

**ADOPTED REGULATION OF  
THE DIVISION OF PUBLIC AND BEHAVIORAL HEALTH OF  
THE DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**LCB File No. R067-16**

Effective December 21, 2016

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

AUTHORITY: §§1-3, NRS 629.490; §4, NRS 415.010, 415A.190 and 629.490.

A REGULATION relating to voluntary health care service; adopting provisions governing the registration of sponsoring organizations that organize or arrange for the provision of voluntary health care service in association with one or more providers of health care; exempting a sponsoring organization from submitting a report identifying the providers of health care providing voluntary health care service under certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes a provider of health care who is licensed or certified in this State or another state or territory of the United States to provide voluntary health care service in this State without charge to the patient if the service is provided in association with a sponsoring organization that is registered with the Division of Public and Behavioral Health of the Department of Health and Human Services. (NRS 629.400-629.490) **Section 2** of this regulation: (1) requires a sponsoring organization to register with the Division not later than 10 business days before organizing or arranging for the provision of voluntary health care service in this State; (2) specifies the information that must be provided in the registration form submitted to the Division by the sponsoring organization; (3) requires the Division to review a registration form from a sponsoring organization within 5 business days after receiving such form; and (4) requires a copy of a signed and dated approval letter issued to a sponsoring organization by the Division to be made available for inspection by the Division under certain circumstances.

Existing law requires each sponsoring organization to file a report with the Division not later than 10 days after the end of each calendar quarter identifying each provider of health care who provided voluntary health care service during the calendar quarter in association with the sponsoring organization. (NRS 629.460) **Section 3** of this regulation exempts a sponsoring organization from submitting this quarterly report to the Division if no provider of health care provided voluntary health care service in association with the sponsoring organization during the immediately preceding calendar quarter. **Section 4** of this regulation exempts a sponsoring

organization from registering with the Division if the voluntary health care service is to be provided during an emergency or disaster.

**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. 1.** *Except as otherwise provided in section 4 of this regulation, not less than 10 business days before organizing or arranging for the provision of voluntary health care service in this State, a sponsoring organization must register with the Division pursuant to NRS 629.460 by submitting to the Division a form prescribed by the Division. In addition to the information required by subsection 1 of NRS 629.460, the form must:*

*(a) State the address of the physical location at which the voluntary health care service will be provided;*

*(b) State the dates and times during which the voluntary health care service will be provided;*

*(c) Identify each provider of health care intending to provide voluntary health care service for the sponsoring organization, including, without limitation:*

*(1) The name and profession of the provider of health care; and*

*(2) The number, expiration date and state of issuance of the professional license of the provider of health care; and*

*(d) Describe each type of voluntary health care service to be provided.*

*2. If a provider of health care not identified pursuant to paragraph (c) of subsection 1 intends to provide voluntary health care service for the sponsoring organization after the registration form has been submitted to the Division, the sponsoring organization must provide to the Division, electronically and not later than 1 business day after being informed that the provider of health care intends to provide voluntary health care service for the*

*sponsoring organization, the information set forth in paragraph (c) of subsection 1 for each provider of health care.*

*3. The Division shall review a registration form from a sponsoring organization within 5 business day after receipt of the form. Upon review and approval of the registration form, the Division will provide the sponsoring organization an approval letter signed by the Division Filing Officer for the voluntary health care service to be provided. A copy of the signed and dated approval letter must be made available for inspection by the Division upon request on the date of an event at which voluntary health care service is being provided.*

*4. As used in this section, “Division Filing Officer” means an employee of the Division authorized to review all registration, reporting and supporting documentation from the sponsoring organization required pursuant to this section and sections 3 and 4 of this regulation and NRS 629.400 to 629.490, inclusive.*

*Sec. 3. If no provider of health care provided voluntary health care service in association with a sponsoring organization during the immediately preceding calendar quarter, the sponsoring organization is not required to submit the quarterly report required by paragraph (b) of subsection 2 of NRS 629.460.*

*Sec. 4. 1. The provisions of this section and sections 2 and 3 of this regulation do not apply to the provision of voluntary health care service in this State during an emergency or disaster.*

*2. As used in this section:*

*(a) “Disaster” has the meaning ascribed to it in NRS 414.0335.*

*(b) “Emergency” has the meaning ascribed to it in NRS 414.0345.*

**DIVISION OF PUBLIC & BEHAVIORAL HEALTH  
BUREAU OF PREPAREDNESS, ASSURANCE, INSPECTIONS AND STATISTICS  
PUBLIC HEALTH PREPAREDNESS PROGRAM**

**December 9, 2016**

**LCB File No. R067-16**

**Informational Statement per NRS 233B.066**

**1. A clear and concise explanation of the need for the adopted regulation.**

The proposed regulations are necessary to carry out the requirements of Nevada Revised Statute (NRS) 629.490. Further, they are necessary to address gaps and clarify language in the existing statutory structure.

