

INFORMATIONAL STATEMENT OF ADOPTED REGULATIONS
AS REQUIRED BY NRS 233B.066

The following informational statement as required by NRS 233B.066 is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 618 as follows:

1. EXPLANATION OF THE NEED FOR THE ADOPTED REGULATION

The need for the adopted regulations is to prevent or mitigate risks of workplace violence, including in a medical facility, by establishing requirements for procedures for time periods to report certain incidents of workplace violence to the Division of Industrial Relations of the Department of Business and Industry. Under existing law, the Division of Industrial Relations, Occupational Safety and Health Administration (“OSHA”) may adopt regulation to implement NRS 618.7301 through 618.7318 (enacted in Assembly Bill 348, chapter 571, Statutes of Nevada 2019, at page 3670) on workplace violence at medical facilities.

The purpose of the proposed regulation is to provide clarity under existing law, which requires that each medical facility plan for the prevention of and response to workplace violence to be specific for each unit, area, and location maintained by the medical facility. The proposed regulation defines the term “unit” for the purposes of this requirement. The proposed regulation also provides for certain requirements for procedures which a medical facility must include in its plan for the prevention of and response to workplace violence.

2. DESCRIPTION OF HOW PUBLIC COMMENT WAS SOLICITED, A SUMMARY OF PUBLIC RESPONSE, AND AN EXPLANATION OF HOW OTHER INTERESTED PERSONS MAY OBTAIN A COPY OF THE SUMMARY.

Copies of the proposed regulation, notice of workshop, and notice of intent to act upon the regulation were sent by e-mail and U.S. Mail to persons who were known to have an interest as well as any persons who had specifically requested such notice. These documents were also made available at the Division’s website, <http://dir.nv.gov/Meetings/Meetings>, with the notices also posted at the following locations:

The State of Nevada Website (www.notice.nv.gov)

The Nevada State Legislature Website (<http://leg.state.nv.us/App/Notice/A/>)

The Division of Industrial Relations Website (<http://dir.nv.gov/Meetings/Meetings>)

A Workshop was held to solicit comments on the proposed regulation on March 24, 2021. Additionally, the Division received written public comment prior to the March 24, 2021, Workshop. Likewise, a Public Hearing was held on August 25, 2021, to solicit comments from the public on the adoption of the regulation. The Division also received written public comment related to the August 25, 2021, Public Hearing.

A summary may be obtained by contacting Samantha O'Brien, Legal Secretary II, Division of Industrial Relations, 702-486-9070, or by writing to the Division of Industrial Relations, 3360 W. Sahara Ave., Ste. 250, Las Vegas, Nevada 89102.

3. THE NUMBER OF PERSONS WHO:
 - a. ATTENDED MARCH 4, 2021, WORKSHOP: 6
 - b. ATTENDED AUGUST 25, 2021, PUBLIC HEARING: 9
 - c. TESTIFIED AT MARCH 4, 2021, WORKSHOP: 2
 - d. TESTIFIED AT AUGUST 25, 2021, PUBLIC HEARING: 4
 - e. SUBMITTED WRITTEN COMMENTS RELATED TO MARCH 4, 2021, WORKSHOP: 1
 - f. SUBMITTED WRITTEN COMMENTS RELATED TO AUGUST 25, 2021, PUBLIC HEARING: 2

4. FOR EACH PERSON IDENTIFIED IN PARAGRAPHS (c) and (d) OF NUMBER 3 ABOVE, THE FOLLOWING INFORMATION, IF PROVIDED TO THE AGENCY CONDUCTING THE HEARING:

March 4, 2021, Workshop	
1	<p>Name: Steve Matles Telephone number: None received Business address: None received Business telephone number: None received Electronic mail address: None received Name or organization represented: Self Summary of comment: With respect to Section 2 item number point number 2 competencies required of its staff, the definition of staff needs to include students and resident physicians that may be getting experience at that particular facility.</p>
2	<p>Name: Jim Wadhams, Legal Counsel Telephone number: None received Business address: None received Business telephone number: None received Electronic mail address: None received Name of entity or organization represented: Nevada Hospital Association Summary of comment: Section 3 is directly redundant to NRS 618.378, as the requirement for reporting fatalities, etc., is already in the law. Recommend deletion of Section 3, um subsection 1 of subsection 3 with a reference to the 378 reporting. Section 4 also has some redundancy to NRS 618.7312 subsection 2. The 7-day requirement should be replaced with as soon as practicable. Section 5 seems to be redundant to the efficacy of engineering control work practice control in 7315, of 618. Section 6 is the maintenance of the log and concern is that it is a redundant requirement that is not particularly clarifying in regard to the detail.</p>

