

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

**LCB File No. R013-20**

April 24, 2020

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

AUTHORITY: §§1-13, NRS 433.324, 433.3317 and 439.200; §14, NRS 433.324, 433.3317, 439.150 and 439.200.

A REGULATION relating to nonemergency secure behavioral health transport services; prohibiting an unlicensed person from providing nonemergency secure behavioral health transport services; providing for the issuance and renewal of a license; requiring a provider of nonemergency secure behavioral health transport services to develop and maintain certain operational policies; requiring such a provider to maintain liability insurance and documentation; requiring certain employees of a provider to receive certain training; requiring vehicles of a provider to meet certain standards; listing the circumstances in which a provider is authorized to transport a patient; authorizing the denial, suspension or revocation of a license under certain circumstances; prescribing fees for licensure of providers and inspections of vehicles of a provider; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law defines “nonemergency secure behavioral health transport services” as the use of a specifically designed motor vehicle, other than an emergency response vehicle, that is specifically designed, equipped and staffed to transport persons with a mental illness or other behavioral health condition. Existing law requires the State Board of Health to adopt regulations providing for the licensure and regulation of providers of nonemergency secure behavioral health transport services by the Division of Public and Behavioral Health of the Department of Health and Human Services. (NRS 433.3317) Existing law authorizes the use of nonemergency secure behavioral health transport services to transport a person alleged to be a person in a mental health crisis to a mental health facility or hospital for emergency admission. (NRS 433A.160) **Section 3** of this regulation prohibits an unlicensed person or entity from providing nonemergency secure behavioral health transport services. **Section 3** also prescribes the requirements for the issuance or renewal of a license and the term of a license. **Section 4** of this regulation requires a provider of nonemergency secure behavioral health transport services to develop and maintain certain operational policies. **Section 5** of this regulation prescribes the required training for certain employees of a provider of nonemergency secure behavioral health transport services. **Section 6** of this regulation requires a provider to obtain a criminal background check on any employee who serves on a vehicle that transports patients, and **section 7** of this regulation prohibits an

employee who has been convicted of certain crimes from serving on such a vehicle. **Section 7** also prescribes a process by which an employee may seek to correct information acquired by the provider through a criminal background investigation.

**Section 8** of this regulation requires a provider to hold certain liability insurance. **Section 9** of this regulation prescribes requirements governing the layout, equipment, maintenance and staffing of a vehicle used for nonemergency secure behavioral health transport services. **Section 10** of this regulation requires the Division to inspect each such vehicle before it goes into service and at least once annually thereafter. **Section 11** of this regulation prescribes the authorized uses of nonemergency secure behavioral health transport services. **Section 12** of this regulation requires a provider of nonemergency secure behavioral health transport services to: (1) maintain certain documentation; and (2) submit to the Division a quarterly report of information concerning each transportation of a patient. **Section 13** of this regulation authorizes the Division to deny, suspend or revoke a license for a violation of federal or state law or regulations relating to the provision of nonemergency secure behavioral health transport services. **Section 14** of this regulation prescribes the fees for an initial application for a license, the renewal and late renewal of a license and the inspection and reinspection of a vehicle.

**Section 1.** Chapter 433 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 14, inclusive, of this regulation.

**Sec. 2.** *As used in sections 2 to 14, inclusive, of this regulation, unless the context otherwise requires, “provider” means a provider of nonemergency secure behavioral health transport services.*

**Sec. 3. 1.** *A person or entity shall not provide nonemergency secure behavioral health transport services unless the person or entity is licensed as a provider by the Division.*

**2.** *To obtain a license as a provider, a person or entity must apply to the Division on a form provided by the Division and pay the initial application fee prescribed by section 14 of this regulation.*

**3.** *A license is valid for a term of 1 year from the date on which it is issued and may be renewed. To renew a license, the licensee must submit an application to the Division on a form provided by the Division and, except as otherwise provided in subsection 5, pay the fee for renewal prescribed by section 14 of this regulation.*

*4. The application for renewal must include, without limitation, for each vehicle used by the licensee to transport patients, a form provided by the Division and completed by the person who conducted the most recent inspection of the vehicle pursuant to section 10 of this regulation attesting that the vehicle complies with the requirements of sections 2 to 14, inclusive, of this regulation.*

*5. The Division may accept an application for renewal that is submitted late if it is submitted not more than 3 years after the date on which the license expired and is accompanied by the fee for late renewal prescribed by section 14 of this regulation.*

*Sec. 4. 1. A provider shall develop and maintain operational policies that include, without limitation:*

*(a) A description of the manner in which the provider will communicate and coordinate with hospitals, mental health facilities, independent centers for emergency medical care, providers of emergency medical services and other providers of medical services;*

*(b) A description of the locations at which the provider will station vehicles, equipment and supplies;*

*(c) The manner for determining whether to refuse to transport a patient because the patient requires transport by ambulance;*

