

Chapter 433 of NAC

LCB File No. T012-08

**PROPOSED TEMPORARY REGULATION OF THE DIVISION OF
MENTAL HEALTH AND DEVELOPMENTAL SERVICES OF
THE DEPARTMENT OF HEALTH AND HUMAN SERVICES**

Notice of Workshop to Solicit Comments on Proposed Regulation

The Division of Mental Health and Developmental Services, 4126 Technology Way, Ste. 201, Carson City, NV 89706. Phone 775-684-5943., is proposing the adoption of regulations pertaining to Chapter 433 of Nevada Administrative Code (NAC). A workshop has been set for 8:00 a.m. to 10:00 a.m. on November 25, 2008 at Sierra Regional Center, 605 South 21st St., Sparks, NV 89431, Main Conference Room. The purpose of the workshop is to solicit comments from interested persons on the following general topics that may be addressed in the proposed regulations:

To provide the Administrator of Mental Health and Developmental Services with the authority to remove remains of people buried at the cemetery of Northern Nevada Adult Mental Health Services and reinter those remains in the same cemetery grounds at a different location. There is one row of graves separated from the main cemetery which could be impacted by ongoing construction in that area. The intent of these regulations is to allow for and describe the process of removing these remains from this site and appropriately re-burying them in the main cemetery plot.

A copy of all materials related to the proposal may be obtained at Mental Health and Developmental Services, 4126 Technology Way, Ste. 201, Carson City, NV 89706

NOTICES OF THE PUBLIC WORKSHOP HAVE BEEN POSTED AT THE FOLLOWING LOCATIONS:

DCFS – 4126 Technology Way, 3rd Floor, Carson City
CBS – 2644 Enterprise Road, Reno
DRC – 1391 South Jones Boulevard, Las Vegas
LCC – 500 Galletti Way, Sparks
MHDS – 4126 Technology Way, 2nd Floor, Carson City
NNAMHS – 480 Galletti Way, Sparks
RURAL CLINICS – 4126 Technology Way, 1st Floor, Carson City
SNAMHS – 6161 West Charleston Blvd., Las Vegas
SRC -605 South 21st Street, Sparks
GRANT SAWYER STATE OFFICE BLDG., 555 E. Washington Ave., Las Vegas
NEVADA STATE LIBRARY AND 17 NEVADA COUNTY LIBRARIES

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Amendment of Regulations of

NAC Chapter 433, Section 2 to 10

The Division of Mental Health and Developmental Services will hold a public hearing at 3:00 p.m. on November 26, 2008 at Sierra Regional Center, 605 South 21st St., Sparks, Nevada. The purpose of the hearing is to receive comments from all interested parties regarding the proposed regulation of the Administrator of the Division of Mental Health and Developmental Services of regulations that pertain to Chapter 433 of the Nevada Administrative Code.

1. This proposed regulation is needed in order to disinter and reinter the remains of approximately 30 bodies buried on the grounds of Northern Nevada Adult Mental Health Services. These remains are in an area adjacent to proposed construction.
2. Proposed regulations describe the authority for and process of public notification of the intent to disinter remains and reinter them. The remains to be disinterred include one row of marked graves separated from the main area of the cemetery. The intent of these regulations would be to allow the cemetery authority to remove these remains and provide appropriate re-burial within the confines of the main cemetery.
3. These regulations pertain only to the old cemetery on the grounds of Northern Nevada Adult Mental Health Services.
4. Non-Applicable.
5. \$30,000 for the cost of disinterring and reinterring remains plus some restoration of the main cemetery plot.
6. There is no overlap or duplication with respect to any regulations of other state or local governmental agencies
7. Non-Applicable.
8. Non-Applicable.
9. There are no new proposed fees or fee increases.

Persons wishing to comment upon the proposed action of Division of the Mental Health and Developmental Services may appear at the scheduled public hearing or may address their concerns in written form to Dr. Harold Cook, Mental Health and Developmental Services, 4126 Technology Way, Suite 201, Carson City, Nevada 89706. Written submissions must be received by the Division of Mental Health and Developmental Services on or before November 21, 2008. If no person directly affected by the proposed action appears to request time to make an oral

presentation, the Division of Mental Health and Developmental Services may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be adopted will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be adopted will be available at the following agencies as well as the State of Nevada/MHDS website:

Mental Health and Developmental Services Central Office
4126 Technology Way, Ste. 201
Carson City, NV 89706

Substance Abuse Treatment and Prevention Agency
4126 Technology Way, Ste. 200
Carson City, NV 89706

Northern Nevada Adult Mental Health Services
480 Galletti Way
Sparks, NV 89431

Linden Mental Health Center
770 Linden St.
Reno, NV 89502

Rural Clinics Community Mental Health Administration
4126 Technology Way, Ste. 102
Carson City, NV 89706

Carson Mental Health Center
1665 Old Hot Springs Rd., Ste. 150
Carson City, NV 89706

