

Steve Sisolak
Governor



Richard Whitley, MS
Director

**DEPARTMENT OF
HEALTH AND HUMAN SERVICES**
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH
Helping people. It's who we are and what we do.



Lisa Sherych
Administrator

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Ph.D., M.D.
Chief Medical Officer

DIVISION OF PUBLIC & BEHAVIORAL HEALTH

BUREAU OF BEHAVIORAL HEALTH WELLNESS & PREVENTION

LCB File No. R030-20P1

Informational Statement per NRS 233B.066

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

These regulations were created and adopted by the State Board of Health to amend NAC 422 in an effort to create a mechanism by which Medicaid can reimburse for Tenancy Support Services. This will be accomplished by the establishment of a program for the certification or recertification of providers of Tenancy Support Services including the application process, certification fee, provider qualifications and duties, and technical assistance for providers. This program will be administered by the Division of Public and Behavioral Health. Tenancy Support Services are defined in Nevada Revised Statutes Chapter 422.3964 as “services authorized pursuant to federal law that assist a recipient of Medicaid in obtaining and remaining in housing the Division determines to be adequate.” These services are intended to help those dealing with behavioral health or substance use disorder issues, among others, find and maintain stable housing, many of whom have been impacted by Nevada’s housing crisis. No certification for Tenancy Support Services currently exists in Nevada.

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;

Public comment and feedback were solicited from the community and stakeholders during a public workshop which was held on September 30, 2021. The only public comment that was offered during this workshop was from Jasmine Troop representing HELP of Southern Nevada. Ms. Troop’s comments were positive and supportive of the Division’s efforts to create a certification for Tenancy Support Services. Information on the public workshop can be accessed at the following website <https://dphh.nv.gov/Programs/ClinicalSAPTA/dta/Statutes/SAPTAStatutes/>.

Public comment was also solicited at the public hearing of the State Board of Health, held on December 03, 2021. No public comment was given during this meeting for R030-20P1.

Anyone interested in obtaining further information can contact the Bureau of Behavioral Health Wellness and prevention at 4126 Technology Way Suite 200, Carson City, NV 89706.

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 workshop was held on September 30, 2021. Seventeen people were in attendance at this meeting, including Division of Public and Behavioral Health staff. The names of the attendees are Mark Disselkoen, Stephen Wood, Jasmine Troop, Linda Anderson, Nathan Orme, Julie Slabaugh, Shelly Chamberlain, Brandon Cassinelli, Kirsten Coulombe, Steve Messinger, Alex Tanchek, Katie Ryan, Lea Case, Catrina Peters, Michelle Padden, Rob (no last name given), and Joan Waldock.

A public hearing was held on December 3, 2021. At that hearing there were 139 attendees. That number includes the members of the Board of Health, staff of the Division of Public and Behavioral Health, staff from other state agencies, as well as members of the public. As there were other items on the agenda, it is possible that not all those that signed in were in attendance for LCB File No R030-20P1. No one testified in support of or against the proposed regulation or provided written statements during the hearing. Please see the attached document for the list of attendees.

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 solicited comments as well as distributed draft copies of the regulation via email and the Bureau of Behavioral Health Wellness and Prevention listserv to behavioral health providers across the state. No response was received by the Division.

Anyone interested in obtaining further information can contact the Bureau of Behavioral Health Wellness and prevention at 4126 Technology Way Suite 200, Carson City, NV 89706.

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.

R030-20P1 was adopted without any changes as a result of the respective public hearings because no negative comments nor suggested changes were received by the Division.

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 effect on regulated businesses:

- a) Adverse effect: There is no anticipated adverse effect.
- b) Beneficial effect: This regulation creates a new certification and creates standards for providers of Tenancy Support Services.
- c) Immediate effect: Businesses wishing to provide Tenancy Support Services in Nevada will be able to apply for certification.
- d) Long-term effect: Certified providers will be able to operate and provide Tenancy Support Services in Nevada, as well as receive Medicaid reimbursement for said service.

Anticipated effect on the public:

- a) Adverse effect: There is no anticipated adverse effect on the public.
- b) Beneficial effect: The public will have more access to Tenancy Support Services.
- c) Immediate effect: There is no anticipated immediate effect on the public.
- d) Long-term effect: The public will have more access to Tenancy Support Services.

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

The estimated cost for the program established by R030-20P1 is approximately \$296,000. This figure includes all forms of technical assistance to providers, certification, processing applications, and provider qualifications. This funding will come from the Substance Abuse and Mental Health Services' Mental Health Block Grant.

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.

These regulations do not overlap or duplicate any other state or federal regulation.

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

There are no applicable 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.

The regulation establishes a fee for certification and recertification for providers of Tenancy Support

Services. The fee is set at \$100 which is in line with other certifications that the Bureau of Behavioral Health Wellness and Prevention administers. The Division anticipates an initial 10 agencies will apply, bringing in \$100 the first year. However, this number is expected to change as more agencies qualify for certification. The money collected from the fee will be used to administer the certification.

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).

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