*(d) A description of the area served by the provider;*

*(e) The manner in which to ensure that each employee who serves on a vehicle that transports patients or provides supportive services meets the requirements of section 5 of this regulation and a description of the training that each such employee must receive;*

*(f) The manner in which to handle transportation of patients who cannot demonstrate an ability to pay for the transportation;*

*(g) A protocol for determining when an emergency that arises during transportation requires the employees to seek additional emergency assistance; and*

*(h) A list of each vehicle that is used by the provider for nonemergency secure behavioral health transport services that includes, without limitation, the vehicle identification number and license plate number of each vehicle.*

*2. As used in this section, “independent center for emergency medical care” has the meaning ascribed to it in NRS 449.013.*

**Sec. 5. 1.** *Before an employee of a provider may serve on a vehicle that transports patients or provide supportive services, the employee must receive at least:*

*(a) Four hours of evidence-based training concerning de-escalation of conflicts and obtain annual recertification in de-escalation of conflicts.*

*(b) Eight hours of evidence-based training concerning behavioral health which includes, without limitation, training concerning:*

*(1) Suicide prevention and intervention;*

*(2) The manner in which to respond when a person has overdosed on opioids; and*

*(3) Awareness of issues relating to mental health and substance use.*

*2. In addition to the training required by subsection 1, each such employee must be currently certified in the techniques of administering cardiopulmonary resuscitation.*

**Sec. 6. 1.** *Except as otherwise provided in subsections 2 and 3, within 10 days after hiring an employee who serves on a vehicle that transports patients, a provider shall:*

*(a) Obtain a written statement from the employee stating whether he or she has been convicted of any crime listed in NRS 449.174;*

*(b) Obtain from the employee one set of fingerprints and a written authorization to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;*

*(c) Submit to the Central Repository for Nevada Records of Criminal History the fingerprints obtained pursuant to paragraph (b) to obtain information on the background and personal history of the employee to determine whether he or she has been convicted of any crime listed in NRS 449.174; and*

*(d) If an Internet website has been established pursuant to NRS 439.942:*

*(1) Screen the employee using the Internet website. Upon request of the Division, proof that the employee was screened pursuant to this subparagraph must be provided to the Division.*

*(2) Enter on the Internet website information to be maintained on the website concerning the employee.*

*2. A provider is not required to obtain the information described in subsection 1 from an employee who serves on a vehicle that transports patients if his or her fingerprints have been submitted to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report within the immediately preceding 6 months and the report of the Federal Bureau of Investigation indicated that the employee has not been convicted of a crime set forth in NRS 449.174.*

*3. A provider is not required to obtain the information described in subsection 1 from an employee who serves on a vehicle that transports patients if:*

*(a) The employee agrees to allow the provider to receive notice from the Central Repository for Nevada Records of Criminal History regarding any conviction and subsequent conviction of the employee of a crime listed in NRS 449.174;*

*(b) An agency, board or commission that regulates an occupation or profession pursuant to title 54 of NRS or temporary employment service has, within the immediately preceding 5 years, submitted the fingerprints of the employee to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and*

*(c) The report of the Federal Bureau of Investigation indicated that the employee has not been convicted of any crime set forth in NRS 449.174.*

*4. A provider shall ensure that the information concerning the background and personal history of each employee who serves on a vehicle that transports patients:*

*(a) Except as otherwise provided in subsection 2 and 3, is completed as soon as practicable; and*

*(b) Is completed at least once every 5 years after the date of the initial investigation.*

*5. The provider shall, when required:*

*(a) Obtain one set of fingerprints from the employee;*

*(b) Obtain written authorization from the employee to forward the fingerprints obtained pursuant to paragraph (a) to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and*

*(c) Submit the fingerprints to the Central Repository for Nevada Records of Criminal History or, if the fingerprints were submitted electronically, obtain proof of electronic submission of the fingerprints to the Central Repository for Nevada Records of Criminal History.*

*Sec. 7. 1. Upon receiving information from the Central Repository for Nevada Records of Criminal History pursuant to section 6 of this regulation, or evidence from any other source, that an employee has been convicted of a crime listed in NRS 449.174, a provider shall prohibit the employee from serving on a vehicle that transports patients after allowing the employee time to correct the information as required pursuant to subsection 2.*

*2. If an employee who serves on a vehicle that transports patients believes that the information provided by the Central Repository is incorrect, the employee may immediately inform the provider. A provider that is so informed shall give the employee a reasonable amount of time of not less than 30 days to correct the information received from the Central Repository before prohibiting the employee from serving on a vehicle that transports patients pursuant to subsection 1.*

*Sec. 8. 1. A provider shall maintain liability insurance to cover any damage resulting from the operation of a vehicle that transports patients in the amount of \$1,000,000 for each individual claim and \$1,000,000 for any property damage caused by any single event.*

*2. Liability insurance required by this section may be obtained from an insurer authorized to issue insurance in this State or through a program of self-insurance.*

*Sec. 9. 1. A vehicle used for nonemergency secure behavioral health transport services must include:*

