

**ADOPTED REGULATION OF THE  
STATE BOARD OF HEALTH**

**LCB File No. R118-03**

Effective December 4, 2003

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

AUTHORITY: §1, NRS 439.150 and 439.200.

**Section 1.** NAC 439.500 is hereby amended to read as follows:

439.500 1. For ~~persons who are~~ *a client who is* able to pay ~~the fees to be charged and collected by~~ *and who does not qualify pursuant to 42 U.S.C. §§ 300 et seq. for services and medications concerning family planning*, the Bureau of Community Health ~~Services~~ of the Health Division *of the Department of Human Resources shall charge and collect the following fees* for the services and medications provided by ~~the nurses~~ *a nurse* of the Bureau : ~~are as follows:~~

*Annual Gross Income of Household  
(As Percentage of Federal Poverty Level)*

Services and medications	Category I	Category II
	<i>&lt;250%</i>	<i>&gt;250%</i>
Administering <i>a</i> vaccine against influenza <del>for</del> <del>pneumonia</del> , <i>other than hemophilus B</i> <i>influenza, in addition to the cost of the</i> <i>vaccine</i> .....	<del>[\$5]</del> \$15	<del>[\$10]</del> \$20
<i>Administering a vaccine against pneumonia</i> <i>using a vaccine other than Pneumococcal</i> <i>Conjugate Vaccine 7-Valent (PCV7), in</i> <i>addition to the cost of the vaccine</i> .....	15	20
Administering <i>a</i> vaccine against both influenza , <i>other than hemophilus B</i> <i>influenza, and pneumonia using a vaccine</i> <i>other than Pneumococcal Conjugate</i> <i>Vaccine 7-Valent (PCV7), in addition to</i> <i>the cost of the vaccine</i> .....	<del>10</del> 15	20

*Annual Gross Income of Household  
(As Percentage of Federal Poverty Level)*

	Category I	Category II
	<i>&lt;250%</i>	<i>&gt;250%</i>

<p><del>[Providing]</del> <i>Administering</i> an injection prescribed by a physician <i>and provided by</i> <i>a client</i>.....</p>	<p><del>[7]</del> 15</p>	<p><del>[10]</del> 20</p>
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<p><del>Providing and administering an immunization for a child who is less than 20 years of age against one or more diseases that may be prevented with a vaccine, such as diphtheria, polio, measles, mumps, rubella, pertussis, tetanus, hemophilus B influenza, chicken pox (varicella), Pneumococcal Conjugate Vaccine 7 Valent (PCV7) for pneumonia and others as may be available</del> .....</p>	<p><del>[6]</del> 15</p>	<p><del>[8]</del> 20</p>
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*Annual Gross Income of Household  
(As Percentage of Federal Poverty Level)*

	Category I	Category II
	<i>&lt;250%</i>	<i>&gt;250%</i>
Services and medications		
Providing <i>and administering</i> an immunization for a person who is 20 years of age or older against one or more diseases that may be prevented with a vaccine, such as diphtheria, polio, measles, mumps, rubella, tetanus , <i>hemophilus B influenza, chicken pox (varicella)</i> and others as may be available.....	<del>[6]</del> 15	<del>[8]</del> 20
<i>Providing and administering a hepatitis A vaccine or hepatitis B vaccine, or a combination thereof, to a person who is eligible to receive the vaccine free of charge pursuant to any program of the State or Federal Government.....</i>	<i>15</i>	<i>20</i>

*Annual Gross Income of Household*  
*(As Percentage of Federal Poverty Level)*

Services and medications	Category I	Category II
	<i>&lt;250%</i>	<i>&gt;250%</i>
Administering <i>a hepatitis A vaccine or</i> hepatitis B vaccine , <i>or a combination</i> <i>thereof</i> , to a person who is not otherwise eligible to receive the vaccine free of charge pursuant to any program of the State or Federal Government, in addition to the cost of the vaccine .....	<del>[10]</del> 15	<del>[10]</del> 20
Providing a duplicate immunization record after providing an initial record.....	<del>[4]</del> 10	<del>[2]</del> 10
<del>[Providing]</del> <i>Administering</i> immune globulin or hepatitis B immune globulin, when ordered by a physician as prophylaxis following exposure to an infectious disease, in addition to the cost of the vaccine.....	<del>[7]</del> 15	<del>[10]</del> 20
Performing a physical examination of one system.....	<del>[7]</del> 26	<del>[10]</del> 39