Douglas Mental Health Center
1538 Hwy 395 North
Gardnerville, NV 89410

Yerington Mental Health Center
215 W. Bridge St., Ste. #5
Yerington, NV 89447

Lake Tahoe Mental Health Center
175 W. Highway 50
Stateline, NV 89449

Elko Mental Health Center
1825 Pinion Rd. Ste. A.
Elko, NV 89801

Wendover Mental Health Center
925 Wells Ave. #B
Wendover, NV 89883

Ely Mental Health Center
1675 Avenue F
Ely, NV 89301

Silver Springs Mental Health Center
3595 Hwy. 50 East
Silver Springs, NV 89429

Fallon Mental Health Center
151 N. Main St.
Fallon, NV 89406

Hawthorne Mental Health Center
1000 "C" St.
Hawthorne, NV 89415

Mesquite Mental Health Center
61 N. Willow Ste. 4
Mesquite, NV 89024

Moapa Valley Mental Health Center
320 N. Moapa Valley Blvd.
Overton, NV 89040

Caliente Mental Health Center
100 Depot #6
Caliente, NV 89008

Laughlin Mental Health Center
3650 So. Pointe Circle, Ste.208
Laughlin, NV 89029

Pahrump Mental Health Center
240 S. Humahuaca
Pahrump, NV 89048

Southern Nevada Adult Mental Health Services
6161 West Charleston Boulevard
Las Vegas, NV 89146

SNAMHS Henderson Office
1590 W. Sunset Rd.
Henderson, NV 89014

SNAMHS Downtown Office
720 So. 7th St.
Las Vegas, NV 89101

SNAMHS East Las Vegas Office
1785 East Sahara Ave., Ste 145
Las Vegas, NV 89104

Sierra Regional Center (SRC)
605 South 21st St.
Sparks, NV 89431

Desert Regional Center (DRC)
1391 South Jones Boulevard
Las Vegas, NV 89146

Lakes Crossing Center (LCC)
500 Galletti Way
Sparks, NV 89431

Rural Regional Center
1665 Old Hot Springs Road #164
Carson City, NV 89706

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Section 1. Chapter 433 of NAC is hereby amended by adding thereto the provisions set forth as section 2 to 10 inclusive of this regulation.

Section 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 8 of this regulation have the meanings ascribed to them in those sections.*

Section 3. *“Cemetery” means the nonfunctioning burial park located on the grounds of the Northern Nevada Adult Mental Health Services at 480 Galletti Way, Sparks, Nevada.*

Section 4. *“Cemetery Authority” means the Administrator of the Division of Mental Health and Developmental Services.*

Section 5. *“Grave” means space of ground in the cemetery for the interment of human remains.*

Section 6. *“Cremation” means the disposition of human remains by total consumption from the incineration in a cremator.*

Section 7. *“Inurnment” means the disposition of cremated human remains by inserting them in an urn and placing the urn in a niche or grave.*

Section 8. *“Removal” means the disinterment of human remains from a grave.*

Section 9. *Removal of Remains.*

1. *No remains will be removed unless the Cemetery Authority determines maintenance of all or part of the cemetery is not in accordance with the health, safety, comfort or welfare of the public.*
2. *If the Cemetery Authority determines removal of some or all of the remains are necessary the remains shall be removed in accordance with the laws of the properly constituted authorities of the city, county and state.*
3. *Any remains removed will be subject to cremation and reinurnment or reinterment at the discretion of the Cemetery Authority.*
4. *No remains will be cremated if a family member or friend requests possession for reinterment at a different location.*
5. *Any reinterment by family or friend will be at their expense.*
6. *No cremation will occur without the order of the appropriate public officer in accordance with NRS 451.650.*

Section 10. *Process for Removal of Remains*

1. *If the Cemetery Authority determines that removal of remains is necessary notice of the removal shall be published in the local newspaper of general circulation.*
2. *The notice will be published at least once a week for four consecutive weeks.*
3. *Copies of the notice shall also be posted in the cemetery in at least three conspicuous locations.*
4. *No remains shall be removed for a period of no less than a year following publication of the notice of removal.*

5. *Prior to removal of remains the Cemetery Authority will make all reasonable attempts to review public records for the existence of family members of those remains to be removed.*
6. *If any family members are located notice of the removal shall be sent to their last known address.*
7. *If it is determined that any of the remains subject to removal may belong to a Native American Tribe notice shall also be sent to the Tribal Council of that Tribe.*

Section 11. *Request for removal of remains by family member or Native American Tribe.*

1. *If a family member of any decedent buried in the cemetery wishes to remove the remains of their family a request shall be submitted to the Cemetery Authority in writing. All documentation verifying the familial relationship must also be attached to the request.*
2. *If a Native American Tribe wishes to remove the remains of a member of the Tribe buried in the cemetery a request shall be submitted to the Cemetery Authority in writing. All documentation verifying the Tribal relationship must also be attached to the request.*
3. *Removal of the remains will be at the family member or Native American Tribe's expense.*
4. *To the extent possible, the Cemetery Authority may assist the family member or Native American Tribe to ensure the removal is in accordance with the laws of the properly constituted authorities of the city, county and state.*