

DIVISION OF PUBLIC & BEHAVIORAL HEALTH
HEALTH PROTECTION AND PREPAREDNESS
OFFICE OF VITAL RECORDS AND STATISTICS
LCB File No. R150-18

Informational Statement per NRS 233B.066

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

The proposed regulations to Nevada Administrative Code 440 relating to Vital Statistics is to amend and modify existing language to make regulations more clear, current and compatible with the intent and scope of the Office of Vital Records program. The proposed regulations are designed around current industry standards, practices and to help establish a balance between customer service and the integrity of vital records.

Some of the proposed regulations is to provide clarity or address common issues faced within the Office of Vital Records. In addition, proposed revisions to regulations were based on new state laws.

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;

The Division of Public and Behavioral Health has held several opportunities for the public, small businesses and stakeholders to provide input and comments regarding the proposed regulations, including the economic impact the proposed regulations may have on small business and the public.

A small business impact questionnaire was mailed or emailed to users of the Vital Records System, Funeral Homes, County Coroners / Medical Examiners, the Nevada Board of Medical Examiners, the Nevada Nursing Board, the Nevada State Medical Association, Nevada Funeral and Cemetery Services Board, Clark County Vital Records Office, Washoe County Vital Records Office, and Renown Health along with a copy of the proposed regulation changes, on April 10, 2018.

Eight (8) responses were received out of 722 Small Business Impact Questionnaires distributed. Two (2) of the eight (8) responses, indicated that it would have an indirect adverse effect upon their business. One (1) of those responses later indicated that their response may not have been in conjunction with proposed regulations.

A small business impact statement was prepared and made available on May 9, 2018. The agency concluded the proposed regulations will produce negligible impact on small businesses. The Division of Public and Behavioral Health developed regulations that would not be unduly burdensome on small businesses, such as certifiers and funeral homes. Overall, small businesses in the State of Nevada appear not to be impacted by the proposed regulations.

A Public Workshop was conducted on May 24, 2018 via teleconference and videoconference, in Carson City at Division of Public and Behavioral Health, 4150 Technology Way, Room 303, Carson City, Nevada, 89706 and in Las Vegas Rawson-Neal Psychiatric Hospital.

Eight attendees provided testimony. One (1) attendee was in support of the proposed regulations, two (2) attendees had comments that they did not receive an email notification, one (1) attendee had questions regarding corrections and four (4) attendees from three (3) different funeral homes provided some opposition. A summation of the opposition comments are as follows taken from the Public Workshop minutes:

- 1. All four (4) attendees opposed the proposed regulation to start a death record within 24 hours after the funeral director receives the decedent. Most of the funeral director's concerns surrounded around the completion of a death record, but the proposed regulation only addresses the starting of a death record.**
- 2. One (1) funeral director opposed a revision to section 16 of the proposed regulations regarding disinterment. The proposed regulation changes the time frame to "prior to" instead of "within 72 hours after" any disinterment that funeral director shall file an Affidavit for Correction of a Record. The opposition was because sometimes families change their mind for disinterment, which would result in inaccurate death records.**

The State Board of Health meeting was conducted on Friday December 7, 2018. There was one question from the public regarding the starting of a death record within 24 hours. The question was satisfactorily answered at the meeting. In addition, there were several mothers with their children in attendance at the Board of Health meeting. The mothers were there in support of the proposed regulations and indicated that the revisions are going to make it easier for home births.

Other interested parties can find proposed regulations and the small business impact statement on our website at:

http://dpbh.nv.gov/Programs/BirthDeath/Birth_and_Death_Vital_Records_-_Home/

- 3. A statement indicating the number of persons who attended each meeting or workshop, 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 at each hearing and/or submitted written statements regarding the proposed regulation, the following information, if provided to the agency conducting the hearing or workshop:**
 - (a) Name**
 - (b) Telephone Number**
 - (c) Business Address**
 - (d) Business telephone number**
 - (e) Electronic mail address; and**
 - (f) Name of entity or organization represented**

PUBLIC WORKSHOP

- **Jamie Bostic, Office Manager of Gunter's Funeral Home, P.O. Box 1720 Hawthorne, NV 89415**
- **Jay Gunter, Owner of Gunter's Funeral Home, P.O. Box 1720 Hawthorne, NV 89415**
- **Kirk Gills, VP Strategy, Renown Health, 50 West Liberty, Reno, Nevada**
- **Rick Noel, General Manager, Walton's Funeral Home, 230 Vine Street, Reno, Nevada**
- **Justin Norton, AA, Washoe County Medical Examiner's Office, 990 E. 9th Street, Reno, NV 89512**
- **Christ Grant, Owner, McDermot's Funeral and Cremation Services, 2121 Western Avenue Ste A3, Las Vegas, NV 89102**
- **Corrine Flats, Midwife in Las Vegas via teleconference**
- **Jacqueline Warburton of Banner Churchill Community Hospital via teleconference**
- **Ellie Reed of the Second Judicial District Court via teleconference**

STATE BOARD OF HEALTH MEETING

At the State Board of Health Meeting, there were 36 signed in attendees in Carson City and 55 signed in attendees in Las Vegas.

Provided Testimony - Harrison Billian, Truckee Meadows Cremation and Burial, 616 S. Wells Street, Reno, NV 89502

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.

