

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

LCB File No. R145-11

February 10, 2012

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

AUTHORITY: §§1 and 2, NRS 439.150 and 439.200; §3, NRS 439.200 and 652.215.

A REGULATION relating to community health; providing for a sliding schedule of fees for certain services and supplies provided by community health nursing clinics; and providing other matters properly relating thereto.

Section 1. NAC 439.500 is hereby amended to read as follows:

439.500 1. ~~For a client who is able to pay and who does not qualify~~ *Except as otherwise provided in NAC 442.222* for services and ~~medications~~ *supplies* concerning family planning, ~~the Bureau of Community Health of~~ *a community health nursing clinic established by* the Health Division ~~of the Department of Health and Human Services~~ shall charge and collect ~~the following~~ fees for the services and ~~medications~~ *supplies* provided *to a client* by a nurse of the ~~Bureau:~~

~~Annual Gross Income of Household
(As Percentage of Federal Poverty Level)~~

~~Services and medications~~

~~Category I~~

~~Category II~~

~~<250%~~

~~≥250%~~

~~Annual Gross Income of Household
(As Percentage of Federal Poverty Level)~~

Services and medications	Category I	Category II
	<250%	≥250%
Administering a vaccine against influenza, other than hemophilus B influenza, in addition to the cost of the vaccine—	—\$15	—\$20
Administering a vaccine against pneumonia using a vaccine other than Pneumococcal Conjugate Vaccine 7-Valent (PCV7), in addition to the cost of the vaccine—	—15	—20
Administering a vaccine against both influenza, other than hemophilus B influenza, and pneumonia using a vaccine other than Pneumococcal Conjugate Vaccine 7-Valent (PCV7), in addition to the cost of the vaccine—	—15	—20
Administering an injection prescribed by a physician and provided by a client—	—15	—20

~~Annual Gross Income of Household
(As Percentage of Federal Poverty Level)~~

Services and medications	Category I	Category II
	<250%	≥250%
Providing and administering an immunization for a child who is less than 20 years of age against one or more diseases that may be prevented with a vaccine, such as diphtheria, polio, measles, mumps, rubella, pertussis, tetanus, hemophilus B influenza, chicken pox (varicella), Pneumococcal Conjugate Vaccine 7-Valent (PCV7) for pneumonia and others as may be available—	—15	—20
Providing and administering an immunization for a person who is 20 years of age or older against one or more diseases that may be prevented with a vaccine, such as diphtheria, polio, measles, mumps, rubella, tetanus, hemophilus B influenza, chicken pox (varicella) and others as may be available—	—15	—20

~~Annual Gross Income of Household~~

~~(As Percentage of Federal Poverty Level)~~

Services and medications	Category I	Category II
	<250%	≥250%
Providing and administering a hepatitis A vaccine or hepatitis B vaccine, or a combination thereof, to a person who is eligible to receive the vaccine free of charge pursuant to any program of the State or Federal Government—	—15	—20
Administering a hepatitis A vaccine or hepatitis B vaccine, or a combination thereof, to a person who is not otherwise eligible to receive the vaccine free of charge pursuant to any program of the State or Federal Government, in addition to the cost of the vaccine—	—15	—20
Providing a duplicate immunization record after providing an initial record—	—10	—10

~~Annual Gross Income of Household
(As Percentage of Federal Poverty Level)~~

Services and medications	Category I	Category II
	<250%	≥250%
Administering immune globulin or hepatitis B immune globulin, when ordered by a physician as prophylaxis following exposure to an infectious disease, in addition to the cost of the vaccine—	—15	—20
Performing a physical examination of one system—	—26	—39
Performing a physical examination of an adult, including, but not limited to, an examination of height, weight, heart, lungs, vision, hearing and reflexes, and completing any form—	—40	—60
Performing a physical examination of a child, including screening of developmental status, height, weight, hemoglobin, counseling concerning diet, sleep, elimination, growth and development, and completing any report to a child care facility or school—	—40	—60

~~Annual Gross Income of Household
(As Percentage of Federal Poverty Level)~~

Services and medications	Category I	Category II
	<250%	≥250%
Performing a physical examination of an infant, including a physical and developmental evaluation of the infant and parental counseling and education, per year—	—40	—60
Performing a physical examination to screen for cancer, including a pap smear and examination of the breasts, screening for testicular cancer and screening for colorectal cancer—	—60	—90
Performing a colposcopy examination to screen for cancer—	—90	—120
Performing an endometrial biopsy to screen for cancer—	—85	—100
Performing a cervical biopsy and endocervical curettage to screen for cancer—	—44	—66
Performing cryosurgery procedures for dysplasia—	—63	—126

