

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

**LCB FILE NO. R013-201**

**The following document is the initial draft regulation proposed**  
**by the agency submitted on 01/27/2020**

NRS433A.160 Regulations Recommendation for Accredited Agents

**Authority:**

- I. NRS433A.160 as amended by Section 10, Subsection 1 of AB66 (2019):  
NRS 433 The State Board of Health shall adopt regulations providing for the licensure and regulations of providers of nonemergency secure behavioral health transport services by the Division.
- II. NRS433A.160 as amended by Section 11, Subsection 5 of AB85 (2019):  
NRS433A.165 (8). The State Board of Health shall adopt regulations governing the manner in which:
  - a) A person may apply to become an accredited agent of the Division; and
  - b) Accredited agents of the Division will be monitors and disciplined for professional misconduct

**Proposed Regulation of the State Board of Health**

**LCB FILE NO. RXXX-19I**

Section 1. Chapter 433A of NAC is hereby created by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this regulation.

*Sec. 2. As used in sections 2 to 9, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 2 through 13 of this regulation have the meanings ascribed to them in those sections.*

*Sec. 3. "Accredited agent of the Division" means any person authorized by the Division to transport persons alleged to be a person in a mental health crisis to a mental health facility or hospital pursuant to NRS 433A.160.*

*Sec 4. "Behavioral health transportation services" means non-emergency secure behavioral health transport services pursuant to NRS 433 (Section 10 of AB66).*

*Sec 5. "Behavioral health condition" means an episode of behavioral health crisis as evidenced by extreme emotional distress that includes but is not limited to an acute episode of mental illness and/or suicidal thoughts and/or behavior that may co-occur with substance use and other disorders.*

*Sec 6. "Non-emergency secure behavioral health transport services" means the use of a motor vehicle, other than an ambulance, as defined in NRS 450B.040, or other emergency response vehicle, that is specifically designed, equipped and staffed to transport a person alleged to be in a mental health crisis or other behavioral health condition in a manner that:*

*Sec 7. Non-emergency secure behavioral health transport services may be used for the following transports:*

- a) Facility-to-facility transport between facilities including but not limited to hospitals, public or private mental health facilities, and medical facilities.*

- b) Transport to and from a facility arranged by individuals authorized by 433A.160 to arrange for transportation.*

*Sec. 8. The Division may authorize non-emergency secure behavioral health transport services and accredited agents to transport persons alleged to be in a mental health crisis to a public or private mental health facility or hospital pursuant to NRS 433A.160, and persons experiencing a behavioral health condition who are seeking voluntary admission to a public or private mental health facility or hospital pursuant to NRS 433A.140 .*

*Sec. 9.*

- 1. To be eligible as an accredited agent of the Division the applicant must be able to provide behavioral health transportation services.*
- 2. The Division will provide letters of “accredited agent status” to entities that meet the requirements within this section that will be valid for a period of two-years.*
- 3. Accredited agents will be re-evaluated every two-years.*
- 4. Holders of an ambulance permit under NRS 450B are not subject to this regulation and may provide behavioral health transportation services.*

*Sec. 10. An accredited agent who is providing behavioral health transportation services, must meet the following requirements:*

- 1. Provide operational policies and procedures including:*
  - a) A description of how the accredited agent non-emergency secure transport will interface with hospitals, emergency patient receiving facilities, licensed mental health facilities, and other licensed or designated EMS providers,*
  - b) A description of location(s) for stationing vehicle(s), equipment and supplies.*
  - c) A written policy that describes how patients who require an ambulance will be refused for transport,*
  - d) A written description of the service area for coordination with other licensed and designated providers,*
  - e) A plan that explains the initial and recertification training required of employees*
  - f) A plan for staff to obtain required training,*
  - g) A written policy that includes patients who are unable to pay for transport, and*
  - h) A written protocol to activate 911 if an emergency medical situation arises,*
  - i) Listing of every vehicle that will be utilized by the company as a behavioral health transportation vehicle by license plate number and Vehicle Identification Number,*
- 2. Maintain documentation and records of and, upon request of the Division, provide:*
  - a) The names of staff members directly providing behavioral health transportation*
  - b) Evidence of background checks as defined by NRS449.123 for staff directly providing behavioral health transportation*
  - c) Evidence of driver’s licenses for staff directly providing behavioral health transportation Staff obtaining required training and/or recertification*

