

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

LCB FILE NO. R002-22I

**The following document is the initial draft regulation proposed
by the agency submitted on 01/07/2022**

**Nevada Administrative Codes Recommended Changes Related to
Nevada 81st (2021) Legislative Session - Senate Bill (SB) 211**

Sexually Transmitted Diseases

Explanation – Omissions in ~~red strikethrough~~ Language in *blue italics* is new.

AUTHORITY: SB 211 of the 81st Legislative Session (2021); NRS 441A.120

Section 1. Chapter 441A of NAC is hereby amended by adding thereto the provisions set forth in section 2 to 6, inclusive of these proposed regulations.

Section 2. NAC 441A.200 is hereby amended as follows:

1. Except as otherwise provided in subsection 2, the following recommendations, guidelines and publications are adopted by reference:

(a) The standard precautions to prevent transmission of disease by contact with blood or other body fluids as recommended by the Centers for Disease Control and Prevention in “Perspectives in Disease Prevention and Health Promotion Update: Universal Precautions for Prevention of Transmission of Human Immunodeficiency Virus, Hepatitis B Virus, and Other Bloodborne Pathogens in Health-Care Settings,” *Morbidity and Mortality Weekly Report* [37(24):377-388, June 24, 1988], published by the United States Department of Health and Human Services and available at no cost on the Internet at <http://www.cdc.gov/mmwr/>.

(b) The Centers for Disease Control and Prevention’s *2007 Guideline for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings*, published by the United States Department of Health and Human Services and available at no cost on the Internet at <http://www.cdc.gov/hicpac/pdf/isolation/Isolation2007.pdf>.

(c) The recommended guidelines for the investigation, prevention, suppression and control of communicable disease set forth by the Centers for Disease Control and Prevention in:

(1) “General Recommendations on Immunization: Recommendations of the Advisory Committee on Immunization Practices,” *Morbidity and Mortality Weekly Report* [55(RR15):1-48, December 1, 2006], published by the United States Department of Health and Human Services and available at no cost on the Internet at <http://www.cdc.gov/mmwr/>; and

(2) *Manual for the Surveillance of Vaccine-Preventable Diseases*, 4th edition, published by the United States Department of Health and Human Services and available at no cost on the Internet at <http://www.cdc.gov/vaccines/pubs/surv-manual/index.html>.

(d) The recommended guidelines for the investigation, prevention, suppression and control of communicable diseases contained in *Control of Communicable Diseases Manual*, 20th edition, published by the American Public Health Association and available for the price of \$38.50 for members and \$55.00 for

(h) The recommendations of the Centers for Disease Control and Prevention for preventing the transmission of tuberculosis in facilities providing health care set forth in “Guidelines for Preventing the Transmission of Mycobacterium tuberculosis in Health-Care Settings, 2005,” *Morbidity and Mortality Weekly Report* [54(RR17):1-141, December 30, 2005], published by the United States Department of Health and Human Services and available at no cost on the Internet at <http://www.cdc.gov/mmwr>.

(i) “Case Definitions for Infectious Conditions Under Public Health Surveillance,” *Morbidity and Mortality Weekly Report* [46(RR10):1-55, May 2, 1997], published by the United States Department of Health and Human Services and available at no cost on the Internet at <http://www.cdc.gov/mmwr/>.

(j) “Recommended Antimicrobial Agents for Treatment and Postexposure Prophylaxis of Pertussis: 2005 CDC Guidelines,” *Morbidity and Mortality Weekly Report* [54(RR14):1-16, December 9, 2005], published by the United States Department of Health and Human Services and available at no cost on the Internet at <http://www.cdc.gov/mmwr/>.

(k) “Updated Recommendations for Isolation of Persons with Mumps,” *Morbidity and Mortality Weekly Report* [57(40):1103-1105, October 10, 2008], published by the United States Department of Health and Human Services and available at no cost on the Internet at <http://www.cdc.gov/mmwr/>.

(l) “Recommendations for Partner Services Programs for HIV Infection, Syphilis, Gonorrhea, and Chlamydial Infection,” *Morbidity and Mortality Weekly Report* [57(RR09):1-83, November 7, 2008], published by the United States Department of Health and Human Services and available at no cost on the Internet at <http://www.cdc.gov/mmwr/>.

(m) “*Revised Recommendations for HIV Testing of Adults, Adolescents, and Pregnant Women in Health-Care Settings,*” *Morbidity and Mortality Weekly Report* [55(RR14):1-17, September 22, 2006], published by the Centers for Disease Control and Prevention and available at no cost on the Internet at <http://www.cdc.gov/mmwr/>.

(n) *The recommendations for offering culturally and linguistically appropriate services set forth in “National Standards for Culturally and Linguistically Appropriate Services (CLAS) in Health and Health Care,” published by the United States Department of Health and Human Services and available at no cost on the Internet at <https://thinkculturalhealth.hhs.gov/clas>.*

2. Except as otherwise provided in this subsection, the most current version of a recommendation, guideline or publication adopted by reference pursuant to subsection 1 which is published will be deemed to be adopted by reference. If both the state and local health authorities determine that an update of or revision to a recommendation, guideline or publication described in subsection 1 is not appropriate for use in the State of Nevada, the Chief Medical Officer will present this determination to the Board and the update or revision, as applicable, will not be adopted. If the agency or other entity that publishes a recommendation, guideline or publication described in subsection 1 ceases to exist, the last version of the recommendation, guideline or

publication that was published before the agency or entity ceased to exist shall be deemed to be the current version.

Section 3. NAC 441A.775 is hereby amended as follows:

As used in NRS 441A.240 to 441A.330, inclusive, “sexually transmitted disease” means a bacterial, viral, fungal or parasitic disease which may be transmitted through sexual contact, including, but not limited to:

~~[1.—Acquired immune deficiency syndrome (AIDS):]~~

- ~~[2.]~~1. Acute pelvic inflammatory disease.
- ~~[3.]~~2. Chancroid.
- ~~[4.]~~3. Chlamydia trachomatis infection of the genital tract.
- ~~[5.]~~4. Genital herpes simplex.
- ~~[6.]~~5. Genital human papilloma virus infection.
- ~~[7.]~~6. Gonorrhea.
- ~~[8.]~~7. Granuloma inguinale.
- ~~[9.]~~8. Hepatitis B infection.
- ~~[10.]~~9. Human immunodeficiency virus infection (HIV).
- ~~[11.]~~10. Lymphogranuloma venereum.
- ~~[12.]~~11. Nongonococcal urethritis.
- ~~[13.]~~12. Syphilis.

(Added to NAC by Bd. of Health, eff. 1-24-92)

Section 4. *All medical providers subject to subsection 1 of Section 1 of SB 211 (2021) must rely upon the “Sexually Transmitted Diseases Treatment Guidelines” and “Recommendations for HIV Testing of Adults, Adolescents, and Pregnant Woman in Health-Care Settings” adopted by reference pursuant to NAC 441A.200 in determining which tests are medically indicated.*

Section 5. *A provider subject to subsection 1 of Section 1 of SB 211 (2021) must document the following in patient records:*

- (1) If testing is offered; and*
- (2) Whether the patient accepted or denied the test(s) for sexually transmitted diseases and/or human immunodeficiency virus.*

Section 6. *Any communications concerning testing pursuant to SB 211 (2021) must be made in accordance with the “National Standards for Culturally and Linguistically Appropriate Services in Health and Health Care,” adopted by reference pursuant to NAC 441A.200.*