

**ADOPTED REGULATION OF THE DIRECTOR OF THE  
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**LCB File No. R162-05**

Effective December 17, 2008

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

AUTHORITY: §§1-11, NRS 458A.110.

A REGULATION relating to problem gambling; prescribing the process for applying for grants of money and contracts for services to provide programs for the prevention and treatment of problem gambling and certain other services; prescribing the criteria for determining whether to award money from the Revolving Account to Support Programs for the Prevention and Treatment of Problem Gambling; and providing other matters properly relating thereto.

**Section 1.** Chapter 458A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this regulation.

**Sec. 2.** *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this regulation have the meanings ascribed to them in those sections.*

**Sec. 3.** *“Account” has the meaning ascribed to it in NRS 458A.020.*

**Sec. 4.** *“Advisory Committee” has the meaning ascribed to it in NRS 458A.030.*

**Sec. 5.** *“Department” means the Department of Health and Human Services.*

**Sec. 6.** *“Director” means the Director of the Department.*

**Sec. 7.** *The Department shall:*

*1. Prescribe the process for applying for a grant of money or a contract for services from the Account, including, without limitation, a process for a request for applications or other accepted method of obtaining proposals or bids;*

*2. Distribute the money from the Account in accordance with the provisions of this chapter, chapter 458A of NRS and the terms of the grant or contract established with each provider of a program or services whose application is approved;*

*3. To the extent that money is available in the Account, publish a request for applications or other accepted method of obtaining proposals or bids for programs and services once every 2 years;*

*4. Provide staff support to the Advisory Committee, including, without limitation, assistance with meetings, travel preparation and administering any payment to a member which is authorized pursuant to subsection 5 of NRS 458A.060; and*

*5. On or before January 31 of each year, prepare and submit to the Director of the Legislative Counsel Bureau the written report required pursuant to subsection 4 of NRS 458A.090.*

**Sec. 8.** *To ensure that the money in the Account is distributed in a fair and equitable manner:*

*1. The Director will prepare a notice indicating the money that is available in the Account and:*

*(a) Make the notice available to each person, state agency or other political subdivision of the State or an organization or educational institution known to the Department to have an interest in programs and services for the prevention and treatment of problem gambling;*

*(b) Publish the notice in a newspaper of general circulation in each county whose population is 100,000 or more; and*

*(c) Post the notice on the Internet website maintained by the Department.*

*2. The Department shall:*

*(a) Publish the process and instructions for applying for a grant of money or a contract for services from the Account;*

*(b) Provide a technical review of each application to ensure compliance with the application process and to determine whether the applicant is eligible to submit an application in accordance with section 9 of this regulation; and*

*(c) Score applications using a weighted scoring matrix approved by the Advisory Committee.*

*3. The Advisory Committee shall:*

*(a) Review and approve the scoring matrix for use in the review of applications; and*

*(b) Review all applications and make recommendations to the Director for awards of money from the Account in a public meeting of the Advisory Committee.*

**Sec. 9.** *To be eligible for a grant of money or a contract for services from the Account, a program or service must provide:*

*1. Treatment by a problem gambling counselor certified pursuant to the provisions of chapter 641C of NRS;*

*2. Workforce development and training by an instructor or institution who is qualified and has the expertise required to provide counseling in the area of problem gambling;*

*3. Research and the performance of an evaluation of the prevention and treatment of problem gambling;*

4. *Public education relating to the prevention and treatment of problem gambling;*
5. *Data collection and reporting relating to the prevention and treatment of problem gambling; or*
6. *Technical assistance to providers of programs for the prevention and treatment of problem gambling.*

**Sec. 10.** *When determining whether to award a grant of money or a contract for services from the Account, the Director will consider:*

1. *Whether the program meets the needs and priorities established by the Department in consultation with the Advisory Committee pursuant to subsection 5 of NRS 458A.070;*
2. *Whether the program meets the criteria established by the Advisory Committee pursuant to subsection 3 of NRS 458A.070;*
3. *The qualifications and experience of the applicant;*
4. *The ability of the applicant to achieve the outcomes proposed in the application within the money available for the grant or contract from the Account; and*
5. *The ability of the applicant to accurately measure and report on the outcomes proposed in the application.*

**Sec. 11.** *1. Each grantee or contractor who receives money from the Account shall submit to the Department on a quarterly basis, unless a different time period is specified in the grant or contract, a:*

- (a) *Progress report prepared in accordance with the standards established by the Department pursuant to subsection 2, which provides a measurement of progress on the goals, objectives and deliverables required by the grant or contract; and*

*(b) Financial status report prepared in accordance with the standards established by the Department pursuant to subsection 2, which may include a request for funds as authorized in the grant or contract.*

*2. The Department shall establish and carry out a system for reporting the progress of each grant or contract and a system for reporting the financial status of each grant or contract.*

**NOTICE OF ADOPTION OF PROPOSED REGULATION  
LCB File No. R162-05**

The Director of the Department of Health and Human Services adopted regulations assigned LCB File No. R162-05 which pertain to chapter 458A of the Nevada Administrative Code.

**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.**

Copies of the proposed regulations and notices of intent to act upon the regulation were sent by email to interested parties. These documents were also sent by email to all county libraries in Nevada. A public workshop and hearing were also held in accordance with regulations. No public comments were received, either in writing or through the public workshop and hearing. A copy of the minutes from the public hearing may be obtained by calling the Nevada State Department of Health and Human Services, Grants Management Unit at (775) 684-3470 or by writing to the Grants Management Unit at 4126 Technology Way, Suite 100, Carson City, Nevada 89706.

**2. The number persons who:**

- (a) **Attended each hearing:** 25
- (b) **Testified at each hearing:** 0
- (c) **Submitted to the agency written comments:** No written comments were submitted

**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.**

The proposed amendment has no impact on business.

**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 regulation was adopted at the September 9, 2008 meeting of the Advisory Committee on Problem Gambling. The regulations accurately represent the process for awarding funds under the Revolving Account for Problem Gambling and no changes are required.

**5. The estimated economic effect of the adopted regulation on the businesses that it is to regulate and on the public. These must be stated separately, and each case must include:**

- (a) **Both adverse and beneficial effects; and**
- (b) **Both immediate and long-term effects.**

a. The proposed regulation has no economic effect on business, either adverse or beneficial, nor immediate or long-term

b. There is no estimated economic effect on the public, either adverse or beneficial, nor immediate or long-term.

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

There is no additional cost to the agency for enforcement of this regulation.

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

There are no other state or government agency regulations that the proposed regulations duplicate.

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

The proposed regulation does not include any provisions that are more stringent than a federal regulation that regulates the same activity.

**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.**

The proposed regulation does not establish a new fee or increase an existing fee.

**10. Is the proposed regulation likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business? What methods did the agency use in determining the impact of the regulation on a small business.**

As noted above under item 5, this regulation has no impact on business.