

**DIVISION OF PUBLIC & BEHAVIORAL HEALTH
BUREAU OF HEALTH CARE QUALITY AND COMPLIANCE
LCB File No. R159-17**

Informational Statement per NRS 233B.066

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

The main need for the adoption of the regulations is to bring them into compliance with Senate Bill (SB) 25 of the 2017 legislative session. The following are the main provisions being moved forward in the proposed regulations:

- Allows for electronic submission of applications.
- Adds a few more requirements to the initial certification application such as a Nevada business identification number unless exempt by Secretary of State's office and owner information.
- Requires that a program director be identified and establishes the director's qualifications and duties.
- Updates training requirements.
- Changes the initial application approval process from the Committee to having the Committee provide recommendations to the Division of Public and Behavioral Health regarding new domestic violence programs.
- Removes the requirements that CEU's must be obtained partially in person and allows CEU's to be completed entirely online.
- Removes the ability to renew a provisional certificate from two times to only one 18 months provisional certificate without the ability to renew.
- Describes the disciplinary action that can be taken for failure to comply with regulatory and statutory requirements.
- Models the inspection and complaint processes on the Bureau of Health Care Quality and Compliance's facility processes.
- Repeals the hearing/appeal processes in the current regulations and replaces them with the processes outlined in NAC 439.300 to NAC 439.345.
- Changes the group counseling session size from not more than 24 offenders to an annual average of not more than 15 offenders per session and requires the program to maintain an attendance record for and an explanation for the group size of each group counseling session within the current calendar year and each of the immediately preceding 2 calendar years.
- Allows an offender that resides more than 70 miles from the nearest program to attend counseling sessions by electronic media if certain criteria are met.
- Requires a provider of treatment to evaluate each offender individually upon the admission of the offender to the program and develop a written plan of treatment for the offender that includes treatment including, without limitation, individual counseling, group counseling or a combination of individual and group counseling at a frequency

determined by the provider of treatment in accordance with the requirements of any court order.

- Currently regulations require a provider of treatment and a supervisor of treatment who is acting as a provider of treatment, one of whom is male and one of whom is female, when providing group counseling sessions. The proposed regulations continue to require the two acting as providers of treatment but removes the requirement that one be male, and one be female.

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.

Below is a summary of how public comment was solicited and a summary of the public's response. For full details on revisions made or not made to the proposed regulations based on input received below, please refer to number 5.

July 2017 - Committee on Domestic Violence Meeting (Attorney General's Office)

Items discussed during the Committee included comments from an attendee. The following items were discussed: noting that a Nevada Business Identification number is only required to be submitted if not exempt by Secretary of State, discussion of program director requirements, removing barriers to completing continuing education requirements, especially for those in rural areas, by allowing all continuing education to be completed via distance media and removing the requirement that an approved course expires 2 years after the date on which the course was approved.

November 28, 2017 – Committee on Domestic Violence (Attorney General's Office)

1) There were two main concerns discussed relating to the authorization for a program to require an offender who is not able to pay for a program to complete community service in lieu of payment under certain conditions.

a) The Committee thought the wording, equal to the length of the class he or she would take with the program, may be difficult to determine or know what that means; and

b) The second concern was related to the lack of a requirement for workers compensation insurance for offender's providing community service.

2) One Committee member stated that she wanted to make sure the group sessions were not being removed. Although group sessions were not removed the proposed regulations allow a provider of treatment to evaluate individually each offender for whom he or she will provide treatment upon the admission of the offender to the program and develop a written plan of treatment that may include individual counseling, group counseling or a combination of individual and group counseling at a frequency determined by the provider of treatment in accordance with the requirements of any court order. The proposed regulations also require the

provider of treatment to periodically access the needs and progress of the offender throughout the participation of the offender in the program and adjust the written plan of treatment as needed.

November 29, 2017 - Public Workshop Comments

Public comment was solicited via a public workshop which was held on November 29, 2017 on the proposed regulations at the Division of Public and Behavioral Health located at 727 Fairview Drive, Suite E, Carson City and video conferenced to the Division's office located at 4220 South Maryland Parkway, Suite 810 in Las Vegas.

The public workshop notice was posted on both the Division of Public and Behavioral Health's website as well as the Legislative Counsel Bureau's website.

