

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

**LCB File No. R042-03**

August 25, 2003

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

AUTHORITY: §§1-9, NRS 453A.710.

**Section 1.** Chapter 453A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this regulation.

**Sec. 2.** *“Division” means the Health Division of the Department of Human Resources.*

**Sec. 3.** *“State Health Officer” means:*

*1. The State Health Officer appointed pursuant to NRS 439.100; or*

*2. The designee of the Administrator of the Division, if:*

*(a) No State Health Officer has been appointed pursuant to NRS 439.100;*

*(b) The position of State Health Officer appointed pursuant NRS 439.100 is vacant; or*

*(c) The State Health Officer appointed pursuant to NRS 439.100 is absent from the State.*

**Sec. 4.** *1. A person may submit to the State Health Officer, in the form prescribed by the Division, a petition requesting that a particular disease or condition be included among the diseases and conditions that qualify as chronic or debilitating medical conditions.*

*2. The contents of a petition submitted pursuant to subsection 1 are confidential and, except as otherwise provided in section 7 of this regulation, neither the State Health Officer nor the Division shall disclose the name or other identifying information of:*

*(a) The person who submitted the petition; or*

*(b) The attending physician, if any, of the person who submitted the petition.*

*3. The Division, through the State Health Officer, will approve a petition submitted pursuant to subsection 1 within 180 days after the date on which the petition is received.*

*Sec. 5. 1. The State Health Officer will review each petition that is submitted pursuant to subsection 1 of section 4 of this regulation to determine whether:*

*(a) The petition is in the form prescribed by the Division;*

*(b) The petition is complete; and*

*(c) The particular disease or condition described in the petition is already included among the diseases and conditions that qualify as chronic or debilitating medical conditions.*

*2. If, as determined by the State Health Officer, the petition:*

*(a) Is not in the form prescribed by the Division;*

*(b) Is not complete; or*

*(c) Describes a particular disease or condition that is already included among the diseases and conditions that qualify as chronic or debilitating medical conditions,*

*the State Health Officer will refuse to accept the petition and will return the petition to the person that submitted the petition, accompanied by an explanation of the reason for its return.*

*Sec. 6. 1. If a petition that is submitted pursuant to subsection 1 of section 4 of this regulation is determined by the State Health Officer to meet the requirements for submittal that are set forth in section 5 of this regulation, the State Health Officer will determine whether the Division will include the particular disease or condition that is described in the petition among the diseases and conditions that qualify as chronic or debilitating medical conditions.*

*2. The determination of the State Health Officer as to whether the Division will include a particular disease or condition among the diseases and conditions that qualify as chronic or debilitating medical conditions must be made in consideration of, without limitation:*

*(a) The symptoms of the disease or condition;*

*(b) The expected duration of the symptoms of the disease or condition;*

*(c) The medical treatments available for the disease or condition;*

*(d) The side effects of the medical treatments available for the disease or condition, including, without limitation, the duration of those side effects; and*

*(e) The presentation of scientific literature regarding the disease or condition.*

**Sec. 7.** *Within 10 working days after the date on which the State Health Officer approves or denies a petition that is submitted pursuant to subsection 1 of section 4 of this regulation, the Division will transmit a copy of the approval or denial to:*

*1. The person who submitted the petition; and*

*2. The Director of the Department.*

**Sec. 8.** *The decision of the State Health Officer to deny a petition that is submitted pursuant to subsection 1 of section 4 of this regulation is a final decision for the purposes of judicial review.*

**Sec. 9.** NAC 453A.010 is hereby amended to read as follows:

453A.010 As used in NAC 453A.010 to 453A.150, inclusive, *and sections 2 to 8, inclusive, of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 453A.020 to 453A.060, inclusive, *and sections 2 and 3 of this regulation* have the meanings ascribed to them in those sections.