The proposed regulations clarify existing statutory language regarding Sponsoring Organization Registration and Approval Letter; add new definition for “Division Filing Officer”; and address **exemption** of Sponsoring Organization Registration during a disaster.

**2. 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.**

**a) How public comment was solicited:**

- i. A Small Business Impact Questionnaire was sent to all NRS 629.400-490 sponsoring organization registrants and statewide health care stakeholders on September 15, 2016 via the Nevada Health Alert Network (EMResource) to over 1,300 individuals.
- ii. A Public Workshop was conducted on November 4, 2016 in Carson City at the Division of Public and Behavioral Health, 4150 Technology Way, Room 303.
- iii. A Public Hearing was conducted on December 9, 2016 via videoconference, in Carson City at the Division of Public and Behavioral Health, Room 303, 4150 Technology Way, Southern Nevada Health District, Red Rock Trail Room A&B, 280 S. Decatur Blvd., Las Vegas, and Division of Aging and Disability Services, Early Intervention Services, 1020 Ruby Vista Drive, Suite 102, Elko.

**b) Summary of the public response:**

Kate Gonnella, Burning Man Chief of Emergency Operations, Burning Man Organization

Ms. Gonnella stated concern during the Public Workshop about Section 2, Item 2 being too restrictive for Sponsoring Organizations operating in areas of extremely limited internet coverage.

Christina Conti, Emergency Medical Services and Public Health Preparedness Program Manager, Washoe County Health District

Ms. Conti stated concern during the Public Workshop about Sponsoring Organizations using NRS 629.400-490 for healthcare services during events instead of solely NRS 450B.650-700, Emergency Medical Services at Special Events.

- c) Explanation how other interested persons may obtain a copy of the summary:**  
Any persons interested in obtaining a copy of the summary may email, call, or mail in a request to Malinda Southard at the Division of Public and Behavioral Health, Public Health Preparedness Program, 4150 Technology Way, Suite 200, Carson City, NV 89706, (775) 684-4039, msouthard@health.nv.gov. A copy of the summary can also be viewed and downloaded on the website:  
[http://dpbh.nv.gov/Programs/PHP/dta/Statutes/Public\\_Health\\_Preparedness\\_\(PHP\)\\_-\\_Statutes/](http://dpbh.nv.gov/Programs/PHP/dta/Statutes/Public_Health_Preparedness_(PHP)_-_Statutes/).

**3. Number of persons in attendance**

- a) Attended the Public Workshop:**  
a. Carson City: 5 people signed in  
b. Teleconference: 1 person called in
- b) Attended the Public Hearing:**  
a. Carson City: 40 people signed in  
b. Las Vegas: 25 people signed in  
c. Elko: 0
- c) Testified at the Public Workshop:**  
a. Carson City: 1 person provided testimony  
b. Teleconference: 1 person provided testimony
- d) Testified at the Public Hearing:**  
a. Carson City: 2 people provided testimony  
b. Las Vegas: 0  
c. Elko: 0
- e) Submitted to the agency written statements:**  
a. Zero written statements were provided to the agency.
- f) If provided, the name, telephone number, business address, business telephone number, e-mail address and name of entity represented for individuals described in Items 3(a-e):**  
a. The sign-in sheets from these meetings are included with this statement as Attachment 1.

**4. A description of how comment was solicited (i.e., notices) from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**

Pursuant to NRS 233B.0608 (2) (a), the Division of Public and Behavioral Health requested input from stakeholders that are likely to be affected by the proposed regulation. A Small Business Impact Questionnaire (SBIQ) and a copy of the proposed regulation were sent to all NRS 629.400-490 sponsoring organization registrants and statewide health care stakeholders on September 15, 2016 via the Nevada Health Alert Network (EMResource) to over 1,300 individuals.

The questions on the SBIQ were:

1. How many employees are currently employed by your business?
2. Will a specific regulation have an adverse economic effect upon your business?
3. Will the regulation(s) have any beneficial effect upon your business?
4. Do you anticipate any indirect adverse effects upon your business?
5. Do you anticipate any indirect beneficial effects upon your business?