Two individuals, not representing the Division, signed in at the Carson City location and two individuals, not representing the Division, signed in at the Las Vegas location.

The following is a high-level summary of the testimony provided at the public workshop. Written testimony is attached to this informational statement.

Group counseling size should be set at a maximum of 10 offenders in each group based on research and recognized expert opinion that shows that the best group size is 8 and not more than 10. It was also expressed that Nevada is the sixth worse state for domestic violence and that 44 states are doing a better job. That one of the main reasons is that class sizes for offenders are too large for effective treatment and that 16 in a group is unmanageable.

One workshop attendant noted that Nevada requires dual therapists for group counseling sessions therefore he felt a larger group size was manageable. He recommended that the group counseling session size maximum of 16 be removed and that it just be based on an average size of 12.

Other comments included noting two counselors per group counseling session is not a reason to expand group size and that class size should be kept to a limit of 12.

Mandatory private sessions should be required once a month. Full details on reasons attendant feels this is necessary can be found in attached written testimony. He noted the individual sessions could be just a 30-minute session. Another attendant emphasized the importance of group counseling sessions for domestic violence offenders, but he did note that if individual sessions were required he would agree with 30- minute sessions.

Training – all training done online is not a good idea. Some of the training should be in person. Another attendant noted new providers that have all online training would still need to have observations completed.

Not excited about having community service replace therapy sessions. Another attendant noted, Georgia saw success with program participants deciding to pay instead of doing community service.

Program director should be at least as highly trained as the supervisor. A program director with a high school diploma is not qualified to direct a supervisor with a master's degree. The program Director should have at least a master's degree in a counseling related field.

Besides the issues with group counseling session class size, mandatory private sessions once a month and issues with the program director requirements, an attendant enthusiastically endorses the other changes in the proposed regulations.

July 11, 2018 – Public Hearing

Public comment was also solicited via a public hearing which was held on July 11, 2018 on the proposed regulations at the Division of Public and Behavioral Health located at 4150 Technology Way, Carson City and video conferenced to Southern Nevada Health District located at 280 S. Decatur Blvd in Las Vegas.

In addition to the input mentioned previously, the Division did receive input on the provision which removes the requirement that at least one provider of treatment who conducts a group counseling session be male and another such provider be female.

Input received on this varied from a supervisor of treatment indicating it was a welcome change because it is not always possible to get a male and female provider for a group class, to a professional counselor indicating that matching therapists to those being treated by gender is not supported by research, to a supervisor of treatment noting that it is not necessary to have one male and one female provider of treatment, as two professional counselors would be able to provide the services, to input from the Attorney General's office that the Committee on Domestic Violence recommended that the requirement for one male and one female provider provision not be changed. Although general psychosocial literature does support the concept that matching of gender to clients is not necessary, there was one batterer interventions specific article, titled, *Gendered Perceptions of Batterer Intervention Co-Facilitation*, from 2010, which noted, "Gender relations are the primary focus of the major intervention approaches, and co-facilitation by a male and female is considered good practice, despite the lack of research on the impact of gender relationship modeling by facilitators during batterer intervention." The article

did note that the ability to generalize from the sample of 11 co-facilitators is limited and that it was difficult for the facilitators in this study to identify success.

How other interested persons may obtain a copy of the summary

Any other persons interested in obtaining a copy of the summary may e-mail, call, or mail in a request to Leticia Metherell, RN, CPM, HPM III at the Division of Public and Behavioral Health at:

Division of Public and Behavioral Health
Bureau of Health Care Quality and Compliance
727 Fairview Drive, Suite E
Carson City, NV 89701
Leticia Metherell
Phone: 775-684-1045
Email: lmetherell@health.nv.gov

3. A statement indicating the number of persons who attended each hearing, testified at each hearing, and submitted written statements regarding the proposed regulation. This statement should include for each person identified pursuant to this section that testified and/or provided written statements at each hearing regarding the proposed regulation, the following information, if provided to the agency conducting the hearing:
 - (a) Name
 - (b) Telephone Number
 - (c) Business Address
 - (d) Business telephone number
 - (e) Electronic mail address; and
 - (f) Name of entity or organization represented

A public hearing was held on July 11, 2018. Four individuals signed in at the Carson City location and seven individuals signed in at the Las Vegas location. For the list of attendees, please refer to the Carson City and Las Vegas public hearing attendance sign in sheets included with this informational statement. Written statements, including those from the public workshop process, are attached with this informational statement.

