny a petition within 180 days after the division receives the petition.

Section 5. *1. The state health officer will review the submitted petition to determine if*

a. The application is complete; and

b. The medical condition or disease described in the petition has already qualified as a chronic or debilitating medical condition pursuant to NRS 453.050.

2. Petitions submitted to the state health officer that are not on the required form, do not include the required information, or described a medical condition or disease already included under NRS 453.050 will be returned to the petitioner by mail with an explanation of the reason for return.

Section 6. *If the petition is accepted under section 5, the state health officer will determine if the division will approve the medical condition or disease described in the petition as a chronic or debilitating medical condition.*

Section 7. *Within 10 working days after the state health officer has approved or denied a petition, the division will transmit a copy of the decision to:*

1. The petitioner; and

2. The director of the department.

Section 8. *The decision of the division, through the state health officer, to deny a petition is a final decision for the purposes of judicial review.*

INFORMATIONAL STATEMENT

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

Answer: Public comment was solicited through newspaper legal notices announcing the public workshops on September 10 and 12, 2002. Legal notices were published on the following days:

Las Vegas Review Journal:	August 22 and August 25, 2002
Las Vegas Sun:	August 22 and August 25, 2002
Reno Gazette Journal:	August 21 and August 25, 2002
Nevada Appeal:	August 22 and August 25, 2002

A copy of the proposed, draft regulation language, the Small Business Impact Statement and the proposed Petition Form were also made available at each main county library. A copy of the Public Notice is attached.

2. **The Number of persons who:**
 - (a) Attended each hearing.
 - (b) Testified at each hearing.
 - (c) Submitted written statements to the agency.

Answer:

- (a) Two individuals from the State Department of Agriculture attended the public workshop on September 10, 2002 in Carson City.
- (b) No individuals testified at the public workshops
- (c) No written statements were submitted to the Health Division

3. **A description of how comment was solicited from affected businesses, a summary of their response(s), and an explanation of how other interested individuals may obtain a copy of the summary.**

Answer: Pursuant to the Small Business Impact Statement prepared by the Health Division, no business, small or large, will be affected by the adoption of the proposed regulation. Therefore, specific comment was not solicited from businesses. Interested individuals may obtain a copy by contacting the Nevada State Health Division at 505 E. King Street, Room 201, Carson City, NV 89701 or by calling (775) 694-4200. Additionally, a copy of the regulations remains on file at each county library.

4. **If the regulation was adopted without changing any part of the proposed regulation, a summary of the reason for adopting the regulation without change.**

Answer: Not Applicable

5. 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.

(b) both immediate and long term effects.

Answer: Not applicable. No legal businesses are to be regulated.

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

Answer: The cost to the Health Division to adopt regulations will be approximately \$4,000. Estimated costs to the agency to evaluate petitions submitted pursuant to the regulations is expected to be negligible.

7. 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, the name of the regulating federal agency.

Answer: Not applicable. No overlap or duplication is created.

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

Answer: Not applicable.

9. 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.

Answer: Not applicable.

10. If the agency is required to adopt this regulation pursuant to a federal statute or regulation; and exceeds the agency's specific statutory authority or sets forth requirements more stringent than a statute of this state, includes a statement that adoption of the regulation is required by federal statute or regulation.

Answer: Not applicable.