

## LCB File No. R162-05

### PROPOSED REGULATION OF THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### Notice of Workshop to Solicit Comments on Proposed Regulation

The Department of Health and Human Services, Grants Management Unit, 505 East King Street, Room 600, Carson City, NV 89701 is proposing the Adoption of regulations pertaining to problem gambling programs as described in Senate Bill 357 of the 2005 Session of the Nevada State Legislature. A workshop has been set for 1:00 p.m. on November 7, 2005, at 505 E. King Street, Room 601, Carson City, Nevada. The purpose of the workshop is to solicit comments from interested persons on the following general topics that may be addressed in the proposed regulations:

1. A new chapter of the Nevada Revised Statutes (NRS) was created by Senate Bill 357 from the 2005 Legislative Session. The proposed adoption to NAC corresponds to the statutory changes.
2. The substantive changes are as follows:
  - a) The Department will administer the revolving account to support programs for the prevention and treatment of problem gambling through the following activities:
    - a. Implementation of a process to request funds;
    - b. Distribution of funds;
    - c. Staff support to the Advisory Committee for Problem Gambling;
    - d. Implementation of reporting systems; and
    - e. Annual reports to the Legislature.
  - b) Distribution of funds will be managed through a Request for Applications process, to include the funding priorities established by the Advisory Committee for Problem Gambling.
  - c) Review of applications and recommendations for allocation of funds will be conducted in a public meeting.
  - d) Program and fiscal reporting will be required of grantees and/or contractors.

A copy of all materials relating to the proposal may be obtained at the workshop or by contacting the Department of Health and Human Services, Grants Management Unit, 505 E. King Street, Room 600, Carson City, NV 89701, 775 684-3470.

A reasonable fee for copying may be charged. This Notice of Workshop to Solicit Comments on Proposed Regulation has been sent to all persons on the agency's mailing list for administrative regulations and posted at the following locations:

- Department of Health and Human Services, 505 E. King St, Room 600, Carson City
- Department of Health and Human Services, 3100 W. Sahara Ave., Suite 208, Las Vegas
- Division for Aging Services, 3416 Goni Rd, #D132, Carson City
- Welfare Division, 725 Avenue K, Ely

- Welfare Division, 111 Industrial Way, Fallon
- Welfare Division, 1000 “C” Street, Hawthorne
- Welfare Division, 3700 E. Charleston Blvd, Las Vegas
- Welfare Division, 3697 Kings Row, Reno
- Welfare Division, 1470 E. College Parkway, Carson City
- Office of Disability Services, 3656 Research Way, Suite 32, Carson City
- Washoe County Social Services, 1001 East Ninth Street, Reno
- Clark County Social Services Agency, 1600 Pinto Lane, Las Vegas

## **NOTICE OF INTENT TO ACT UPON A REGULATION**

### **Notice of Hearing for the Adoption of Regulations of the Department of Health and Human Services.**

The Department of Health and Human Services will hold a public hearing at 1:00 p.m., on November 7, 2005 at 505 E. King Street, Room 601, Carson City, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the Adoption of regulations that pertain to problem gambling programs as described in Senate Bill 357 of the 2005 Session of the Nevada State Legislature.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. A new chapter of the Nevada Revised Statutes (NRS) was created by Senate Bill 357 from the 2005 Legislative Session. The proposed adoption of NAC corresponds to the statutory requirements.
2. The substantive regulations are as follows:
  - e) The Department will administer the revolving account to support programs for the prevention and treatment of problem gambling through the following activities:
    - a. Implementation of a process to request funds;
    - b. Distribution of funds;
    - c. Staff support to the Advisory Committee for Problem Gambling;
    - d. Implementation of reporting systems; and
    - e. Annual reports to the Legislature.
  - f) Distribution of funds will be managed through a Request for Applications process, to include the funding priorities established by the Advisory Committee for Problem Gambling.
  - g) Review of applications and recommendations for allocation of funds will be conducted in a public meeting.
  - h) Program and fiscal reporting will be required of grantees and/or contractors.
3. This NAC does not regulate business and will have no immediate or long-term effects on business. The revolving account is established through redirection of a portion of State General Funds that are generated through taxes on slot machines, so there is no immediate effect on business. The section of Senate Bill 357 that redirects these funds sunsets on June 30, 2007, so there is no long-term effect on business.
4. The estimated cost for enforcement of this regulation is \$50,187 for the 2005-2007 biennium, as per the fiscal note submitted with Senate Bill 357.
5. There are no other state, local or federal regulations that overlap with the proposed regulation.
6. The proposed regulation is not required pursuant to federal law.
7. The proposed regulation does not include any provisions which are more stringent than federal regulations.
8. The proposed regulation does not establish a new fee or increase an existing fee.

Persons wishing to comment upon the proposed action of the Department of Health and Human Services may appear at the scheduled public hearing or may address their comments, data, views,

or arguments in written form to Department of Health and Human Services, Grants Management Unit, 505 E. King St., Room 600, Carson City, NV 89701.