- d) *A copy of the certificate of insurance, or if seeking application provide proof of the ability to obtain insurance, from an insurance company authorized to write liability coverage in Nevada or through a self-insurance program to respond to damages due to operation of a vehicle in these minimum amounts;*
  1. *(i) liability insurance in the amount of \$1,000,000 for each individual claim, and*
  2. *(ii) liability insurance in the amount of \$1,000,000 for property damage from any one occurrence.*
3. *Ensure that staff directly providing behavioral health transportation and supportive services obtain, at minimum, the following training requirements for:*
  - i. *4 hours of initial evidence informed and/ or evidence-based de-escalation training followed by annual recertification as prescribed by the training and;*
  - ii. *8 hours of initial evidence informed and/ or evidence based behavioral health training, including suicide prevention and intervention, opioid overdose prevention, and mental health and substance use awareness training and;*
  - iii. *Healthcare Provider cardiopulmonary resuscitation certification for employees driving or riding within a transport vehicle.*
4. *Provide a driver and an attendant, not to be seated in the passenger compartment of the vehicle, during the transport of the patient, while the patient is in the vehicle.*

*Sec. 11. Each vehicle designated to provide non-emergency secure behavioral health transport services:*

1. *Allows for observation of the person being transported; and*
2. *Prevents the person being transported from escaping from the vehicle or accessing the driver or the means of controlling the vehicle NRS433A.160 as amended by Section 10, Subsection 1 of AB66.*
3. *Must be maintained in safe operating condition, including its engine, body and other operating parts and equipment. The Division shall periodically, at least every 12 months, require the holder of an accredited agency letter to certify that the holder has had each vehicle under his or her control inspected by a State authorized garage that has found it to be in safe operating condition. The holder shall mail a copy of the certificate to the Division with each application for the renewal of a permit or upon request of the Division.*
4. *Shall have a driver's compartment separated from the passenger compartment in such a way that communication is not hindered and that the passenger is prohibited from accessing the driver or any of the operating components of the vehicle,*
5. *May have space in the passenger compartment for a gurney or stretcher adequate to allow for the head of the gurney or stretcher to be elevated to patient's comfort level if being used during transfer,*
6. *Shall have two or more traditional vehicle seats in the passenger compartment with appropriate seat belt restraints,*
7. *Shall be designed so that the interior of the passenger compartment is free of any exposed sharp edges or projections,*

8. *Shall be designed so that all doors will be locked and unable to open in the passenger compartment while the vehicle is in motion,*
9. *Shall be designed so that all windows in the passenger compartment will not open to allow sufficient space for a person to escape the vehicle. Additionally, windows should be of a material or covered by a material which allows the passenger to see out, while obscuring the view of anyone into the compartment from the outside.*
10. *Must be equipped with the following supplies:*
  - a) *a First Aid Kit*
  - b) *a fire extinguisher rated 2A:10BC or greater*
  - c) *a body fluid clean up kit*
  - d) *Radio that connects the driver to a company dispatch center or a cell phone capable of dialing 9-1-1 to summon assistance.*

*Sec. 12. Each accredited agent shall submit a quarterly report to the Division which must include information concerning the behavioral health transportation services including, without limitation:*

- a) *The total number of transports*
- b) *The pick-up and drop off location (including county and/ or facility)*
- c) *The requesting entity*
- d) *The response time from request to patient pick up*
- e) *Patient's insurance type and status if known*
- f) *Any escapes, injuries, or other problems that occur during a transport*

*Sec. 13. The Division shall charge and collect nonrefundable fees to operate a non-emergency secure behavioral health transport service and for the accreditation of an agent in accordance with the following schedule:*

1. *Fees to operate a non-emergency secure behavioral health transport service are set as follows:*
  - a.) *Initial application for a permit \$900*
  - b.) *Renewal of a permit \$120*
  - C.) *Late renewal of a permit will incur an additional fee of \$70.00*
  - d.) *Inspection of new or additional vehicles \$23.00*
  - e.) *For the reinspection of a vehicle \$75.00*
2. *Fees for the accreditation of an agent:*
  - a.) *Initial accreditation \$24.00*
  - b.) *Renewal of an accreditation \$24.00*
  - C.) *Late renewal of an accreditation will incur an additional fee of \$50.00*