August 25, 2021, Public Hearing

1	<p>Name: Jesse Wadhams Telephone number: None received Business address: None received Business telephone number: None received Electronic mail address: None received Name or organization represented: Nevada Hospital Association Summary of comment: With regard to section 3, sub 1, there is an 8-hour time frame that causes some concern with regard to the difference in standards for reporting. It sort of creates a conflict in the difference the reporting of 8 hours and the reporting that is required of NRS 618.378. Section 3, sub 2 - the issue here is that you're creating a log that is different or at least appears different than the OSHA 300 log already recording workplace violence that is physical or psychological injury. For section 4 - in the current law, as AB 348, got codified as NRS 618 you got 618.7312 which has remediation steps that are already outlined in statute and this does appear to create some again different timelines, there is a disparate treatment of the order of operations. It needs to sync up with NRS 618.7314 and the remediation steps that are in statute. With section 6, the concern here is that without a standardized form or code or terminology, the reports that will be given under subsection 1 may vary. In section 6, subsection 2, the data log must be HIPAA compliant. With regard with subsection 2(c)(6), recommend deleting the phrase "with criminal intent." Section 6, subsection 2(e), should clarify that that needs to be on either hospital property or on medical facility property. With regard to subsections 9 and 10 you've got private residence and other locations - that is both vague and overbroad and recommend deleting.</p>
2	<p>Name: Blayne Osborn Telephone number: None received Business address: None received Business telephone number: None received Electronic mail address: None received Name of entity or organization represented: Nevada Rural Hospital Partners Summary of comment: Concerned that section 3 creates a discrepancy between the NAC and the NRS based on separate, distinct requirements for workplace accidents versus workplace violence incidents. With regard to section 6, biggest concern is that this appears to be a separate log from the current and OSHA 300 Log and Form 301, and seek clarity from Division on whether that log can accommodate this reporting as well, and if not, asked for a standardized form.</p>
3	<p>Name: Carissa Rey Telephone number: None received Business address: None received Business telephone number: None received Electronic mail address: None received</p>

	<p>Name of entity or organization represented: University Medical Center Summary of comment: Echoed Jesse Wadhams' comments on section 3, subsection 1, to have the same standard for all types of injuries. Echoed Blayne Osborn and Jesse Wadhams' comments on section 6, subsection 1 and asked Nevada OSHA to provide a system for reporting in electronic format to standardize reporting.</p>
4	<p>Name: Leah Case Telephone number: None received Business address: None received Business telephone number: None received Electronic mail address: None received Name of entity or organization represented: Psychiatric Association Summary of comment: Questioned how the regulations would be distributed to facilities and how providers will be made aware.</p>

5. DESCRIPTION OF HOW COMMENT WAS SOLICITED FROM AFFECTED BUSINESSES, A SUMMARY OF THEIR RESPONSE, AND AN EXPLANATION OF HOW OTHER INTERESTED PERSONS MAY OBTAIN A COPY OF THE SUMMARY.

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6. IF THE REGULATION WAS ADOPTED WITHOUT CHANGING ANY PART OF THE PROPOSED REGULATION, A SUMMARY OF THE REASONS FOR ADOPTING THE REGULATION WITHOUT CHANGE.

Comments received at the public workshop and public hearing were considered and incorporated in the revised proposed regulation. The concerns from public comment were received in advance in writing and considered.

7. 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. ADVERSE AND BENEFICIAL EFFECTS

The Division anticipates that there will be no adverse or beneficial economic impact from this regulation on entities that will be subject to the regulation nor on the public.

- B. IMMEDIATE AND LONG-TERM EFFECTS

The Division anticipates that there will be no immediate or long-term economic effect on either the entities that will be subject to the regulation nor on the public, or that any such effects will be negligible.

8. THE ESTIMATED COST TO THE AGENCY FOR ENFORCEMENT OF THE PROPOSED REGULATION

There will be no additional or special costs incurred by the Division for enforcement of this regulation.

9. DESCRIPTION OF ANY REGULATIONS OF OTHER STATE OR GOVERNMENT AGENCIES WHICH THE PROPOSED REGULATIONS OVERLAPS OR DUPLICATES AND A STATEMENT EXPLAINING WHY THE DUPLICATION OR OVERLAPPING IS NECESSARY. IF THE REGULATION OVERLAPS OR DUPLICATES A FEDERAL REGULATION, THE NAME OF THE REGULATING FEDERAL AGENCY.

The Division is not aware of any similar regulations of other state or government agencies that which the proposed regulations overlap or duplicate.

10. IF THE REGULATION INCLUDES PROVISIONS WHICH ARE MORE STRINGENT THAN A FEDERAL REGULATION WHICH REGULATES THE SAME ACTIVITY, A SUMMARY OF SUCH PROVISIONS.

The Division is not aware of any similar federal regulations of the same activity in which the adopted regulations are more stringent.

11. IF THE REGULATION PROVIDES A NEW FEE OR INCREASES AN EXISTING FEE, THE TOTAL AMOUNT THE AGENCY EXPECTS TO COLLECT AND THE MANNER IN WHICH THE MONEY WILL BE USED.

This regulation does not provide a new or increase in fees.

Dated this 29th day of November, 2021.

DIVISION OF INDUSTRIAL RELATIONS

By: Victoria Carreón

Victoria Carreón
Administrator, Division of Industrial Relations
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