

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

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

**DIVISION OF PUBLIC & BEHAVIORAL HEALTH
Clinical Services
Involuntary Administration of Medication
LCB File No. R009-22**

Informational Statement per NRS 233B.066

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

The adopted regulation clarifies language that the patient must be currently admitted to a public or private mental health facility under an involuntary court ordered admission pursuant to NRS 433A.200. The adopted regulation added language to clarify the former terminology “unable to care for himself or herself” by setting criteria and needs of client before administration of medication can be determined.

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 determined the impact on small business by soliciting responses through the Public Workshop and Small Business impact (SBI) questionnaire. SBI Statement was solicited via email to multiple listservs targeting healthcare facilities, Licensing Boards, advocacy and civil rights organizations and their members. Additionally, the information for the Public Workshop, SBI Questionnaire, SBI Statement was also provided online via the State of the Nevada, Division of Public and Behavioral health, Clinical Services web page ([Clinical Services Regulation Development web page](#)). Interested parties could also request a physical copy via email (sent via mail) or in person at the Division of Public and Behavioral Health office located at 4126 Technology Way 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:

No one else attended the hearing nor testified at the hearing with the exception of the presenter from the Division of Public and Behavioral Health.

- (a) Name- Jo Malay
- (b) Telephone Number- 702-486-8894
- (c) Business Address- 6161 W. Charleston Ave., Las Vegas, NV 89146
- (d) Business telephone number same as above
- (e) Electronic mail address; and jmalay@health.nv.gov
- (f) Name of entity or organization represented Division of Public and Behavioral Health

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.

Comments were solicited through email of multiple list servs, targeting healthcare facilities, Licensing Boards, advocacy and civil rights organizations and their members, website posting, small business impact questionnaire (see response #2).

Summary of Response

Summary of Comments Received			
(There were { 2 } responses received out of { 100 } small business impact questionnaires distributed)			
(Q#1) Will a specific regulation have an adverse economic effect upon your business?	(Q#2) Will the regulation(s) have any beneficial effect upon your business?	(Q#3) Do you anticipate any indirect adverse effects upon your business?	(Q#4) Do you anticipate any indirect beneficial effects upon your business?
{ } "Yes" Responses	{ } "Yes" Responses	{ } "Yes" Responses	{ 1 } "Yes" Responses
{ 2 } "No" Responses	{ 2 } "No" Responses	{ } "No" Responses	{ 1 } "No" Responses
<u>Comments (Q#1):</u> No comments			
<u>Comments (Q#2):</u> No comments			
<u>Comments (Q#3):</u> Both respondents stated n/a			
<u>Comments (Q#4):</u>			

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.

During the public workshop, a question was posed as to whether emergency medications may be administered with the regulations changes. The response was that the regulation changes do not affect medications given in an emergency to assist a patient, for example who is about to harm self or others, when given to assist with agitation, rest or sleep. The public comment did not request any changes to regulation as proposed.

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: no adverse effect on regulated businesses.
- (b) Beneficial effect: no beneficial effect on regulated businesses.
- (c) Immediate effect: no immediate effect on regulated businesses.
- (d) Long-term effect: no long-term effect on regulated businesses.

Anticipated effect on the public:

- (a) Adverse effect: no adverse effect on the public.
- (b) Beneficial effect: no beneficial effect on the public.
- (c) Immediate effect: no immediate effect on the public.
- (d) Long-term effect: no long-term effect on the public.

7. The estimated cost to the agency for enforcement of the proposed regulation.
Less than \$500.

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.
The adopted regulation does not overlap or duplicate any other state or government agencies regulations.

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 adopted regulation does not include provisions which are more stringent than a federal regulation.

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 an existing fee.