*Annual Gross Income of Household  
(As Percentage of Federal Poverty Level)*

	Category I	Category II
	<i>&lt;250%</i>	<i>&gt;250%</i>
Services and medications		
Performing a physical examination of an adult, including, but not limited to, an examination of height, weight, heart, lungs, vision, hearing and reflexes, and completing any form .....	<del>[20]</del> 40	<del>[30]</del> 60
Performing a physical examination of a child, including screening of developmental status, height, weight, hemoglobin, counseling concerning diet, sleep, elimination, growth and development, and completing any report to a child care facility or school.....	<del>[20]</del> 40	<del>[30]</del> 60
Performing a physical examination of an infant, including a physical and developmental evaluation of the infant and parental counseling and education, per year .....	<del>[35]</del> 40	<del>[45]</del> 60

*Annual Gross Income of Household  
(As Percentage of Federal Poverty Level)*

Services and medications	Category I	Category II
	<i>&lt;250%</i>	<i>&gt;250%</i>
Performing a physical examination to screen for cancer, including a pap smear and examination of the breasts, screening for testicular cancer and screening for colorectal cancer.....	<del>[35]</del> <b>60</b>	<del>[50]</del> <b>90</b>
Performing a colposcopy examination to screen for cancer.....	<del>[32]</del> <b>90</b>	<del>[64]</del> <b>120</b>
<i>Performing an endometrial biopsy to screen            for cancer.....</i>	<i>85</i>	<i>100</i>
Performing a cervical biopsy and endocervical curettage to screen for cancer .....	<del>[23]</del> <b>44</b>	<del>[47]</del> <b>66</b>
Performing cryosurgery procedures for dysplasia .....	63	<del>[125]</del> <b>126</b>

*Annual Gross Income of Household  
(As Percentage of Federal Poverty Level)*

	Category I	Category II
	<i>&lt;250%</i>	<i>&gt;250%</i>
Services and medications		
Performing ongoing screening of an adult, including necessary surveillance and counseling, checking blood pressure and screening for, without limitation, chronic illness, diabetes, hypertension, obesity, complications of pregnancy, lung disease and heart disease, per year.....	<del>[35]</del> <b>45</b>	<del>[50]</del> <b>60</b>
<del>[Testing the skin of a person for tuberculosis when the test is required for a health card, teacher's certificate or similar credential .....</del>	<del>5</del>	<del>8]</del>
Testing the skin of a person for tuberculosis  <del>[when the client is a known contact of a person suspected of having tuberculosis]</del>  <i>using a Purified Protein Derivative (PPD).....</i>	<del>[5]</del> <b>20</b>	<del>[8]</del> <b>25</b>

*Annual Gross Income of Household  
(As Percentage of Federal Poverty Level)*

Services and medications	Category I	Category II
	<i>&lt;250%</i>	<i>&gt;250%</i>
Testing and counseling for <del>human immunodeficiency virus (a person in category II shall also pay the costs for the laboratory analysis)</del> <i>Human Immunodeficiency Virus</i> .....	<del>[15]</del> <i>30</i>	<del>[20]</del> <i>45</i>
Testing <i>and counseling</i> for a sexually transmitted disease other than <del>human immunodeficiency virus,</del> <i>Human Immunodeficiency Virus</i> , in addition to the cost for the laboratory analysis.....	<del>[15]</del> <i>27</i>	<del>[20]</del> <i>44</i>
<del>[Laboratory tests, other than those performed in conjunction with an annual or initial examination: Hematocrit or hemoglobin.....</del>	<del>3</del>	<del>5</del>
<del>Test, by kit, for fecal occult blood .....</del>	<del>6</del>	<del>8</del>
<del>Urinalysis (reagent strip).....</del>	<del>3</del>	<del>6</del>
<del>Drawing fee for venipuncture .....</del>	<del>3</del>	<del>4</del>