Nine individuals provided testimony. Below is a summary of the feedback provided during the public hearing:

- Increase the community service hours for an offender that has been convicted of a first offense to 85 hours and increase the community service hours that an offender has been convicted of a second offense to 170 hours.

- Use of community services when an offender was not able to pay for the services was used by a previous domestic violence treatment program investigator, with success in encouraging providers to pay for programs.
 - Remove community service section completely as it provides a loophole that may be used by courts to order community service instead of having an offender pay for a program. The community service provision as written is dangerous and should be explored in the future by tying it to fees. Why fix something that is not broken? The community service provision is a disaster and there is no need for it or benefits to it. There is already a misperception that treatment programs can be provided at no cost; this provision would encourage this misperception. Concern was expressed that this provision would hurt programs financially and cause some to close. Concern was also expressed that a provider would have to take patients that cannot pay, and he doesn't want to be flooded by offenders who do community service.
 - Clarification regarding the continuing education or formal training courses was requested including whether supervisors and providers of treatment were limited to taking only the courses listed in Section 10.
 - Concern was expressed that a court did not have the ability to take a photo or make a copy of a photo to be used to confirm the identity of an offender attending counseling sessions via long distance media.
 - Concern was expressed that going from the current group size maximum of 24 to an average of 12 or less would be a financial burden. Suggestions for change included increasing the average group size to 15 and requiring only one provider of treatment per group instead of two. One attendee testified in support of reducing group class size. He noted that research and expert opinion supported smaller group sizes and that this would be a key to improving the effectiveness to programs for treatment of domestic violence.
 - One male and one female provider of treatment per group session allows for role modeling. I don't care.
 - It was expressed that periodically assessing the needs of the offender and adjusting the written plan of treatment in accordance with the needs of the offender, as determined by the provider of treatment should not be required because this is dictated by the courts. This would just turn into a check list item.
 - It was also expressed that individual counseling should not be included in the proposed regulations.
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.

The small business impact questionnaire and proposed regulations were sent to all certified programs for treatment of domestic violence by September 20, 2017. The questionnaire included instructions on how to submit their responses to the Division. The proposed regulations were also posted on the Division’s website. The questions on the questionnaire 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

Summary of Comments Received (4 responses were received out of 20 small business impact questionnaires distributed)			
Will a specific regulation have an adverse economic effect upon your business?	Will the regulation (s) have any beneficial effect upon your business?	Do you anticipate any indirect adverse effects upon your business?	Do you anticipate any indirect beneficial effects upon your business?
Yes- 2 No - 2	Yes -1 No- 3	Yes - 1 No - 2 No Answer - 1	Yes - 0 No – 3 No Answer - 1
Comments: “Sec.17.3. No more 12 offenders. We will have to open more groups. Therefore hire more counselors. 13 grps X 4 = 52 grps. Paid @ \$50.00 X counselor = 5,200.00” “Our biggest concern is the addition of individual counseling sessions. Our rural area, and the line of work for	Comments: If understood correctly, there is no longer a limitation to recertification by distance media. Being rural, this would save us a lot in travel, course costs, and time off work each year. Estimated \$1,500 to \$2,000.”	Comments: “This will affect our monthly revenues. Also cts that are not able to pay will have do community hours. How a for profit company will benefit? Charge more fees for individual counseling. “	Comments: “The only proposed regulation that may have an impact on my business is the electronic media proposal. I do not plan on implementing this proposed adopted regulation at this time.”

<p>most of our clients (mining) makes it difficult for them to get to scheduled groups, let alone an additional individual session. There are only two of us, both needed to be in the group. Individual sessions would require additional time, or to hire an additional provider, both of which would be difficult and cost prohibitive.”</p>			
---	--	--	--

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.

Based on input from industry including responses to the small business impact questionnaire, literature research, the Committee on Domestic Violence of the Attorney General’s office and consultation with a professional counselor the proposed regulations were revised. Below is a summary of the revisions that were made during the regulatory process.

