

**PROPOSED REGULATION OF THE HEALTH DIVISION
OF THE DEPARTMENT OF HUMAN RESOURCES**

Attached is proposed amendments to NAC 453 and 449. These changes will be brought before the public during workshops on January 16, 1998. It is planned that they will come before the State Board of Health at its February 20, 1998, meeting..

[] = deleted language

Underline = added language

TREATMENT, REHABILITATION OF ADDICTS

453.600 Approval of [methadone maintenance] narcotic treatment programs.

1. No [methadone maintenance] narcotic treatment program may be established or operated until it has been approved by the health division of the department of human resources.

2. Applicants who wish to obtain approval for a [methadone maintenance] narcotic treatment program must submit a copy of their application to the [state health officer] chief public health officer who, as state authority, if he finds the application has complied with NAC 453.600 satisfactory, may issue a letter of approval to accompany the copy of the application to be submitted to the Federal Food and Drug Administration.

3. [Copies of all subsequent reports of the activities of the program made to federal authorities must be provided to the state health officer.] Approval by the State Health Division is contingent upon license approval as a narcotic treatment clinic or narcotic treatment medication unit as mandated by NAC 449.

453.610 Review of programs. The operation of a [methadone maintenance] narcotic treatment program is subject to the review of the health division. Approval for the program may

be withdrawn at any time it is determined that the conditions of NAC 453.600 and applicable federal, state, or local statutes or regulations are not being fulfilled.

**NEW AND PROPOSED REGULATION OF THE STATE BOARD OF HEALTH
NAC 449**

NARCOTIC TREATMENT CLINIC

Section 1. Chapter 449 of NAC is hereby amended by adding thereto the provisions set forth as section 1 through 10.

Section 2: Statement of purpose. Pursuant to NRS 449.038 and NRS 453.600, it is the intent of sections 3 through 20 of this act to:

1. Establish minimum standards of care and treatment for clinics and medication units that provide treatment for narcotic addicts.

Section 3: “Narcotic treatment clinic” defined. “Narcotic treatment clinic” means an outpatient clinic which provides treatment for narcotic addicts through the administration and/or dispensing under medical supervision and control of maintenance and detoxification dosages of methadone, other similar use of FDA-approved drugs, and the provision of rehabilitative services as needed in support of a maintenance program.

Section 4: “Medication unit” defined. “Medication unit” is a facility which is established as a part of a narcotic treatment clinic but is geographically separate from the clinic and is authorized to administer and dispense a narcotic drug and may be authorized in accordance with NRS 652 to collect samples for drug testing or analysis of narcotic drugs.

Section 5: License required. A person, corporation, partnership, or state or local government or agency thereof shall not operate a narcotic treatment clinic without first obtaining a license from the Health Division.

Section 6: Requirements for a narcotic treatment clinic.

1. No person, corporation, partnership, or state or local government may represent itself as a “narcotic treatment clinic” or as providing narcotic treatment unless it:

(a) Has a medical director currently licensed to practice medicine in Nevada.

(b) Meets all local ordinances, including zoning requirements.

(c) Obtains controlled substance registration from the State Board of Pharmacy.

(d) Meets the requirements of the United States Food and Drug Administration and the Drug Enforcement Administration as established by 21 Code of Federal Regulations, Parts 291 and 1316.

(e) Is in full compliance with NRS 449 and 453 and substantial compliance with NAC 449 and 453.

(f) Submits an application specified by the Health Division.

(g) Maintains treatment documentation in conformance with NRS 453.690.

(h) Employs or contracts with drug and alcohol counselors who are certified by the Bureau of Alcohol and Drug Abuse of the department of Employment, Training, and Rehabilitation.

(i) Has developed and maintained a registry system as a part of the state registry system that assures prospective and existing clients are not receiving methodone or other substances used in narcotic treatment from a second clinic.

Section 7: Disclosure on information. A narcotic treatment clinic shall provide access to all purchase, distribution, and treatment records and documents by the Health Division, Board of Pharmacy, and the Bureau of Alcohol and Drug Abuse. These facilities are held to the same rules of confidentiality as required by NRS 453.720.

Section 8: Application disposition. After investigation to assure that all requirements set forth in NRS and NAC 449 and 21 Code of Federal Regulations, Parts 291 and 1316, are met, the Health Division's Bureau of Licensure and Certification will submit a recommendation for approval according to 21 CFR Part 291 and 1316 to the State Health division administrator or his designee.

Section 9: License issuance. Within 30 days of the state health administrator's approval, the Health Division's Bureau of Licensure and Certification will advise the applicant of the approval or denial of the license or conditions of licensure.

Section 10: Revocation or suspension of a license. If a licensed narcotic treatment clinic is found to be out of compliance with the requirements of this chapter, the Health Division may revoke or suspend the facility's license. The Health Division will determine the action for a provisional license or revocation or suspension of a license based on the seriousness of the violation and the frequency and duration of the violation.

Section 11: Complaint investigations. The Health Division's Bureau of Licensure and Certification will investigate all complaints directly or in conjunction with other responsible government agencies, including but not limited to the Food and Drug Administration, drug Enforcement Administration, Nevada State Bureau of Alcohol and Drug Abuse of the Rehabilitation Division of the Department of Employment, Training, and Rehabilitation, and the Nevada State Board of Pharmacy.

Section 12: Accreditation in lieu of Health Division license survey. The Bureau of Licensure and Certification of the state Health Division will accept the accreditation of a narcotic treatment clinic by the Bureau of Alcohol and Drug Abuse of the department of Employment, Training, and Rehabilitation as the site survey for licensure of the clinic upon

receipt of a certification by the bureau of Alcohol and Drug Abuse that they have accredited the clinic and found it to be in compliance with the conditions of 21 Code of Federal Regulations, Parts 291 and 1316.

Section 13: Existing facilities. Existing Health Division-approved narcotic treatment clinics and medication units will be provided a one-year time period to make application for a license as required by regulation.

449.013(1)(a), (b) is hereby amended to read as follows:

1. The nonrefundable fee for the issuance or renewal of a license to operate any:

(a) Ambulatory surgical center, facility for the treatment of irreversible renal disease, home health agency, freestanding facility for hospice care, rural clinic, obstetric center, program for hospice care, [or] independent center for emergency medical care, or narcotic treatment clinic is \$500.

(b) Nursing pool or narcotic treatment medication unit is \$250.

449.013(1) is hereby amended by adding thereto the provisions set forth as (j) and (k):

(j) A narcotic treatment clinic 750

(k) A narcotic treatment clinic medication unit 500

449.013(2) is hereby amended by adding thereto the provisions set forth as (j) and (k):

(j) A narcotic treatment clinic 600

(k) A narcotic treatment clinic medication unit 100