

**LCB File No. R105-05**

**PROPOSED REGULATION OF THE  
STATE BOARD OF HEALTH**

These amendments will be brought before the public during a workshop held in September 2005. It is planned that these regulation amendments will go before the State Board of Health for adoption during the October 14, 2005 meeting.

**CHAPTER 442 – MATERNAL AND CHILD HEALTH; ABORTION**

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

**NAC 442.210 Fees for *early intervention* services *for children performed by the Health Division* ~~[in special children’s clinics.]~~ (NRS 439.150, 439.200)**

**1. *Fees charged by the Health Division’s Bureau of Early Intervention Services shall be based upon the actual cost to provide such services. Individual fees will be calculated based upon a unit of service cost.***

~~[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:]~~

<del>[CODE]</del>	<del>[SERVICE]</del>	<del>[FEE]</del>
<del>[90825]</del>	<del>[Projective testing (1 hour).....]</del>	<del>[..\$89.00]</del>
<del>[90830]</del>	<del>[Psychometric testing (1 hour).....]</del>	<del>[... 89.00]</del>
<del>[90844]</del>	<del>[Psychotherapy, verbal or play therapy, or both, behavior modification (45-50 minutes).....]</del>	<del>[...89.00]</del>
<del>[90853]</del>	<del>[Group therapy for eight persons or less, per person per hour.....]</del>	<del>[... 22.00]</del>
<del>[99205]</del>	<del>[Initial medical history and comprehensive physical examination (60 minutes).....]</del>	<del>[..109.00]</del>
<del>[92204]</del>	<del>[Intermediate service for a new patient (45 minutes).....]</del>	<del>[...88.00]</del>
<del>[92506]</del>	<del>[Evaluation of speech and language (30 minutes).....]</del>	<del>[...40.00]</del>
<del>[92507]</del>	<del>[Speech or language therapy, or both, for one person (30 minutes).....]</del>	<del>[...22.00]</del>
<del>[92508]</del>	<del>[Group therapy per person (30 minutes).....]</del>	<del>[.....7.00]</del>
<del>[92551]</del>	<del>[Audiometry (basic screening, pure tone, air).....]</del>	<del>[...17.00]</del>
<del>[92552]</del>	<del>[Testing for pure tone threshold (air only).....]</del>	<del>[...27.00]</del>
<del>[92553]</del>	<del>[Testing for pure tone threshold (air and bone).....]</del>	<del>[...33.00]</del>
<del>[92555]</del>	<del>[Testing for speech threshold.....]</del>	<del>[...17.00]</del>
<del>[92556]</del>	<del>[Testing for speech threshold and discrimination.....]</del>	<del>[...33.00]</del>
<del>[92557]</del>	<del>[Basic comprehensive audiometry.....]</del>	<del>[...67.00]</del>
<del>[92567]</del>	<del>[Testing for impedance.....]</del>	<del>[...30.00]</del>

[CODE]	[SERVICE]	[FEE]
[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]
[97110]	[Physical therapy—activities to increase physical coordination, 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]
[99199]	[Unlisted special service or report—rehabilitative therapy— individual (60 minutes).....]	[...94.00]
[99199]	[Unlisted special service or report—rehabilitative therapy—group— 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]
[99362]	[Diagnostic team conference with physician, speech therapist, 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. *Each annual revision to the fee schedule will be on file in each location where services are provided.* [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. *The Bureau may develop a sliding fee system based upon family size and income along the federal poverty level guidelines for families receiving early intervention services.* [~~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.]

## SMALL BUSINESS IMPACT STATEMENT

### Proposed Permanent Regulations –NAC 442.210(1)(2)(3) (Prepared Pursuant to Nevada Revised Statutes 233B.0608)

#### Pertaining to

**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.**

#### Background

**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 the Small Business Impact Statement prepared by the Health Division, no small businesses will be affected by the adoption of the proposed amendments to 442.210(1)(2)(3). 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, Nevada 89701 or by calling 775-684-4200.

**2. The estimated economic effect of the proposed regulation on the small business 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 Nevada State Health Division 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 proposed regulations.**

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

**5. Total amount the Health Division 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