

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. R095-22

Informational Statement per NRS 233B.066

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

The proposed regulations are being moved forward as a result of Assembly Bill 73 and 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.

Assembly Bill 73 removes the requirement that the Board of Health establish a fee for the late renewal of a license and the issuance of a duplicate license. The proposed regulations follow suit by removing these fees.

Assembly Bill 73 amends the requirements for a provisional license; therefore, the amendment to NAC 640E.100 (1) in section 4 of the proposed regulations, as it relates to the issuance of a provisional license, refers back to NRS 640E.180.

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

The proposed regulations also amend NAC 640E.210, as it relates to a complaint against a licensee or an applicant for a license to practice dietetics, 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 Commission on Dietetic Registration.

The proposed regulations also omit NAC 640E.120 and NAC 640E.130 which are no longer relevant with the passage of Assembly Bill 73.

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. One person testified that he understood the purpose of AB 330 and wanted to provide his thanks for the work done to complete the AB 73 process. No one testified 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

Dillon Martin testified at the public hearing on December 2, 2022. No contact information was provided at the public hearing.

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)

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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 actively licensed dietitians, at the time the questionnaire was distributed, and to certain others in our online licensing system, 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

Summary Of Comments Received (0 responses were received out of 1142 small business impact questionnaires distributed)			
Will a specific regulation have an adverse economic effect upon your business? No responses received.	Will the regulation (s) have any beneficial effect upon your business? No responses received.	Do you anticipate any indirect adverse effects upon your business? No responses received.	Do you anticipate any indirect beneficial effects upon your business? No responses received.

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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.

a. Anticipated effects on the business which NAC Chapter 640E regulates:

A. *Adverse Economic Effects* – There are no anticipated direct or indirect adverse economic effects.

B. *Beneficial Effects* – Direct beneficial effects include the removal of the fee for a late renewal of a license and for the issuance of a duplicate license, as a result of the passage of Assembly Bill 73.

Indirect Beneficial Effects – May have an indirect beneficial financial effect to those in which a complaint is received alleging unlicensed practice by requiring the complaint be investigated, to determine whether the complaint is substantiated, prior to issuing a cease-and-desist letter. This prevents a negative financial impact on individuals who do not require licensure, but who would have had to immediately cease operations, just because an allegation was made.

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

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

b. 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 dietetics 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 dietetic 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 dietitians.

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 proposed regulations do not overlap or duplicate any other Nevada state regulations or federal 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

There are no known federal regulations that 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.