~~Annual Gross Income of Household
(As Percentage of Federal Poverty Level)~~

Services and medications	Category I	Category II
	<250%	≥250%
Performing ongoing screening of an adult, including necessary surveillance and counseling, checking blood pressure and screening for, without limitation, chronic illness, diabetes, hypertension, obesity, complications of pregnancy, lung disease and heart disease, per year—	—45	—60
Testing the skin of a person for tuberculosis using a Purified Protein Derivative (PPD)—	—20	—25
Testing and counseling for Human Immunodeficiency Virus—	—30	—45
Testing and counseling for a sexually transmitted disease other than Human Immunodeficiency Virus, in addition to the cost for the laboratory analysis—	—27	—44

~~Annual Gross Income of Household
(As Percentage of Federal Poverty Level)~~

Services and medications	Category I	Category II
	<250%	≥250%
Testing, other than pregnancy testing, or collection of specimen not specified in this table, in addition to the cost for the laboratory analysis—	—7	—10
Dispensing and providing instruction in the use of medication, in addition to the cost of the medicine provided, per medication—	—15	—20
Direct professional nursing service by community health nurse:		
——Registered Nurse (CHN II), per hour—	—45	—85
——Advanced Practitioner of Nursing (CHN III), per hour—per hour—	—50	—90
Administering medication or providing instruction in the use of antibiotic medication for sexually transmitted diseases, in addition to the cost of the medicine provided—	—20	—30

~~Annual Gross Income of Household
(As Percentage of Federal Poverty Level)~~

Services and medications	Category I	Category II
	<250%	≥250%
Providing instruction for the control of parasites, in addition to the cost of the medicine provided	—15	—20
Processing a check returned for insufficient funds	—25	—25
Completing a form or record upon the request of a person relating to the health of that person, when a physical examination is not required	—15	—20
Vaccines:		
—Hepatitis A, per dose—	—20	—25
—Hepatitis B, per dose	—30	—35
—Hepatitis A and B combination—	—50	—60
—Influenza, other than vaccine for hemophilus B influenza	—10	—20
—Pneumonia, other than Pneumococcal Conjugate Vaccine 7-Valent (PCV7)—	—15	—20
Laboratory Tests:		

~~Annual Gross Income of Household~~

~~(As Percentage of Federal Poverty Level)~~

Services and medications	Category I	Category II
	<250%	≥250%
—Chlamydia screening: Gen Probe—	—12	—24
—Chlamydia screening: Urine test—Nucleic Acid Amplification Tests (NAATS)—	—24	—48
—Gonorrhea cocci: Gen Probe—	—12	—24
—Gonorrhea cocci: Urine test—Nucleic Acid Amplification Tests (NAATS)—	—24	—48
—Blood test for syphilis—Reactive Plasma Reagent (RPR)—	—12	—24
—Test for Human Immunodeficiency Virus (HIV) antibody—	—15	—30
—Hepatitis A, B or C analysis—	—18	—28
—Hematocrit or hemoglobin—	—8	—12
—Pertussis—	—65	—85
—Fecal occult blood—	—8	—12
—Urinalysis (reagent strip)—	—8	—12
—Drawing fee for venipuncture—	—8	—14
—Laboratory tests, other than those listed—	—8	—12

~~Annual Gross Income of Household
(As Percentage of Federal Poverty Level)~~

~~Services and medications~~

~~Category I~~

~~Category II~~

~~<250%~~

~~≥250%~~

~~above or performed in conjunction with an
annual or initial examination~~

~~2. For] Health Division in an amount set forth in the sliding schedule of fees established
by the Health Division pursuant to this section.~~

2. The Health Division shall establish a sliding schedule of fees which is based on:

*(a) A cost analysis of the services and supplies provided by the community health nursing
clinics; and*

*(b) A ratio between the annual gross income of a household and the federally designated
level signifying poverty for a household of that size as determined by the United States
Department of Health and Human Services and published annually in the Federal Register.*

*3. The Health Division shall renew and, if necessary, revise the sliding schedule of fees
established pursuant to this section:*

(a) According to generally accepted accounting principles; and

(b) As needed, to account for modifications to:

(1) The community health nursing program; and

(2) The federally designated levels signifying poverty.

