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DIVISION OF PUBLIC AND BEHAVIORAL HEALTH

BUREAU OF HEALTH CARE QUALITY AND COMPLIANCE

LCB FILE NO. R043-22

INFORMATIONAL STATEMENT PER NRS 233B.066

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

The proposed regulations align Chapter 449 of NAC with the passage of Assembly Bill (AB) 217 of the 2021 Legislative Session. AB 217 (2021), which amended NRS Chapter 449 and directs the State Board of Health to adopt regulations designating the types of facilities to which certain requirements to provide training to unlicensed caregivers apply; prescribing requirements relating to such training; prescribing the required content for the written plan for the control of infectious diseases developed by a designated facility; and providing other matters properly relating thereto. The proposed regulations, LCB file R063-21, are designed with the intent to ensure free or minimal cost infection control training posted on the Division's website is accessible to all unlicensed caregivers. This training would meet the unlicensed caregiver infection control requirements and would not be a financial burden on licensed providers as the training will be free.

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, Bureau of Health Care Quality and Compliance held a virtual Public Workshop on December 6, 2022, to consider proposed regulations LCB File No. R043-22.

There was public comment from two callers with a request made on behalf of personal care service agency providers to use the training requirements under existing personal care service agency regulations rather than include personal care service agencies in this regulation. There was also public comment from another caller for a total of three persons who testified at the workshop, who requested that we regulate employment agencies for training as we regulate our licensed facilities. There was one written statement submitted for the public workshop held on December 6, 2023, and made no recommendation for changes.

Any persons interested may obtain a copy of the meeting summary from the Public Workshop may e-mail, call, or mail in a request to Tina Leopard, Health Facilities Inspection Manager at the Division of Public and Behavioral Health at:

Division of Public and Behavioral Health
Bureau of Health Care Quality and Compliance

4220 South Maryland Parkway, Building A, Suite 100

Las Vegas, NV 89119

Tina Leopard

Phone: 702-486-6515

Email: tleopard@health.nv.gov

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 December 6, 2023, and 18 callers attended the public workshop excluding Division of Public and Behavioral Health staff. There was public comment from two callers with a request made on behalf of personal care service agency providers to use the training requirements under existing personal care service agency regulations rather than include personal care service agencies in this regulation. There was also public comment from another caller for a total of three persons who testified at the workshop, who requested that we regulate employment agencies for training as we regulate our licensed facilities.

- (1) Allan Ward
- (2) Bob Crockett
- (3) ConnieMcMullin

There was one written statement submitted for the public workshop held on December 6, 2023, and made no recommendation for changes.

- (1) Brett Salmon, President/CEO of the Nevada Health Care Association and the Nevada Center for Assisted Living.

2990 Sunridge Heights Pkwy, Suite 140

Henderson, Nevada 89052

Any persons interested may obtain a copy of the meeting summary and written statements from the Public Workshop may e-mail, call, or mail in a request to Tina Leopard, Health Facilities Inspection Manager at the Division of Public and Behavioral Health at:

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A public hearing was held on June 2, 2023. The attendance was sixty-six (66) with twenty (20) in person and 46 online. As there were several agenda items, not all attendees may have been in attendance for the hearing on these proposed regulations. No one testified in support or in opposition to the proposed regulations. No one submitted written statements to be considered at the public hearing regarding the proposed regulations. For a summary of the June 2, 2023, public hearing, you may visit:

[https://dpbh.nv.gov/Boards/BOH/Meetings/2023/2023 Nevada State Board of Health/](https://dpbh.nv.gov/Boards/BOH/Meetings/2023/2023%20Nevada%20State%20Board%20of%20Health/)

or by emailing StateBOH@health.nv.gov.

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 Health requested input from licensed medical and non-medical facilities. On December 8, 2021, an email notice with a link to the small business impact questionnaire and proposed regulations was provided to those with an email address. The proposed regulations were also posted on DPBH's website.