July 2017 - Committee on Domestic Violence Meeting (Attorney General’s Office)

Several revisions were made to the proposed regulations based on feedback received from both the Committee and an attendant of the meeting including:

- Adding clarifying language noting that a Nevada business Identification number is only required to be submitted as part of the application process if not exempt by Secretary of State.
- Removed all references to program director which would require that person to meet the same requirements as a supervisor.
- Removed barriers to completing continuing education requirements, especially for those in rural areas, by allowing all continuing education to be completed via distance media.
- Removed the requirement that an approved course expires 2 years after the date on which the course was approved.

August 2017 – Other Recommendations Used to Revise Proposed Regulations

In August of 2017 a supervisor of treatment provided the following recommendations.

- Authorizing a program to require an offender who is not able to pay for a program to complete community service in lieu of payment.
- Adding a provision that providers may meet annually with their supervisors who will assess areas of need and suggest appropriate workshops, professional development activities and reading materials equaling at least 15 hours of continuing education. Based on this concept the proposed regulations were revised to require a supervisor of treatment to meet annually with each provider of treatment that he or she supervises to assess the needs of the provider of treatment for continuing education and to select the continuing education for the provider.
- Adding additional training courses, such as meditation for self-control, to the current list of training courses that a supervisor or provider of treatment may take to fulfill formal training and continuing education requirements as well as some other training revisions.
- Allowing offenders that reside more than 70 miles from the nearest program to attend meetings through electronic means.

November 28, 2017 – Committee on Domestic Violence (Attorney General’s Office)

The following are revisions that were made because of feedback from the Committee on Domestic Violence.

1) In cases of an offender’s inability to pay for a program, despite the use of a sliding scale, the proposed regulations allow a program to choose to require the offender to take a corresponding amount of community service equal to the length of the class he or she would take with the program. There were two main concerns expressed with this concept:

a) The Committee thought the wording, equal to the length of the class he or she would take with the program, may be difficult to determine or know what that means. The proposed regulations were revised to make this clear by adding specific hourly requirements depending on whether it is an offender’s first or second offense.

b) The second concern was related to the lack of a requirement for workers compensation insurance for offender’s providing community service. The proposed regulations were revised to require that community service completed in lieu of payment be performed under the direction of an organization that is exempt from taxation pursuant to section 501 (c) (3) of the Internal Revenue Code, or a federal, state or local government entity that must offer workers’ compensation insurance that covers volunteers and the offender must be deemed to be an employee of the organization or entity pursuant to NRS 616A.130.

November 29, 2017 - Public Workshop Comments

The following explains revisions that were made or not made because of input obtained during the public workshop.

The proposed regulations were not modified to limit group counseling to 10 offenders in each group. The Division does recognize that there is non-empirical literature that supports smaller groups; therefore, the Division did reduce the maximum group size from the current regulatory requirement of not more than 24 offenders to an annual average of not more than 12 offenders per session. Language was also added requiring the program to provide an explanation for the group size of each group counseling session.

It was decided not to further reduce the maximum class size for several reasons:

- To date the Division has not been able to find empirical data supporting that a specific class size has been proven to improve outcomes. This is supported by the statement: “There is no empirical data on group size, but given the importance of the facilitator-client alliance and group cohesion, smaller groups should be encouraged.” *Evidence-Based Domestic Violence Perpetrator Treatment by John Hamel, Ph.D., LCSW*
- Input received also noted the size and make-up of the group should be assessed by the counselor and that there are times when a larger group can be effective. In addition, the requirement to have 2 providers of treatment per group counseling session has not changed.
- Research on numbers used by other agencies noted that the United States Department of Justice suggests an optimal size of twelve, with a maximum of sixteen, the Santa Clara County Standards for Batterer’s Intervention Programs notes that a fully certified program may use one facilitator for up to 12 participants and a group greater than 12 shall have a co-facilitator and the Kansas Attorney General’s Batterer’s Intervention Programs notes the size of each group shall not exceed 20 batterers but that a group of 8 to 15 batterers is preferred.

Based on all of the information provided above, feedback from at least one provider requesting the class size be based on average to provide greater flexibility in providing domestic violence treatment services and other feedback, while taking into consideration the small business impact to smaller programs such as those in rural areas, while at the same time acknowledging that there are several non-empirical sources advocating for smaller class sizes, it was decided that reducing the current maximum level to an average of 12 plus adding language requiring programs to provide explanations for the group sizes chosen was on balance the right direction for Nevada’s Batterer’s treatment programs until more research is conducted in this area, including empirical research.