**Summary of Response**

<p><b>Summary of Comments Received</b>  <b>7 Responses were received out of the 1,353 SBIQs sent out</b>  <u>Small Business Impact Questionnaires distributed:</u></p> <ul style="list-style-type: none"> <li>• Nevada Health Alert Network (HAN) EMResource Alert System Notification = 1,100</li> <li>• Inter-Hospital Coordinating Council = 2</li> <li>• Douglas County Healthcare Coalition = 90</li> <li>• Southern Nevada Healthcare Coalition = 100</li> <li>• Rural Healthcare Preparedness Partners = 48</li> <li>• Burning Man = 4</li> <li>• Remote Area Medical = 4</li> <li>• Medical Reserve Corps Unit Leaders = 4</li> </ul> <p>2 responses did not directly respond to the SBIQ</p>			
<p><b>Will a specific regulation have an adverse economic effect upon your business?</b></p>	<p><b>Will the regulation(s) have any beneficial effect upon your business?</b></p>	<p><b>Do you anticipate any indirect effects upon your business?</b></p>	<p><b>Do you anticipate any indirect beneficial effects upon your business?</b></p>
<p>0 – Yes 3 – No</p>	<p>0 – Yes 3 – No</p>	<p>0 – Yes 3 – No</p>	<p>0 – Yes 3 – No</p>

Any persons interested in obtaining a copy of the summary may email, call, or mail in a request to Malinda Southard at the Division of Public and Behavioral Health, Public Health Preparedness Program, 4150 Technology Way, Suite 200, Carson City, NV 89706, (775) 684-4039, msouthard@health.nv.gov. The Small Business Impact Statement can also be viewed and downloaded on the website:

[http://dpbh.nv.gov/Programs/PHP/dta/Statutes/Public\\_Health\\_Preparedness\\_\(PHP\)\\_-\\_Statutes/](http://dpbh.nv.gov/Programs/PHP/dta/Statutes/Public_Health_Preparedness_(PHP)_-_Statutes/)

- 5. If, after consideration of public comment, 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.**

After consideration of public comment, the regulation was changed to reflect exemption of Sponsoring Organization Registration during a disaster so as to not hinder any health care

volunteer efforts in a time of greatest need, nor to conflict with any hospital or health care facility making requests for health care volunteers in time of disaster.

The regulation was also changed to reflect the Division shall have 5 days from receipt of registration to approve or deny the Sponsoring Organization Registration to reflect the Division having the opportunity to deny a Sponsoring Organization Registration in the event the Sponsoring Organization Registration does not meet minimum criteria.

**6. The estimated economic effect of the regulation on the business which it is to regulate and on the public.**

**Anticipated effects on the business:**

Adverse Effects: The concern was raised as to how to process additional volunteer health care providers after the sponsoring organization registration was already approved by the Division for an event. In an effort to meet these concerns and continue to meet the overall goal of protection of public health, the Division reduced the time frame to one business day notice for additional volunteer health care providers, recognizing the credential of the volunteer health care provider would still need to be confirmed by the sponsoring organization. This may not be entirely possible in remote areas of Nevada with unreliable internet coverage.

Beneficial: Clearly outlines the requirements needed for a sponsoring organization to register with the Division and ensures any additional volunteers meet the requirements.

Immediate: The stated adverse and beneficial effects would be immediate impacts as soon as the proposed regulations become effective.

Long-Term: The long-term impacts would be the same as the immediate impacts.

**Anticipated effects on the public:**

Adverse Effects: None anticipated.

Beneficial: Increased public health and safety.

Immediate: Increased public health and safety.

Long-Term: Increased public health and safety.

**7. The estimated cost to the agency for enforcement of the proposed regulation.**

No change in program enforcement costs is anticipated. The regulation will be enforced as a regular part of the ongoing Public Health Preparedness Program operations and does not represent an additional expenditure of staff time and effort.

8. **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.**

The Division is not aware of any similar regulations of other State or governmental agencies that the proposed regulations overlap or duplicate.

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

The Division is not aware of any provisions which are more stringent than a federal regulation which regulates the same activity.

10. **If the regulation establishes a new fee or increases an existing fee, a statement indicating the total annual amount the agency expects to collect and the manner in which the money will be used.**

The proposed regulations do not impose a new fee or increase existing fees.