

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

LCB File No. R101-10

Effective January 13, 2011

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

AUTHORITY: §1, NRS 629.051 and 629.053; §2, NRS 629.053; §§3 and 4, NRS 629.051.

A REGULATION relating to health care records; prescribing the content of certain notices to patients concerning the destruction of the health care records of patients; and providing other matters properly relating thereto.

Section 1. Chapter 629 of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

Sec. 2. *A statement required by NRS 629.053 must be titled “Notice to Patients Regarding the Destruction of Health Care Records.”*

Sec. 3. 1. *Each sign required by subsection 2 of NRS 629.051 to be posted by providers of health care must:*

(a) Be not less than 8 1/2 inches in height and 11 inches in width, with margins not greater than 1 inch on any side;

(b) Pursuant to subsection 2 of NRS 629.051, be posted in a conspicuous place in each location at which the provider of health care performs health care services and at each facility that maintains the health care records of patients;

(c) Disclose to a patient that the health care records of the patient may be destroyed in accordance with NRS 629.051;

(d) Be written using a single typeface in not less than 20-point type; and

(e) Be titled “Notice to Patients Regarding the Destruction of Health Care Records.”

2. If two or more providers of health care share:

(a) A location at which the providers perform health care; or

(b) A facility that maintains the health care records of patients,

↳ the providers may post one sign at the location or facility which complies with the requirements of this section and NRS 629.051.

Sec. 4. *Each written statement required by subsection 3 of NRS 629.051 must:*

1. Disclose to the patient that the health care records of the patient may be destroyed in accordance with NRS 629.051; and

2. Be titled “Notice to Patients Regarding the Destruction of Health Care Records.”

HEALTH DIVISION
Bureau of Healthcare Quality and Compliance
December 15, 2010
LCB File # R101-10

Information Statement per NRS 233B.066

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 by the Notice of Public Hearing posted at Health Division locations, State Library and Archives, county libraries and posted on the Health Division internet website notification of the Notice of Public Hearing. Public Workshops were held in Carson City, Nevada, March 2, 2010, and in Las Vegas, Nevada, March 4, 2010.

One person testified during the Public Hearing on December 10, 2010, and questioned whether or not the regulations applied to the American Red Cross during a disaster or emergency response where health care professionals would be providing health care services.

A summary of the Hearing for Amendment of Nevada Administrative Code, Chapter 639 can be obtained by contacting the Health Division, 4150 Technology Way, Suite 300, Carson City, Nevada 89703.

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

One person attended the public hearing on December 10, 2010, and testified at the hearing. There were no written statements provided.

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.

A Small Business Impact Questionnaire was sent to all licensed health care practitioners with a copy of the proposed regulation changes on January 4, 2010.

Please see Attachment A Summary of Small Business Impact Questionnaire Comments.

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.

The regulations were adopted without changing any part of the proposed regulation because the proposed regulations were modified based on comments from the public workshop to

address the request for clarity regarding LCB file number R101-10, Section 3, subsection 2(b) “A facility that maintains the health care records of patients, the providers may post one sign at the location or facility which complies with the requirements of this section and NRS 629.051.

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.

- (a) There is a minimal cost for health care providers for storage of health care records for the time period stipulated in NRS 629.051 immediately and for the long term.
 - (b) There is no adverse economic effect on the public. There is no economic effect for businesses. The regulation in LCB File Number R101-10 stipulates the size and content of the written notification and for the posting of the sign.

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

Estimated cost to the agency for enforcement of the proposed regulations is minimal.

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.

There is no known overlap or duplication of the proposed regulations with other state, federal or other government agency regulations.

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

Not applicable, the proposed regulations are not more stringent than a federal regulation.

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.

There are no new fees or increases in existing fees will occur as a result of these proposed regulations.

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

It is not anticipated that these proposed regulations would impose a direct and significant economic burden upon a small business. The proposed regulations provide notification to

the public regarding the destruction of health care record. A small business impact questionnaire was sent to all licensed health care practitioners and the responses are summarized in Attachment A.