4. *The sliding schedule of fees established pursuant to this section and any revisions to the sliding schedule of fees become effective upon approval of the sliding schedule of fees by the State Board of Health.*

5. *The Health Division shall make the sliding schedule of fees established pursuant to this section available:*

(a) *On the Internet website of the Health Division and in each community health nursing clinic; and*

(b) *To any person upon request.*

6. *If the annual gross income of the household of a client ~~[described in subsection 1]~~ who is not able to pay a fee ~~[listed in subsection 1, the Bureau of Community Health:~~*

~~—(a) May] for services or supplies provided by a nurse of the Health Division is less than the federally designated level signifying poverty, the community health nursing clinic shall not deny the services or ~~[medications provided by a nurse of the Bureau] supplies~~ to the client . ~~;~~ and~~

~~—(b) Shall ask the client to make a donation to help cover the cost of the service or medication.~~

~~—3. For the purposes of this section, except]~~

7. *Except as otherwise provided in subsection ~~[2, the Bureau shall charge a client described in subsection 1 the fees listed in:~~*

~~—(a) Category I if the annual gross income of the household of the client is less than 250 percent of the poverty level designated by the United States Department of Health and Human Services.~~

~~—(b) Category II if the annual gross income of the household of the client is at least 250 percent of the poverty level designated by the United States Department of Health and Human Services.~~

~~—4.] 6, a community health nursing clinic may deny services or supplies to a client if the client has not paid a fee owed for services or supplies previously provided to the client from such a clinic.~~

8. As used in this section, “household” means an association of persons who live together as a single economic unit, regardless of whether they are related.

Sec. 2. NAC 442.222 is hereby amended to read as follows:

442.222 1. For a client who qualifies pursuant to 42 U.S.C. §§ 300 et seq. for services and supplies concerning family planning, the fee, if any, to be charged and collected by ~~[the Bureau of Community Health of]~~ *a community health nursing clinic established by* the Health Division ~~[of the Department of Health and Human Services]~~ for such services and supplies provided by a nurse of the ~~[Bureau is the fee]~~ *Health Division must be in the amount* listed in the ~~[table below. The fee varies according to the annual gross income of the household of the client in comparison to the level of poverty designated for a household of that size by the United States Department of Health and Human Services.~~

Service or Supply

~~Annual Gross Income of Household~~

~~(As Percentage of Federal Poverty Level)~~

~~101% to 125% >125% to 150% >150% to 250% >250%~~

Service or Supply

Annual Gross Income of Household

(As Percentage of Federal Poverty Level)

~~101% to 125%~~ ~~>125% to 150%~~ ~~>150% to 250%~~ ~~>250%~~

Visits to clinic:

—Initial or annual visit, with pap smear	—\$45	—\$55	—\$75	—\$10 2
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—Problem return visit, repeat pap smear, in addition to cost of laboratory analysis	—25	—35	—45	—55
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—Problem return visit, colposcopy, in addition to cost of cervical biopsy	—30	—60	—90	—120
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—Problem return visit, cervical biopsy (each)	—50	—55	—60	—65
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—Problem return visit, pelvic examination only	—25	—35	—45	—55
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Service or Supply

Annual Gross Income of Household

(As Percentage of Federal Poverty Level)

	101% to 125%	>125% to 150%	>150% to 250%	>250%
—Problem return visit, no testing	—25	—35	—45	—55
—Mini exam (physical exam and pap smear done by private medical doctor), in addition to cost of laboratory analysis	—25	—35	—45	—55
—Check for infection and pelvic examination, in addition to cost of laboratory analysis	—27	—54	—81	—107
—Physician consultation	—30	—35	—40	—45
—Pregnancy testing and counseling	—10	—20	—30	—40

Service or Supply	Annual Gross Income of Household (As Percentage of Federal Poverty Level)			
	101% to 125%	>125% to 150%	>150% to 250%	>250%
—Direct professional nursing service:				
—Community health nurse (per hour)	—25	—45	—45	—85
—Nurse practitioner (per hour)	—30	—50	—50	—90
—Administrative surcharge for billing if fees are not collected at time of service	—5	—7	—9	—11
—Counseling and education	—15	—20	—25	—30
—Brief office visit	—10	—16	—22	—28
—Returned check charge	—25	—25	—25	—25