*(a) A driver's compartment that is separated from the passenger compartment in a manner that:*

- (1) Allows the driver and the passenger to communicate; and*
- (2) Prohibits the passenger from accessing the driver or any control for operating the vehicle; and*

*(b) A passenger's compartment that:*

*(1) Has two or more traditional vehicle seats with appropriate seat belt restraints;*

*(2) Is free from exposed sharp edges or projections;*

*(3) Is equipped with doors that automatically lock and are not capable of opening while the vehicle is in motion;*

*(4) Has space for a gurney or stretcher that is adequate for the head of the gurney or stretcher to be lifted to the comfort level of a patient; and*

*(5) Is equipped with windows that:*

*(i) Are not capable of opening wide enough to provide space for a passenger to escape;*

*(ii) Allow a passenger to see outside the vehicle; and*

*(iii) Prevent a person outside the vehicle from being able to see inside the vehicle.*

*2. A vehicle used for nonemergency secure behavioral health transport services must be equipped with:*

*(a) A first aid kit;*

*(b) A fire extinguisher with a minimum rating of 2A 10BC;*

*(c) A kit for cleaning up bodily fluids; and*

*(d) A radio that connects the driver to a dispatch center operated by the provider or a cellular telephone that is capable of calling a number designated for receiving emergency support.*

*3. All parts of a vehicle used for nonemergency secure behavioral health transport services, including, without limitation, the engine and body of the vehicle, and any equipment inside the vehicle must be maintained in safe operating condition.*

*4. When a patient is transported by a vehicle used for nonemergency secure behavioral health transport services, the vehicle must be staffed by a driver and an attendant who each hold a valid driver's license. The driver and the attendant must be seated in the driver's compartment.*

*Sec. 10. 1. The Division shall inspect or have inspected every vehicle to be used for providing nonemergency secure behavioral health transport services before it is placed in service and determine whether the vehicle complies with the requirements of sections 2 to 14, inclusive, of this regulation.*

*2. After a license is issued to a provider, the Division shall, at least one time each year, inspect or cause to be inspected every vehicle used by the provider for providing nonemergency secure behavioral health transport services. After each inspection, the inspector shall prepare a written report describing any violation of any provisions of sections 2 to 14, inclusive, of this regulation with respect to the vehicle inspected and shall schedule a date for reinspection after correction of the violation within 4 weeks after the inspection. The Division shall collect the reinspection fee prescribed by section 14 of this regulation for each vehicle reinspected.*

*3. The inspector shall give a copy of the report to the holder of the permit for the service inspected.*

*Sec. 11. 1. A provider may only transport:*

*(a) A patient from a mental health facility or medical facility to another mental health facility or medical facility;*

*(b) A person alleged to be a person in a mental health crisis to a public or private mental health facility or hospital as authorized by NRS 433A.160; or*

*(c) A person who is seeking voluntary admission pursuant to NRS 433A.140 to a public or private mental health facility or a division facility.*

*2. As used in this section:*

*(a) "Medical facility" has the meaning ascribed to it in NRS 449.0151.*

*(b) "Person in a mental health crisis" has the meaning ascribed to it in NRS 433A.0175.*

**Sec. 12. 1. A provider shall maintain and provide to the Division upon request:**

*(a) A copy of the operational policies developed pursuant to section 4 of this regulation;*

*(b) The name of each employee who serves on a vehicle that transports patients and proof that each such employee:*

*(1) Holds a valid driver's license;*

*(2) Has undergone an investigation of his or her background and personal history as required by section 6 of this regulation and has not been convicted of a crime listed in NRS 449.174; and*

*(3) Meets the requirements set forth in section 5 of this regulation;*

*(c) The name of each employee who provides supportive services and proof that each such employee has received the training required by section 5 of this regulation; and*

*(d) Proof of the insurance required by section 8 of this regulation.*

*2. A provider shall submit to the Division a quarterly report which includes:*

*(a) The total number of patients transported during the quarter; and*

*(b) For each patient transported during the quarter:*

*(1) The location from which the patient was transported;*

*(2) The location to which the patient was transported;*

*(3) The person or entity that requested the transportation;*

- (4) The time from the request for transportation until the vehicle arrived;*
- (5) The type of insurance the patient has, if known; and*
- (6) Any escapes, injuries or other problems that occurred during the transport.*

**Sec. 13.** *The Division may deny, suspend or revoke the license of a provider if the Division determines, after notice and the opportunity for a hearing conducted pursuant to NAC 439.300 to 439.395, inclusive, that the provider has violated any federal or state law or regulation relating to the provision of nonemergency secure behavioral health transport services.*

**Sec. 14.** *The Division shall charge and collect the following fees:*

- 1. For an initial application for a license .....\$900.00*
- 2. For the renewal of a license .....\$120.00*
- 3. For the late renewal of a license .....\$190.00*
- 4. Inspection of a vehicle .....\$23.00*
- 5. For the reinspection of a vehicle .....\$75.00*