A copy of the public notice and agenda was faxed or mailed to the following locations for posting including all county libraries:

1. **Division of Public and Behavioral Health, 4150 Technology Way, First Floor Lobby, Carson City**
2. **Nevada State Library and Archives, 100 Stewart Street, Carson City**
3. **Emergency Medical Systems, 1020 Ruby Vista Drive, Ste. 102, Elko**
4. **Southern Nevada Health District, 280 S Decatur Blvd, Las Vegas**
5. **Washoe County District Health Department, 1001 E. Ninth, Building B, Reno**
6. **Rawson-Neal Psychiatric Hospital, 1650 Community College Drive, Las Vegas**
7. **Nevada Early Intervention Services, 3811 W. Charleston Blvd. Ste. 112, Las Vegas**
8. **Nevada State Division of Public and Behavioral Health, Office of Vital Records web page: http://dpbh.nv.gov/Programs/BirthDeath/Birth_and_Death_Vital_Records_-_Home/**
9. **Nevada Public Notice Website: <http://notice.nv.gov>**

10. Nevada Legislature Administrative Regulations Notices Meetings and Workshops
Website: <https://leg.state.nv.us/App/Notice/A/>

In addition, the Division of Public and Behavioral Health has held several opportunities for the public, small businesses and stakeholders to provide input and comments regarding the proposed regulations, including the economic impact the proposed regulations may have on small business and the public.

A small business impact questionnaire was mailed or emailed to users of the Vital Records System, Funeral Homes, County Coroners / Medical Examiners, the Nevada Board of Medical Examiners, the Nevada Nursing Board, the Nevada State Medical Association, Nevada Funeral and Cemetery Services Board, Clark County Vital Records Office, Washoe County Vital Records Office, and Renown Health along with a copy of the proposed regulation changes, on April 10, 2018.

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A small business impact statement was prepared and made available on May 9, 2018. The agency concluded the proposed regulations will produce negligible impact on small businesses. The Division of Public and Behavioral Health developed regulations that would not be unduly burdensome on small businesses, such as certifiers and funeral homes. Overall, small businesses in the State of Nevada appear not to be impacted by the proposed regulations.

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Eight attendees provided testimony. One (1) attendee was in support of the proposed regulations, two (2) attendees had comments that they did not receive an email notification, one (1) attendee had questions regarding corrections and four (4) attendees from three (3) different funeral homes provided some opposition. A summation of the opposition comments are as follows taken from the Public Workshop minutes:

- 1. All four (4) attendees opposed the proposed regulation to start a death record within 24 hours after the funeral director receives the decedent. Most of the funeral director's concerns surrounded around the completion of a death record, but the proposed regulation only addresses the starting of a death record.**

2. **One (1) funeral director opposed a revision to section 16 of the proposed regulations regarding disinterment. The proposed regulation changes the time frame to “prior to” instead of “within 72 hours after” any disinterment that funeral director shall file an Affidavit for Correction of a Record. The opposition was because sometimes families change their mind for disinterment, which would result in inaccurate death records.**

The State Board of Health meeting was conducted on Friday December 7, 2018. There was one question from the public regarding the starting of a death record within 24 hours. The question was satisfactorily answered at the meeting. In addition, there were several mothers with their children in attendance at the Board of Health meeting. The mothers were there in support of the proposed regulations and indicated that the revisions are going to make it easier for home births.

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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.**

For all public comments, the Office of Vital Records did not make any changes to the proposed regulations.

Four (4) attendees from three (3) funeral homes opposed the proposed regulation to start a death record within 24 hours after the funeral director receives the decedent. Most of the funeral director’s concerns surrounded around the completion of a death record, but the proposed regulation only addresses the starting of a death record. The Division of Public and Behavioral Health decided not to make changes to the proposed regulation, because Nevada Revised Statutes (NRS) requires a death record to be completed within 72 hours. Extending a timeframe past 72 hours would not coincide with NRS. Maintaining the proposed regulation was important in efforts to ensure data quality and timeliness.

One (1) funeral director opposed a revision to section 16 of the proposed regulations regarding disinterment. The proposed regulation changes the time frame to “prior to” instead of “within 72 hours after” any disinterment that funeral director shall file an Affidavit for Correction of a Record. The funeral director’s concern was that families sometimes change their mind regarding disinterment. Most of the time, the disinterment happens and there would likely be more inaccurate death records if the correction request was submitted after approval of the disinterment.

The Southern Nevada Health District and others at the public workshop or Board of Health Meeting had questions that were answered or in support of the proposed regulations.

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.

There was no known economic impact, immediate or long term effects on the businesses which it is to regulate. Two (2) businesses indicated that it would have an indirect adverse effect upon their business. One (1) of those responses later indicated that their response may not have been in conjunction with proposed regulations. The other business did not specifically state how it would have an impact their business.

There was no known economic impact, immediate or long term effects for the public.

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

There are no anticipated costs to the agency for enforcement of the regulations.

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 other state or government agencies.

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

The proposed regulations are not more stringent than federal regulations.

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.

There are no fees in the proposed regulation.

NOTE: The Informational statement is essential. If this statement is not included with the final regulations or is incomplete or inaccurate, LCB will return the regulation to the agency. Unless a statement is supplied, the LCB will not submit the regulation to the Legislative Commission, and the regulation never becomes effective (NRS 233B.0665).