Service or Supply	Annual Gross Income of Household (As Percentage of Federal Poverty Level)			
	101% to 125%	>125% to 150%	>150% to 250%	>250%
—Transfer of records	—5	—5	—5	—5
—Fitting of diaphragm	—26	—34	—42	—50
—Fitting of cervical cap	—26	—34	—42	—50
—Surgical procedure for insertion of birth control implant, including cost of device	—121	—242	—363	—485
—Surgical removal of birth control implant	—121	—242	—363	—485
—Insertion of intrauterine device, in addition to cost of device	—40	—50	—60	—75

Service or Supply	Annual Gross Income of Household (As Percentage of Federal Poverty Level)			
	101% to 125%	>125% to 150%	>150% to 250%	>250%
—Removal of intrauterine device not with insertion	—40	—50	—60	—70
—Treatment of condylomata (genital warts), in addition to cost of medication	—25	—50	—75	—100
—Treatment of dysplasia with cryosurgery	—63	—84	—105	—126
—Pelvic examination for pregnancy	—15	—30	—45	—60
—Vasectomy assessment, counseling and referral	—50	—55	—60	—65

Service or Supply

Annual Gross Income of Household

(As Percentage of Federal Poverty Level)

~~101% to 125%~~ ~~>125% to 150%~~ ~~>150% to 250%~~ ~~>250%~~

~~Laboratory tests, other than
those performed in
conjunction with annual/initial
exam:~~

~~—Hematocrit/Hemoglobin —6 —8 —10 —12~~

~~—Gonorrhea cocci:~~

~~Gen Probe —12 —16 —20 —24~~

~~—Gonorrhea cocci: Urine test~~

~~—Nucleic Acid~~

~~Amplification Test~~

~~(NAAT) —24 —36 —48 —60~~

~~—Gonorrhea pharyngeal~~

~~swab —46 —51 —56 —61~~

Service or Supply

Annual Gross Income of Household

(As Percentage of Federal Poverty Level)

	101% to 125%	>125% to 150%	>150% to 250%	>250%
—Gonorrhea rectal culture	—78	—83	—88	—93
—Wet smear	—6	—12	—18	—24
—Pap smear:				
—Single slide	—22	—24	—26	—28
—Double slide	—44	—48	—52	—56
—Thin prep	—30	—35	—40	—45
—Urinalysis (reagent strip)	—6	—12	—18	—24
—Blood test for syphilis, in addition to cost of venipuncture	—6	—12	—18	—24

Service or Supply	Annual Gross Income of Household (As Percentage of Federal Poverty Level)			
	101% to 125%	>125% to 150%	>150% to 250%	>250%
—Test for human immuno- deficiency virus antibody, in addition to cost of venipuncture	—8	—16	—24	—32
—Chlamydia screening: Gen-Probe	—12	—16	—20	—24
—Chlamydia screening: Urine test—Nucleic Acid Amplification Tests (NAATS)	—24	—36	—48	—60
—Human Papilloma Virus (HPV) typing	—85	—90	—95	—100
—Testing or collection of specimen for other sexually transmitted diseases	—12	—22	—33	—44

Service or Supply

Annual Gross Income of Household

(As Percentage of Federal Poverty Level)

	101% to 125%	>125% to 150%	>150% to 250%	>250%
—Drawing fee for venipuncture	—8	—10	—12	—14
—Endometrial biopsies and other biopsies	—85	—90	—95	—100
Contraceptive supplies:				
—Intrauterine devices:				
Mirena	—355	—365	—380	—407
—Paraguard	—175	—195	—215	—235
—Birth control pills, per cycle	—7	—9	—11	—13
—Emergency contraception kit	—7	—9	—11	—13

Service or Supply

Annual Gross Income of Household

(As Percentage of Federal Poverty Level)

~~101% to 125%~~ ~~>125% to 150%~~ ~~>150% to 250%~~ ~~>250%~~

~~—Contraceptive injection of
Depo-Provera or Lunelle, in
addition to cost of visit to
office~~

~~—26 —31 —36 —41~~

~~—Condoms (per package
of 12)~~

~~—6 —7 —8 —9~~

~~—Diaphragm~~

~~—20 —25 —30 —35~~

~~—Contraceptive foam or jelly
for diaphragm~~

~~—6 —7 —8 —9~~

~~—Contraceptive sponge (per
package of 4)~~

~~—12 —14 —16 —18~~

Service or Supply	Annual Gross Income of Household (As Percentage of Federal Poverty Level)			
	101% to 125%	>125% to 150%	>150% to 250%	>250%
—Contraceptive film (per box of 12)	—9	—10	—11	—12
—Contraceptive vaginal suppositories	—10	—12	—14	—16
—Cervical cap	—18	—22	—33	—45
—Contraceptive NuvaRing (each)	—28	—32	—36	—40
—Contraceptive patch, Ortho Evra (each)	—15	—19	—23	—27
—Basal thermometer	—7	—10	—13	—16
—Other nonprescriptive supplies	—2	—3	—4	—5