*Annual Gross Income of Household  
(As Percentage of Federal Poverty Level)*

	Category I	Category II
	<i>&lt;250%</i>	<i>&gt;250%</i>
Services and medications		
<del>Other testing] Testing, other than pregnancy testing, or collection of specimen not specified in this table, in addition to the cost for the laboratory analysis.....</del>	<del>7</del>	10
Dispensing and providing instruction in the use of medication, in addition to the cost of the medicine provided, per medication .....	<del>[7] 15</del>	<del>[10] 20</del>
<del>[Administering medication for hormone replacement therapy .....</del>	<del>15</del>	<del>25]</del>
Direct professional nursing service <del>[:] by community health nurse:</del>		
<del>[Community health nurse (] Registered Nurse (CHN II), per hour [)]</del> .....	<del>[44] 45</del>	<del>[50] 85</del>
<del>[Nurse practitioner (] Advanced Practitioner of Nursing (CHN III), per hour [)]</del> .....	<del>[49] 50</del>	<del>[55] 90</del>

*Annual Gross Income of Household  
(As Percentage of Federal Poverty Level)*

Services and medications	Category I	Category II
	<i>&lt;250%</i>	<i>&gt;250%</i>
Administering medication or providing instruction in the use of antibiotic medication for sexually transmitted diseases, in addition to the cost of the medicine provided .....	<del>{0}</del> 20	<del>{15}</del> 30
Providing instruction for the control of parasites, in addition to the cost of the medicine provided .....	<del>{5}</del> 15	<del>{15}</del> 20
Processing a check returned for insufficient funds .....	<del>{20}</del> 25	<del>{30}</del> 25
Completing a form or record upon the request of a person relating to the health of that person, when a physical examination is not required.....	<del>{5}</del> 15	<del>{8}</del> 20
<i>Vaccines:</i>		
<i>Hepatitis A, per dose.....</i>	<i>20</i>	<i>25</i>
<i>Hepatitis B, per dose.....</i>	<i>30</i>	<i>35</i>

*Annual Gross Income of Household*  
*(As Percentage of Federal Poverty Level)*

Services and medications	Category I	Category II
	<i>&lt;250%</i>	<i>&gt;250%</i>
<i>Hepatitis A and B combination.....</i>	<i>50</i>	<i>60</i>
<i>Influenza, other than vaccine for</i>		
<i>hemophilus B influenza .....</i>	<i>10</i>	<i>20</i>
<i>Pneumonia, other than Pneumococcal</i>		
<i>Conjugate Vaccine 7-Valent (PCV7).....</i>	<i>15</i>	<i>20</i>
 <i>Laboratory Tests:</i>		
<i>Chlamydia screening: GenProbe .....</i>	<i>12</i>	<i>24</i>
<i>Chlamydia screening: Urine test - Nucleic</i>		
<i>Acid Amplification Tests (NAATS).....</i>	<i>24</i>	<i>48</i>
<i>Gonorrhea cocci: Gen-Probe .....</i>	<i>12</i>	<i>24</i>
<i>Gonorrhea cocci: Urine test - Nucleic</i>		
<i>Acid Amplification Tests (NAATS).....</i>	<i>24</i>	<i>48</i>
<i>Blood test for syphilis - Reactive Plasma</i>		
<i>Reagent (RPR) .....</i>	<i>12</i>	<i>24</i>
<i>Test for Human Immunodeficiency Virus</i>		
<i>(HIV) antibody .....</i>	<i>15</i>	<i>30</i>

*Annual Gross Income of Household  
(As Percentage of Federal Poverty Level)*

Services and medications	Category I	Category II
	<i>&lt;250%</i>	<i>&gt;250%</i>
<i>Hepatitis A, B or C analysis .....</i>	<i>18</i>	<i>28</i>
<i>Hematocrit or hemoglobin .....</i>	<i>8</i>	<i>12</i>
<i>Pertussis .....</i>	<i>65</i>	<i>85</i>
<i>Fecal occult blood .....</i>	<i>8</i>	<i>12</i>
<i>Urinalysis (reagent strip).....</i>	<i>8</i>	<i>12</i>
<i>Drawing fee for venipuncture .....</i>	<i>8</i>	<i>14</i>
<i>Laboratory tests, other than those listed</i>		
<i>above or performed in conjunction</i>		
<i>with an annual or initial examination .....</i>	<i>8</i>	<i>12</i>

2. ~~[A person]~~ *For a client described in subsection 1* who is not able to pay a fee listed in subsection 1 ~~[will be asked]~~, *the Bureau of Community Health:*

*(a) May not deny the services or medications provided by a nurse of the Bureau to the client; and*

*(b) Shall ask the client* to make a donation to help cover the cost of the service or medication.