The proposed regulations were not modified to require monthly mandatory private sessions for the following reasons:

- 1) The Division has not found to date, evidence that requiring mandatory private sessions for all offenders, improves outcomes. One of the factors cited in the literature for possible

ineffectiveness of batterer's intervention programs is the use of a "one-size-fits-all" approach as it has been noted that there are differences in offenders.

2) Another article noted, "There does not appear to be clear-cut evidence that treatment should be limited to one particular modality. Due to serious mental health or personal issues, some offenders are too disruptive in a group setting and may be required to enroll in individual counseling, but research is inconclusive as to whether individual therapy is superior to group for partner-violent offenders (Murphy & Echardt, 2005)." *Evidence-Based Domestic Violence Perpetrator Treatment by John Hamel, Ph.D., LCSW*

3) The main proponent of mandatory individual counseling sessions, later in the regulatory process, noted that private sessions should be voluntary and not mandatory.

4) The proposed regulations were revised to allow for a provider of treatment to develop a written plan of treatment that may include individual counseling, group counseling or a combination of individual and group counseling at a frequency determined by the provider of treatment in accordance with the requirements of any court order. In addition, the proposed regulations also require the provider of treatment to periodically assess the needs and progress of the offender throughout the participation of the offender in the program and adjust the written plan of treatment as needed.

Based on all of the above information, support in the literature for an individualized treatment approach versus a "one-size-fits-all" approach, the inability to find direct evidence supporting that mandatory individual sessions for all offenders improve outcome, and the other evidence presented above, plus taking into account the small business impact to smaller programs, such as those in rural areas, it was decided that the best approach at this time is to allow the providers of treatment to provide individual sessions if based on their assessment of the offender it is determined to be needed.

The proposed regulations were not revised to require that the Director basically meet the same requirements as a supervisor of treatment.

The role of the director in this case is similar to the role of a facility administrator which oversees the operation of the overall program. Other health facility types that have providers of health care working in them, including physicians, nurses, counselors and social workers, do not have state requirements that the administrator or director be a clinician or have a degree which is equivalent to or higher than that of their staff. Certain facility types, in addition to the administrator or director, have clinicians that oversee the clinical aspect of care, for example, a medical, nursing or clinical director. This is modeled in a similar manner in which the director

would oversee things like ensuring policies and procedures are in place and ensuring compliance with regulations. The supervisor of treatment would be responsible for overseeing the actual clinical aspects of the care.

July 11, 2018 – Public Hearing

The following revisions were made or not made as part of the public hearing process including input received as part of the public hearing process.

The Division received input on the provision which removes the requirement that at least one provider of treatment who conducts a group counseling session be male and another such provider be female.

Input received on this varied from a supervisor of treatment indicating it was a welcome change because it is not always possible to get a male and female provider for a group class, to a professional counselor indicating that matching therapists to those being treated by gender is not supported by research, to input from the Attorney General's office that the Committee on Domestic Violence recommended that the requirement for one male and one female provider provision not be changed. Although general psychosocial literature does support the concept that matching of gender to clients is not necessary, there was one batterer interventions specific article, titled, *Gendered Perceptions of Batterer Intervention Co-Facilitation*, from 2010, which noted, "Gender relations are the primary focus of the major intervention approaches, and co-facilitation by a male and female is considered good practice, despite the lack of research on the impact of gender relationship modeling by facilitators during batterer intervention." The article did note that the ability to generalize from the sample of 11 co-facilitators is limited and that it was difficult for the facilitators in this study to identify success.

The proposed regulation to remove the requirement that one provider or supervisor of treatment be one female and one be male was not changed because although considered to be a good practice by some, other professionals have expressed that this is not necessary. Review of literature did not find evidence that having one male and one female provider of treatment improved the effectiveness of programs. Also, the requirement for two providers did not change. The adopted regulations do not prevent any program who believes having one male and one female provider of treatment is best practice from continuing to use that model. All of this was balanced with the potential lack of access of services, especially in rural areas, to both one male and one female provider.

Support was found in the literature for an individualized treatment approach versus a "one-size-fits-all" approach; therefore, the adopted regulations did not remove the ability for providers of treatment to base treatment on the individual needs of the offenders.