SUMMARY OF RESPONSE

Summary Of Comments Received (55 responses were received out of 2611 small business impact questionnaires distributed)			
Will a specific regulation have an adverse economic effect upon your business?	Will the regulation (s) have any beneficial effect upon your business?	Do you anticipate any indirect adverse effects upon your business?	Do you anticipate any indirect beneficial effects upon your business?
Yes - 24 No - 15	Yes- 14 No - 23	Yes - 21 No - 15	Yes - 10 No - 26
"To be trained by nationally recognized organization for both unlicensed caregivers and representative of the company" will have significant impact. From just googling, programs cost a minimum of \$100 to	"It will help to improved training requirements and hold the personnel to a higher more standardized systems across agencies." "It could stand to bring consistency to	"This requirement would push a lot of new hires to be apprehensive by number of requirements and cost of becoming an employee." "Administrative time consumption."	"Decrease in potential illness reports and/or decrease cleanliness concerns." "Each licensed Facilities will comply to follow and provide the training to all caregivers/staff/employees."

<p>hundreds of dollars. These actual programs seem like college seminars.”</p> <p>“This regulation has already been imposed in its entirety by the Nevada division of Public and Behavioral Health as part of their responsetoCOVID-19. They have already imposed a requirement that every residential facility for groups develop and maintain a plan for infection prevention and control which addresses the requirements of this bill, including staff training. The cost of implementing this and maintaining it is estimated to cost this 15-bed facility a minimum of \$3,000 annually.”</p> <p>“The cost of bringing in an outside company to conduct infection control training will negatively impact our small business. We can provide this training to our team as we do all othertrainings.”</p>	<p>infection control policies and training.”</p> <p>“There is always room for more improvement. This changes in the regulation is allowing us to see our own selves that sooner or later we will be in this population of Geriatrics”</p> <p>“Providing better quality caregivers, that understand their actions will be accountable for all communities. This helps all communities set a standard of care and accountability for all communities to provide to our residents.”</p>	<p>“Training will take longer for new employees and result in more time away from work for yearly training.”</p> <p>“It is harder to higher individual for minimum wage and now add on my classes. They will go clean rooms at a casino and make more with no training.”</p> <p>“We (senior care) have been through so much these last couple of years, this regulation change would add to the difficulties we face already with the staffing shortages. We have tried to streamline our new hire process as much as possible to ensure we are meeting resident needs, yet it is not fast enough then to add required training that cannot be done in-house makes the entire process even more challenging. Please consider changing the regulation to include training requirements but NOT mandating the training be completed through a nationally recognized organization.”</p>	<p>“Potentially, a source for training that's low cost and effective”</p>
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Any persons interested may obtain a copy of the Small Business Impact Statement may e-mail, call, or mail in a request to Tina Leopard, Health Facilities Inspection Manager at the Division of Public and Behavioral Health at:

Division of Public and Behavioral Health

Bureau of Health Care Quality and Compliance
4220 South Maryland Parkway, Building A, Suite 100
Las Vegas, NV 89119
Tina Leopard
Phone: 702-486-6515

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.

There were no modifications made to the proposed regulation after public comment. A request was made on behalf of personal care agency providers to incorporate the training requirement under existing personal care agency regulations. The statutory requirement to develop these regulations applies to all unlicensed caregivers in all licensed facilities and therefore we are unable to single out and modify requirements for individual facility types.

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

There is minimal economic effect on small businesses as the training is free on the Division's website.

Beneficial Effects: It will help training requirements be more consistent for unlicensed caregivers for infection control. Responders thought it will benefit the industry if caregivers have better knowledge of infection control for non-medical facilities.

Adverse Effects: Comments reflected added costs of training to caregivers in an environment where staff shortages are prominent in non-medical as well as medical healthcare facilities. The added training would be a financial burden to facilities that have already seen staff shortages for caregivers. Comments included elevated costs of doing business in the current economic environment and this would also add to the burden of costs imposed on providers.

- (b) Both immediate and long-term effects.

Immediate effects:

The proposed regulation may have a minor immediate adverse fiscal impact on some small businesses that do not use the free or low-cost training options provided on the Division's website.

Long-term effects:

Long-term beneficial effects could result in an increase in unlicensed caregiver knowledge which could in turn, help the prevention and control of infections and diseases.

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

There is no direct cost to the agency for enforcement of the proposed regulation.

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.

LCB File No. R063-21 is not duplicative of existing regulations of other state, federal or other

governmental 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.

The adopted regulations do not establish a new fee or increase any existing fees.