3. For the purposes of this section, ~~[a person will be charged]~~ *except as otherwise provided in subsection 2, the Bureau shall charge a client described in subsection 1* the fees listed in:

(a) Category I if the annual gross income of ~~[his immediate family is not more than 249]~~ *the household of the client is less than 250* percent of the poverty level designated by the United States Department of Health and Human Services.

(b) Category II if the annual gross income of ~~[his immediate family]~~ *the household of the client* is at least 250 percent of the poverty level designated by the United States Department of Health and Human Services.

4. *As used in this section, “household” means an association of persons who live together as a single economic unit, regardless of whether they are related.*

**NOTICE OF ADOPTION OF PROPOSED REGULATION  
LCB File No. R118-03**

The State Board of Health adopted regulations assigned LCB File No. R118-03 which pertain to chapter 439 of the Nevada Administrative Code on October 24, 2003.

**Notice date:** 9/24/2003  
**Hearing date:** 10/24/2003

**Date of adoption by agency:** 10/24/2003  
**Filing date:** 12/4/2003

**INFORMATIONAL STATEMENT**

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

Notice of public workshops regarding the adoption of amendments to NAC 439 was published in the Battle Mountain Bugle, Comstock Chronicle, Elko Daily Free Press, Ely Times, Fernley Leader - Dayton Courier, High Desert Advocate, Lahonton Valley News, Lovelock Review-Miner, Mineral County Independent News, Nevada Appeal, The Humboldt Sun, The Record Courier, Lincoln County Record, Pahrump Valley Times, Tonopah Times/Eureka Sentinel on or before June 6, 2003.

In addition, copies of the proposed regulations were available on or before September 12, 2003 during normal office hours at:

- Bureau of Community Health Central Office, Carson City.
- Bureau of Community Health Public Health Clinics in 15 rural counties at 18 clinic sites with the exception of Clark and Washoe counties.
- County Libraries in 15 rural counties with the exception of Clark and Washoe counties.
- Health Division Webpage.

**2. The number of persons who:**

- a. **Attended the hearing:** No attendance at the public workshops.
- b. **Testified at each hearing:** No public comment.
- c. **Submitted to the agency written statements:** None.

**3. Description of how comment was solicited from affected businesses, a summary of their response and an explanation how other interested persons may obtain a copy of the summary.**

There was no public comment at the public workshops held June 24, 2003, at the Elko County Court House in Elko; June 26, 2003, at the Bob Ruud Community Center in Pahrump; and July 28, 2003, at the County Administrative Building in Fallon.

Interested persons may obtain a copy of the summary from the Bureau of Community Health.

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

There was no public comment regarding changing the proposed regulation.

**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; and**
- b. Both immediate and long-term effects.**

Effect of regulation on the business it is to regulate:

The beneficial effects of increasing fees allow the Bureau of Community Health to generate revenue sufficient to maintain necessary community health nursing services and medical and pharmaceutical supplies. The existing fee schedules were done in 1992 and are calculated to be 65% below the State Agency's actual cost of providing services. An adverse effect would be that without the adoption of the proposed fee increases, the State Agency will collect approximately \$456,391 less than the budgeted costs of providing the necessary community health nursing services to rural communities.

Effect of regulation on the public:

The beneficial effects to the public is that the under insured, non-insured, and indigent individuals will be served and be provided necessary prevention services. Additionally, a reduction of capping of services and waiting lists would result. The public would feel no adverse effects.

Immediate and long-term effects on business regulated:

Prevention services are sustained to the clients served in the Community Health Clinics. In the long-term, maintain level cost with medical and pharmaceutical supplies, operating expenses, and compliance with federal mandates that were not funded.

Immediate and long-term effects on public:

The immediate effect will allow the public to receive services on a sliding scale fee based on public health prices, which are lower in cost than can be obtained through a private provider or emergency room. In the long-term, fee increases will allow the State Agency to continue providing services to low income, under insured residents of rural Nevada.

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

None.

**7. A description of any regulations of other state of 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, name the regulating federal agency.**

None.

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

None.

**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.**

It is anticipated that over the course of one fiscal year an additional \$456,391 (approximately) would be generated for nursing services. These fees will help the program maintain the standard of service, including purchasing medical equipment and pharmaceuticals.