The proposed regulations were adopted by the Division with the following changes and reasons for the changes:

- 1) Section 10 listing the courses for continuing education or formal training in domestic violence was revised to add language to make it clear that in addition to the courses listed the Division has the ability to approve additional courses. This change was made based on feedback received during the public hearing noting that there may be other courses not listed that would be appropriate for supervisors and providers of treatment to take.
- 2) Section 19 was revised so that it would be the responsibility of a program to provide a court with the photograph of an offender to verify identification instead of having the court provide a photograph of the offender to be kept on file by the program. This was changed because a Judge expressed concern that a court did not have the ability to take a photo or make a copy of a photo.
- 3) Section 22 was changed by repealing subsections 2, 3, 4, and 5 authorizing a program to require an offender who is not able to pay for a program to complete community service in lieu of payment under certain conditions. This was originally put into the proposed regulations because a supervisor of treatment felt it would help encourage offenders to pay because many would not want to do community service. He had mentioned a previous domestic violence investigator had experience with this concept in Georgia with success. This was removed because several other program representatives, during the public hearing, expressed serious concerns that instead of assisting them in obtaining payment it would do the opposite and result in them having to provide free services using the community service provision.
- 4) Section 30, subsection 3 was revised so that group counseling sessions would be limited to an average of 15 offenders or less instead of an average of 12 offenders or less. There were concerns expressed during the public hearing that going from the current group size maximum of 24 to an average of 12 or less would be a financial burden; therefore, the adopted regulations elevated it to an average of 15 offenders.

6. 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.

Anticipated effects on the business which NAC 228 regulates:

- A. *Adverse effects*: The proposed regulations will increase the cost to do business for those programs that currently have average group sizes greater than 15 in a year. It will not impact those programs that currently keep average group sizes at 15 or less in a year. One individual estimated reducing the group size would cost an additional \$5,200. A concern was also expressed that individual sessions may result in the need to hire an additional provider, which would be an additional cost. The proposed

regulations were revised to allow for individual sessions based on a provider of treatment's assessment of the need for individual sessions and does not make it mandatory for all offenders. This should help reduce the fiscal impact on small businesses.

- B. *Beneficial*: Removing barriers to the use of distance media may save costs related to travel, course costs and time off work each year. One individual estimated a cost savings of \$1,500 to \$2,000 each year.
- C. *Immediate*: Upon passage of the proposed regulations costs may increase for some treatment programs and costs may be reduced for others based on the circumstances of each program.
- D. *Long-term*: There may be long term cost increases or cost savings, as noted in the adverse effects and beneficial sections, depending on the circumstances of each program.

Anticipated effects on the public:

- A. *Adverse*: No adverse effects on the public are anticipated.
- B. *Beneficial*: Allowing offenders that reside more than 70 miles from the nearest program to attend counseling sessions by electronic media, if certain criteria are met, may provide more flexibility and make it easier for those who live far away from a program to participate and complete the treatment program. Providing methods that encourage participation in therapy sessions may help reduce dropouts which has been cited in literature as one reason a treatment program may lack effectiveness. In addition, it will make it easier for supervisors of treatment and providers of treatment to meet their CEU requirements and for new applicants to meet the training requirements.
- C. *Immediate*: Upon passage of the proposed regulations provide the benefits as noted in the beneficial section.
- D. *Long-term*: Possibly reduce offender dropout rates by making it easier for those who must travel a long distance to attend a treatment program to participate.

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

The estimated cost to the Division of Public and Behavioral Health for enforcement of the proposed regulations is estimated based on the lowest initial application cost of \$1,164 for a license type in which clients do not spend the night at the facility and the lowest annual renewal fee in current regulations which is \$600, as we have not been certifying the programs long enough to obtain data to make a more accurate determination at this time.

The currently effective regulations do not assess a fee and these programs have not paid any certification fees previously. As these programs transferred over to the Division without payment of fees it was decided to not introduce new fees at this point and instead absorb them

into our current licensing and regulatory workload. Once we have been certifying these programs for a longer period we may gain a better understanding of the cost to certify them and may introduce certification fees through the regulatory process in the future.

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 proposed regulations do not overlap or duplicate any other federal or Nevada state regulations.

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

There are no other state or federal regulations addressing 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 establish a new fee.