Service or Supply

Annual Gross Income of Household

(As Percentage of Federal Poverty Level)

~~101% to 125%~~ ~~>125% to 150%~~ ~~>150% to 250%~~ ~~>250%~~

~~—Book on natural family
planning~~

~~—4 —7 —10 —15~~

Other medications and
services:

~~—Medicine for gonorrhea
infection~~

~~—21 —25 —29 —33~~

~~—Medicine for chlamydia
infection~~

~~—15 —19 —23 —27~~

~~—Vaginal medication~~

~~—20 —22 —24 —26~~

~~—Medicine for parasites~~

~~—6 —7 —8 —9~~

Service or Supply	Annual Gross Income of Household (As Percentage of Federal Poverty Level)			
	101% to 125%	>125% to 150%	>150% to 250%	>250%
—Medicine for other infections	—10	—13	—17	—20

sliding schedule of fees established by the Health Division pursuant to this section.

2. *The Health Division shall establish a sliding schedule of fees which is based on:*

(a) *A cost analysis of the services and supplies provided by the community health nursing clinics; and*

(b) *A ratio between the annual gross income of a household and the federally designated level signifying poverty for a household of that size as determined by the United States Department of Health and Human Services and published annually in the Federal Register.*

3. *The Health Division shall renew and, if necessary, revise the sliding schedule of fees established pursuant to this section:*

(a) *According to generally accepted accounting principles; and*

(b) *As needed, to account for modifications to:*

(1) *The community health nursing program;*

(2) *The federally designated levels signifying poverty; and*

(3) *The federal family planning program pursuant to 42 U.S.C. §§300 et seq.*

4. *The sliding schedule of fees established pursuant to this section and any revisions to the sliding schedule of fees become effective upon approval of the sliding schedule of fees by the State Board of Health.*

5. *The Health Division shall make the sliding schedule of fees established pursuant to this section available:*

(a) *On the Internet website of the Health Division and in each community health nursing clinic; and*

(b) *To any person upon request.*

6. If the annual gross income of the household of a client described in subsection 1 is less than ~~[101 percent of the level of poverty designated]~~ *the federally designated level signifying poverty* for a household of that size ~~[by the United States Department of Health and Human Services, the Bureau may]~~, *a community health nursing clinic shall* not charge a fee to the client for services or supplies provided by a nurse of the ~~[Bureau]~~ *Health Division* for matters related to family planning. ~~[The Bureau shall ask such a client to make a donation to help defray the cost of the services or supplies that the client has received.]~~ A client who is required to pay a fee pursuant to this section may *not* be denied services or supplies for ~~[continued]~~ nonpayment of the fee.

~~[3.]~~ 7. For the purposes of this section, a teenager is considered a household of one.

~~[4.]~~ 8. As used in this section, “household” means an association of persons who live together as a single economic unit, regardless of whether they are related.

Sec. 3. NAC 652.500 is hereby amended to read as follows:

652.500 1. A licensed professional nurse who is employed by the Health Division ~~[and the Bureau of Community Health Services of the Department of Human Resources]~~ to work ~~[in the~~

~~field of~~ *at a* community health *nursing clinic established by the Health Division* may perform the following tests:

(a) Analysis of urine, by dipstick or tablet, for bilirubin, hemoglobin, leukocytes, specific gravity, protein, glucose, ketone, nitrite, Ph and urobilinogen.

(b) Testing of urine to determine pregnancy.

(c) Collecting of samples for submission to a licensed laboratory.

(d) Determination of hemoglobin.

(e) Spun microhematocrit.

(f) Fecal occult blood.

(g) Gram stain of urethral specimens.

(h) Direct wet preparation.

(i) Potassium hydroxide preparation.

(j) Blood glucose, using devices for monitoring approved by the Food and Drug Administration for use in the home.

2. Each such nurse shall participate in programs for proficiency testing which are appropriate for the services performed.

3. There must be a program for quality control established by the Division that ensures the proper performance of analytical procedures.

4. There must be a written program for the orientation of employees.

5. Assignments of work must be commensurate with the qualifications of the nurse and must not require the nurse to perform any tasks outside of his or her authority to practice professional nursing, as set forth in chapter 632 of NRS and chapter 632 of NAC.