

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

LCB File No. R029-10

**NOTICE OF INTENT TO ACT UPON A REGULATION
Notice of Hearing for the Revised Regulation
Nevada Administrative Code (NAC) Chapter 458**

The Division of Mental Health and Developmental Services (MHDS), Substance Abuse Prevention and Treatment Agency (SAPTA) are revising Nevada Administrative Code (NAC), Chapter 458 - Abuse of Alcohol and Drugs. A public hearing will be part of the Mental Health Commission meeting on Friday, September 16, 2011, 9:00 a.m. being held in Sparks at the Sierra Regional Center, 605 South 21st Street, Room 122, Sparks, Nevada.

Video Conference Availability:

- CARSON CITY: Mental Health and Developmental Services, 4126 Technology Way, 2nd Floor Conference Room, Carson City, Nevada
- LAS VEGAS: Desert Regional Center, 1391 South Jones Blvd., Training Room, Las Vegas, Nevada

The purpose of the hearing is to receive comments from all interested parties regarding the Amendment of regulations that pertain to NAC Chapter 458, (Attached).

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need for and the purpose of the proposed regulation or amendment.

The amendment will make the necessary changes that occurred when the Bureau of Alcohol and Drug Abuse was moved from the Nevada State Health Division to the Division of Mental Health and Developmental Services. Additionally, it involves changing the Bureau to an Agency and renaming to the Substance Abuse Prevention and Treatment Agency.

2. If the proposed regulation is a temporary regulation, either the terms or the substance of the regulations to be adopted, amended, or repealed, or a description of the subjects and issues involved. If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063.

The proposed amendment to NAC 458 is permanent. The proposed permanent regulation will be available at the Division's website at: <http://mhds.state.nv.us/>, at the Agency's office at 4126 Technology Way, 2nd Floor, Carson City, Nevada 89706 and 4220 S. Maryland Pkwy, Bldg. D, Las Vegas, Nevada 89119, and also at the main public library of any county in with the Agency does not have an office. Additionally, the proposed permanent regulation is available through the Legislative website at

3. A statement identifying the methods used by the agency in determining the impact on a small business prepared pursuant to subsection 3 of NRS 233B.0608.

- Workshops were conducted on the following dates, with additional time extended for written comments:
 - Monday, February 22, 2010
 - Monday, May 17, 2010
 - Monday, October 25, 2010
- Small Business Impact Questionnaires were sent out with the workshop notifications.

SAPTA has determined through review of the language of the proposed regulation, the opportunity for comment at the workshop, and written submissions that the proposed changes to NAC 458 would not impose a direct and significant economic burden upon a small business or restrict the formation, operation or expansion of a small business.

4. 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

The proposed amendments should have no economic impact on affected businesses or on the public.

(b) Both immediate and long-term effects.

The proposed amendments should have no immediate or long-term economic effects on businesses or the public.

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

There will be no additional cost to the Agency to enforce the amendments when adopted.

6. A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

There are no other state or government agency regulations that the proposed amendments duplicate.

7. If the regulation is required pursuant to federal law, a citation and description of the federal law.

42 C.F.R. Part 2, C.F.R. Parts 160, 162 and 164:

- Operators and Staff of Programs
 - NAC 458.163 Operators: Responsibilities concerning confidentiality and recordkeeping
- Prevention Programs
 - NAC 458.228 Duties of operator

- Treatment Programs
 - NAC 458.272 Records regarding clients
- Drug Court Programs
 - NAC 458.291 Manual of policies and procedures
 - NAC 458.306 Records regarding clients
- Evaluation Center Programs
 - NAC 458.321 Manual of policies and procedures
 - NAC 458.331 Records regarding clients

8. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

The proposed amendments do not include any provisions more stringent than any federal regulation with the same activity.

9. Whether the proposed regulation establishes a new fee or increases an existing fee.

The proposed regulation does not establish a new fee, nor does it increase an existing fee.

Comments and Written Submissions

Interested persons may present oral and/or written comments at the time and place of the meeting, or written comments should be received no later than September 15, 2011, to the Substance Abuse Prevention and Treatment Agency, 4126 Technology Way, 2nd Floor, Carson City, Nevada, 89706. Comment may not be restricted based on viewpoint. Public comments are limited to three minutes.

In compliance with the Americans with Disabilities Act (ADA), persons with disabilities or persons requiring special services attending this meeting, please contact the Substance Abuse Prevention and Treatment Agency, (775) 684-4190, by September 15, 2011.

Copies of Proposed Amendment to Regulation

A copy of this notice and the regulation to be **amended** 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 **amended** will be available at:

Substance Abuse Prevention and Treatment
Agency
4126 Technology Way, 2nd Floor
Carson City, NV 89706

Substance Abuse Prevention and Treatment
Agency
4220 S. Maryland Pkwy, Bldg. D, #806
Las Vegas, NV 89119

In all counties in which an office of the Agency is not maintained, copies of the notice and the Proposed Amended Regulation will be available at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the

proposed amended regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau (LCB) pursuant to NRS 233B.0653, and on the Internet at http://www.leg.state.nv.us/register/indexes/2010_NAC_REGISTER_NUMERICAL.htm LCB File No. R029-10RP4. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice is posted in accordance with NRS Chapter 241 in the following locations:

Desert Regional Center	1391 S. Jones Blvd., Las Vegas
Elko County Library	720 Court Street, Elko
Mental Health and Developmental Services (MHDS)	4126 Technology Way, 2nd Floor, Carson City
Nevada State Library and Archives	100 N. Stewart St., Carson City
Northern Nevada Adult Mental Health Services	480 Galletti Way, Sparks
Sierra Regional Center	605 S. 21 st Street, Sparks
Southern Nevada Adult Mental Health Services	6161 W Charleston Blvd, Las Vegas
Substance Abuse Prevention and Treatment Agency	4126 Technology Way, 1st Floor, Carson City
Substance Abuse Prevention and Treatment Agency	4220 S. Maryland Pkwy., Suite 806D, Las Vegas
MHDS Website	http://mhds.state.nv.us/