

LCB File No. R042-03

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

(This proposed regulation was previously adopted as LCB File No. T007-02)

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.*