Written submissions must be received by the Department of Health and Human Services on or before September 5, 2005. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Department of Health and Human Services may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be amended will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be amended will be available at the following locations:

- Department of Health and Human Services, 505 E. King St, Room 600, Carson City
- Department of Health and Human Services, 3100 W. Sahara Ave., Suite 208, Las Vegas
- Division for Aging Services, 3416 Goni Rd. #D132, Carson City
- Welfare Division, 725 Avenue K, Ely
- Welfare Division, 111 Industrial Way, Fallon
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and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653 and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary. This does not apply to a public body subject to the Open Meeting Law.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption or incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

- Department of Health and Human Services, 505 E. King St, Room 600, Carson City
- Department of Health and Human Services, 3100 W. Sahara Ave., Suite 208, Las Vegas
- Division for Aging Services, 3416 Goni Rd. #D132, Carson City
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**PROPOSED REGULATION OF THE DIRECTOR OF THE  
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**CHAPTER ### - PROBLEM GAMBLING**

*###.010 Definitions. As used in this chapter, unless the context otherwise requires:*

- 1) "Account" has the meaning ascribed to it in Senate Bill 357 of the 2005 Legislature*
- 2) "Advisory Committee" has the meaning ascribed to it in Senate Bill 357 of the 2005 Legislature*
- 3) "Department" means the department of health and human services.*
- 4) "Director" means the director of the department of health and human services.*

*### Administration of the Account (S.B. 357 Sec. 10)*

- 1) The department will administer the account through the following activities:*
  - a) Establish an application process for funds;*
  - b) Distribute funds to qualified service providers through grants or contracts to provide programs for the prevention and treatment of problem gambling;*
  - c) Provide staff support to the advisory committee, including meeting and travel preparations and reimbursement to members for related expenditures in accordance with Section 7 of Senate Bill 357 of the 2005 Legislature;*
  - d) Establish and implement fiscal and programmatic reporting systems for grantees and/or contractors; and*
  - e) Provide an annual report of expenditures and accomplishments to the Legislative Counsel Bureau, on or before January 31 of each year in which the account is active.*

*### Procedure by which a state agency or other political subdivision of the State or an organization or educational institution may apply for a grant of money or a contract for services to be paid from the account.*

- 1) The department will publish a request for applications and/or establish a bidding process to grant money or contract for services in one or more of the following areas:*
  - a) Treatment provided by a problem gambling counselor certified in accordance with NRS 641C.250;*
  - b) Workforce development and training provided by a qualified instructor or institution with expertise in the area of counseling for problem gambling;*
  - c) Research and evaluation related to the treatment and prevention of problem gambling;*
  - d) Public education related to the treatment or prevention of problem gambling;*
  - e) Data collection and reporting related to the treatment or prevention of problem gambling; or*
  - f) Technical assistance to service providers for the treatment or prevention of problem gambling.*
- 2) The first request for applications and/or a bidding process will be implemented at the completion of the process to determine needs, establish priorities and establish criteria. Subsequent applications will be requested every two years dependent on available funding.*

*### Criteria for determining whether to award a grant of money or a contract for services to be paid from the account.*

- 1) The director will consider the following criteria in determining whether to award a grant of money or a contract:*
  - a) How well the proposed service meets the needs and priorities established by the department;*
  - b) How well the proposed service meets the criteria established by the advisory committee;*
  - c) The applicant's qualification and experience with the proposed service;*
  - d) The applicant's ability to achieve the proposed outcomes with available funds; and*
  - e) The applicant's ability to measure and report on the proposed outcomes.*

*### Process to ensure that the money in the account is distributed in a fair and equitable manner.*

- 1) The director will ensure that the money in the account is distributed in a fair and equitable manner through the following process:*
  - a) Notice of available funds will be:*
    - i) Provided to all known interested parties;*
    - ii) Published in major urban newspapers; and*
    - iii) Posted to the department website.*
  - b) Application instructions will be made available to all interested parties;*
  - c) The department will provide a technical review of applications to ensure eligibility and compliance with instructions;*
  - d) The department will score applications based on a weighted scoring matrix to be reviewed and approved by the advisory committee.*
  - e) Review of applications and recommendations for awards will be conducted through a public meeting of the advisory committee.*

*### Submission of progress and financial reports by grantees and/or contractors*

- 1) Each grantee or contractor shall submit progress reports to the department which provide measurement of progress on the goals and objectives and/or deliverables approved by the advisory committee.*
- 2) Each grantee or contractor shall submit financial status reports and requests for funds in accordance with department instructions.*

*### Additional sources of funds (S.B. 357 Sec. 11)*

- 1) The director will deposit any additional gift, donation, bequest, grant or other source of money in the account, in accordance with Sec. 11 of Senate Bill 357 of the 2005 Legislature.*