

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

Bureau of Health Care Quality and Compliance

LCB File No. R094-22

Informational Statement per NRS 233B.066

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

The proposed regulations are needed to be in compliance with Assembly Bill 330 of the 81st (2021) legislative session. Assembly Bill 330 requires each regulatory body, in this case the Board of Health, to adopt regulations to effectuate the purposes of the following bill requirements:

A person who, in secondary or postsecondary education, completes a training program for occupational, vocational, career, trade or technical education approved by the State Board of Education and receives a certificate for the completion of that program is eligible to receive equivalent credit towards the satisfaction of requirements for the issuance of any professional and occupational licenses and certifications relating to the training received.

For a person to be eligible to receive equivalent credit pursuant to subsection 1, the secondary or postsecondary education received by the person pursuant to title 34 of NRS must be consistent with the requirements for the issuance of professional or occupational licenses and certifications established pursuant to the provisions of title 54 of NRS and the regulations adopted pursuant thereto.

Any person aggrieved by a decision of a regulatory body concerning eligibility for equivalent credit pursuant to this section may appeal to the regulatory body for a determination whether the training satisfies the requirements for professional or occupational licensure or certification, as applicable. An appeal made pursuant to this subsection must be conducted as provided for the appeal of the denial of a professional or occupational license or certificate by that regulatory body.

In addition, the proposed regulations amend NAC 640D.200 relating to unlicensed music therapist complaints by requiring the Executive Officer to investigate such complaints, not allowing unlicensed individuals to engage in the practice of music therapy until the individual becomes licensed, and other related provisions.

The proposed regulations also amend NAC 640D.210, as it relates to a complaint against a licensee or an applicant for a license to practice music therapy, to allow the Executive Officer to conduct an investigation, and if substantiated, to forward the complaint, information collected as part of the investigation, and the investigative results to the Certification Board for Music Therapists.

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 public workshop and hearing notices were posted in locations accessible to the public. Please refer to the public workshop notice and public hearing notice for a listing of posting locations.

Public comment was solicited via a public workshop on June 8, 2022, and a public hearing held on December 2, 2022.

PUBLIC WORKSHOP – SUMMARY OF PUBLIC RESPONSE

Ten individuals, excluding Division of Public and Behavioral Health staff, attended the hearing, although some of the individuals may have attended to hear other public workshop agenda items. No one testified or submitted written statements to be considered as the public workshop regarding the proposed regulations.

PUBLIC HEARING –SUMMARY OF PUBLIC RESPONSE

Ninety-one (91) individuals attended the public hearing, either virtually or in person. 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.

Any persons interested in obtaining a copy of the summary may e-mail, call, or mail in a request to Leticia Metherell, RN, CPM, HPM III at:

Division of Public and Behavioral Health
Bureau of Health Care Quality and Compliance
727 Fairview Drive, Suite E
Carson City, NV 89701
Leticia Metherell
Phone: 775-684-1045
Email: lmetherell@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

PUBLIC WORKSHOP (June 8, 2022)

Ten individuals, excluding Division of Public and Behavioral Health staff, attended the hearing, although some of the individuals may have attended to hear other public workshop agenda items. No one testified or submitted written statements to be considered as the public workshop regarding the proposed regulations.

PUBLIC HEARING (December 2, 2022)

Ninety-one (91) individuals attended the public hearing, either virtually or in person. 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.

- 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.

An email was sent to all 28 licensed music therapists with information on how small businesses could provide input on the proposed regulations and how to access the small business impact questionnaire and proposed regulations through a link to the Division’s webpage with links to the questionnaire and proposed regulations.

The questions on the questionnaire were:

- 1) How many employees are currently employed by your business?
- 2) Will a specific regulation have an adverse economic effect upon your business?
- 3) Will the regulation(s) have any beneficial effect upon your business?
- 4) Do you anticipate any indirect adverse effects upon your business?
- 5) Do you anticipate any indirect beneficial effects upon your business?

Summary of Response

<p>Summary Of Comments Received (Two (2) responses were received out of 28 small business impact questionnaires distributed)</p>			

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 = 0 No = 2	Yes = 2 No = 0	Yes = 0 No = 2	Yes = 2 No = 0
	This has no direct economic impact on my business but will make it easier to hold unlicensed practitioners and those who hire them accountable while also protecting my business from false claims. We can't estimate a dollar amount, but increased state oversight will benefit the legitimacy of our profession which will in turn benefit our ability to provide quality services in Nevada.		I believe this further increases the validity of and trust towards music therapy in Nevada. As an organization that employees licensed music therapists it will benefit us to have more support from the state in investigating and following up on complaints.

A public workshop was held on June 8, 2022, to gain further information on the proposed regulations from the public and from business, including small businesses. No public comment was received in support or against the proposed regulations.

A public hearing was held on December 2, 2022. Ninety-one (91) individuals attended the public hearing, either virtually or in person. 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.

Other interested persons may obtain a copy of the summary by calling, writing or emailing:

Nevada Division of Public and Behavioral Health
Bureau of Health Care Quality and Compliance
Attention: Leticia Metherell

727 Fairview Drive, Suite E
Carson City, NV 89701
Phone: 775-684-1030
Email: lmetherell@health.nv.gov

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.

After consideration of public comment, the regulations were adopted without changing any part of the proposed regulations. The reasons for adopting the regulation without change was because there were no adverse effects identified during the public comment period and the proposed regulations may have a beneficial effect as noted in number 6.

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 effects on the business which NAC Chapter 640D regulates:

A. *Adverse Effects* – There are no anticipated adverse economic effects.

B. *Beneficial Effects* – There are no anticipated direct beneficial economic effects. Indirect beneficial effects noted by industry included:

This has no direct economic impact on my business but will make it easier to hold unlicensed practitioners and those who hire them accountable while also protecting my business from false claims. We can't estimate a dollar amount, but increased state oversight will benefit the legitimacy of our profession which will in turn benefit our ability to provide quality services in Nevada

I believe this further increases the validity of and trust towards music therapy in Nevada.

As an organization that employees licensed music therapists it will benefit us to have more support from the state in investigating and following up on complaints.

C. *Immediate Effects* – There are no known immediate adverse or beneficial effects.

D. *Long-term Effects* – There are no known long-term adverse or beneficial effects.

Anticipated effects on the public:

A. *Adverse*: None.

B. *Beneficial*: May prevent a negative financial impact on members of the public that are alleged to be practicing music therapy without a license but who are not practicing as such or who are in compliance

with statutory and regulatory requirements, by having an investigation be completed prior to having the member of the public stop providing services that they may be legally able to provide.

C. *Immediate*: The above noted benefit would come into effect upon the proposed regulations becoming effective.

D. *Long-term*: There are no anticipated negative long-term effects on the public. There may be some beneficial long-term effects for members of the public who are able to continue to operate their business without having to cease and desist operations based on an allegation of music therapy unlicensed practice.

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

None, as it is anticipated that this workload can be incorporated into the Division's current workload to license and regulate music therapists.

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.

There is no other known duplicate or overlapping provisions regulating the same activity.

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 known federal regulations which regulate the same activity.

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 proposed regulations do not provide for a new fee or increase an existing fee.