

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

LCB File No. R105-05

Effective December 29, 2005

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

AUTHORITY: §1, NRS 439.150 and 439.200.

A REGULATION relating to health; revising the fees to be charged for early intervention services for infants and toddlers with disabilities provided by the Bureau of Early Intervention Services of the Health Division of the Department of Health and Human Services; and providing other matters properly relating thereto.

Section 1. NAC 442.210 is hereby amended to read as follows:

442.210 1. The ~~[State Board of Health establishes the following fees to be charged and collected for services performed in the special children's clinics of the Bureau of Family Health Services of the]~~ Health Division ~~[:~~

CODE	SERVICE	FEE
90825	Projective testing (1 hour)	—\$89.00
90830	Psychometric testing (1 hour)	—89.00
	Psychotherapy, verbal or play therapy, or both, behavior modification	
90844	(45-50 minutes)	—89.00
90853	Group therapy for eight persons or less, per person per hour	—22.00
99205	Initial medical history and comprehensive physical examination (60	—109.00

CODE	SERVICE	FEE
	minutes)	
92204	Intermediate service for a new patient (45 minutes)	88.00
92506	Evaluation of speech and language (30 minutes)	40.00
92507	Speech or language therapy, or both, for one person (30 minutes)	22.00
92508	Group therapy per person (30 minutes)	7.00
92551	Audiometry (basic screening, pure tone, air)	17.00
92552	Testing for pure tone threshold (air only)	27.00
92553	Testing for pure tone threshold (air and bone)	33.00
92555	Testing for speech threshold	17.00
92556	Testing for speech threshold and discrimination	33.00
92557	Basic comprehensive audiometry	67.00
92567	Testing for impedance	30.00
92582	Conditioned play audiometry	27.00
92590	Hearing aid examination and selection; monaural	25.00
92591	Hearing aid examination and selection; binaural	30.00
92592	Hearing aid check; monaural	10.00
92593	Hearing aid check; binaural	15.00
92594	Electroacoustic evaluation for hearing aid: monaural	15.00
92595	Electroacoustic evaluation for hearing aid: binaural	20.00
92599	Unlisted otorhinolaryngological screening	75.00
92599	Unlisted otorhinolaryngological diagnostic	125.00

CODE	SERVICE	FEE
	Physical therapy—activities to increase physical coordination,	
97110	strength or range of motion or a combination (30 minutes)—	—28.00
97145	Additional 15 minutes under 97110—	—14.00
97520	Orthotics training (30 minutes)—	—33.00
97530	Kinetic activities (30 minutes)—	—41.00
97540	Activities of daily living evaluation (30 minutes)—	—33.00
97541	Additional 15 minutes under 97540—	—11.00
97700	Orthotic evaluation test of measurement (30 minutes)—	—50.00
97701	Additional 15 minutes under 97700—	—17.00
97720	Physical therapy extremity testing (30 minutes)—	—41.00
97721	Additional 15 minutes under 97720—	—20.00
	Unlisted special service or report—rehabilitative therapy—individual	
99199	(60 minutes)—	—94.00
	Unlisted special service or report—rehabilitative therapy—group—	
99199	group rate, per person, per hour—	—25.00
99213	Office visit (15 minutes)—	—36.00
99215	Comprehensive reexamination (40 minutes)—	—58.00
99241	Weight check, nutrition (15 minutes)—	—44.00
99242	Nutrition follow-up after initial visit (30 minutes)—	—69.00
99243	Extended nutrition follow-up (40 minutes)—	—89.00
99244	Nutrition evaluation (60 minutes)—	—124.00

CODE	SERVICE	FEE
	Diagnostic team conference with physician, speech therapist,	
99362	psychologist and social worker (45 minutes)—	—235.00
99499	Medical case management (30 minutes)—	—72.00
E02006	Rehabilitative therapy—individual (60 minutes)	—62.50
E02007	Group therapy for six persons or less, per person, per hour—	—16.50
X09028	Case management (60 minutes)—	—62.50

~~2.—The codes and the descriptions of the services set forth in subsection 1 are from Physicians' Current Procedural Terminology, 1992 edition, which is published by the American Medical Association and which is hereby adopted by reference. A copy of this publication may be obtained from Book and Pamphlet Fulfillment: OP-361/6, American Medical Association, P.O. Box 10950, Chicago, Illinois 60610-0946, for the price of \$38.~~

~~3.—Unless specifically prohibited by federal law, the Bureau of Family Health Services shall require the parents of a child who receives services performed in a special children's clinic to pay a portion of the cost of the services received, if the parents' adjusted gross annual income exceeds 200 percent of the level of poverty designated by the United States Department of Health and Human Services for a family the size of the child's family. For each \$100 or portion thereof that the parents' monthly income exceeds that threshold, the parents shall contribute an amount equal to 10 percent of the cost set forth in subsection 1 for each service performed in the special children's clinic. The cost so paid by the parents may not exceed 100 percent of the cost set forth in subsection 1.~~

~~—4. For the purposes of subsection 3:~~

~~—(a) The parents’ “adjusted gross annual income” is equal to their gross annual income minus all medical expenses for the calendar year; and~~

~~—(b) The “monthly income” of the parents is equal to the adjusted gross annual income divided~~

~~by 12.] of the Department of Health and Human Services shall charge and collect fees for early intervention services provided to an infant or toddler with a disability by the Bureau of Early Intervention Services of the Health Division. The fees must be based upon and not exceed the actual cost to the Health Division to provide such services.~~

2. *The Health Division shall maintain a copy of the current schedule of fees at each location in which services are provided by the Bureau of Early Intervention Services. A copy of the schedule of fees may be obtained, free of charge, from the Bureau of Early Intervention Services at the Internet address <<http://health2k.state.nv.us/BEIS/>>, by mail at 3427 Goni Road, Suite 108, Carson City, Nevada 89706, or by telephone at (775) 684-3460.*

3. *The Bureau may develop a sliding schedule of fees for families that receive early intervention services to pay a percentage of the full fee based on the size and income of the family as set forth in the federal guidelines of poverty established by the United States Department of Health and Human Services.*

4. *As used in this section:*

(a) *“Early intervention services” has the meaning ascribed to it in the Individuals with Disabilities Education Act, 20 U.S.C. § 1432(4); and*

(b) *“Infant or toddler with a disability” has the meaning ascribed to it in the Individuals with Disabilities Education Act, 20 U.S.C. § 1432(5).*

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R105-05

The State Board of Health adopted regulations assigned LCB File No. R105-05 which pertain to chapter 442 of the Nevada Administrative Code on December 9, 2005.

Notice date: 11/8/2005
Hearing date: 12/9/2005

Date of adoption by agency: 12/9/2005
Filing date: 12/29/2005

INFORMATIONAL STATEMENT

1. A 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.

Public comment was solicited through newspaper legal notices announcing the public workshops on September 6, 2005. Legal notices were published on the following days: Las Vegas Review Journal, August 5, 2005; Elko Daily Free Press, August 5, 2005; and Reno Gazette Journal, August 4, 2005. A public hearing was conducted on October 14, 2005 and the regulations were adopted, but due to insufficient public notice a second public hearing was held on December 9, 2005 and the regulations were re-adopted. A copy of the proposed, draft regulation language, the Small Business Impact Statement and the proposed petition forms were also made available at each main county library.

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

Two individuals from the Bureau of Early Intervention Services, State Health Division attended the public workshop on September 6, 2005. No individuals testified at the public workshop. No written statements were submitted to the Health Division for either hearing conducted on October 14, 2005 or December 9, 2005.

3. A 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.

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. Interested individuals may obtain a copy by contacting the Bureau of Early Intervention Services at 3427 Goni Rd., Ste. 108, Carson City, Nevada, 89706 or (775)684-3460.

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. The statement should also explain the reasons for making any changes to the regulation as proposed.

No testimony was received in opposition to the proposed regulation, and no suggested changes were submitted to 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.

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, no legal businesses are to be regulated.

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

Fiscal staff of the Bureau of Early Intervention Services will be required to calculate annually the actual cost of each service provided by procedural code. Staff time is expected to be five to seven working days.

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, name the regulating federal agency.

Not applicable – no overlap or duplication is created.

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

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.

Not applicable

Nevada State Health Division
SMALL BUSINESS IMPACT STATEMENT
(Nevada Revised Statutes 233B.0608)

Proposed Amendment of Nevada Administrative Code (NAC) 442.210(1)(2)(3)

MATERNAL AND CHILD HEALTH; ABORTION

Background:

Proposal to adopt Permanent Regulations Under Nevada Administrative Code (NAC) 442.210(1)(2)(3); petitions pertaining to the amendment of NAC 442.210(1)(2)(3) to remove the procedural codes, services and fees as listed in NAC 442.210(1) to allow the Bureau of Early Intervention Services to establish annually the actual cost to provide specific early intervention services 442.210(1)(2)(3). Permissive language for a sliding fee system allows the establishment of a fee system, when deemed appropriate.

Interested individuals can obtain a copy of the information packet, including the Small Business Impact Questionnaire, no small business will be affected by the adoption of the proposed amendments; therefore, specific comment was not solicited from business, from Melanie Whitney in the Bureau of Early Intervention, 3427 Goni Rd., Ste. 108, Carson City, Nevada 89706.

1. A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.

Pursuant to NRS 233B.0608(2)(a), the Bureau of Early Intervention Services did not request input from small businesses because no small business would be affected by the proposed regulation.

2. The estimated economic effect of the proposed regulation on the small businesses which it is to regulate including without limitation both adverse and beneficial effects and both direct and indirect effects.

Removing the procedural codes, services, and fees as listed in NAC 442.210(1) allows the Bureau of Early Intervention Services to establish annually the actual cost to provide specific early intervention services and does not require a NAC revision to add a new procedural code or increase the fee amount by the State Board of Health.

3. A description of the methods that the Bureau of Early Intervention Services considered to reduce the impact of the proposed regulation on small businesses and statement regarding whether the agency actually used those methods.

Not applicable – No overlap or duplication is created.

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

Fiscal staff of the Bureau of Early Intervention Services will be required to calculate annually the actual cost of each services by procedural. Staff time is expected to be 5-7 working days.

5. Total amount the Bureau of Early Intervention Services expects to collect from any fees and the manner in which the money will be used.

In FY 06-07, the Bureau of Early Intervention Services has \$1,447,377 in budget revenue authority from third party payors, i.e., Medicaid and private insurance. Collected fees fund personnel providing specialized instruction and therapies and their associated costs.

6. An explanation of why any duplicative or more stringent provisions than federal, state or local standards regulating the same activity are necessary.

Not applicable.