

Joe Lombardo  
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

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**NOTICE OF PUBLIC HEARING:**

Notice of Hearing for the Consideration of the Joint Report and Recommended Regulation Removals Per the Governor's Executive Order #2023-0036, Proposed by the Division of Public and Behavioral Health and the Board of Health

NOTICE IS HEREBY GIVEN that the State Board of Health will hold a public hearing to consider, provide feedback on, and approve, as a joint effort with the Division of Public and Behavioral Health, the required report and recommendations of regulations for removal as required by the Governor's Executive Order 2023-003. Amendments are proposed to Nevada Administrative Code (NAC) Chapters 228, 442, 445A, 449, 450B, 458, and 652. This public hearing is to be held in conjunction with the State Board of Health meeting on Friday, April 28, 2023.

The Public Hearing will be conducted via videoconference beginning at 9:00 AM (Pacific Time) on Friday, April 28, 2023, at the following locations:

**Physical Meeting Locations:**

*Rawson-Neal Psychiatric Hospital*  
Training Room B (193)  
1650 Community College Drive  
Las Vegas, Nevada 89146

*State of Nevada - Division of Public and Behavioral Health (DPBH)*  
Hearing Room No. 303, 3rd Floor  
4150 Technology Way  
Carson City, Nevada 89706

**Microsoft Team Meeting:**

[https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_MTliZGE1N2UtOGNmMy00YzFkLWE4MzUtOTEwNDBkZDJhYTQ2%40thread.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%22e2f9f008-841c-437d-b037-927c30ea003e%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_MTliZGE1N2UtOGNmMy00YzFkLWE4MzUtOTEwNDBkZDJhYTQ2%40thread.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%22e2f9f008-841c-437d-b037-927c30ea003e%22%7d)

*Please Note: If you experience technical difficulties connecting online, please call into the meeting to participate by phone.*

**Join By Phone:**

+1 775-321-6111 United States, Reno  
Phone Conference ID: 273 597 72#

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

1. The recommended removal of regulations is proposed pursuant to the Governor’s Executive Order 2023-003, available at: <https://gov.nv.gov/Newsroom/ExecOrders/Executive-Orders/>
2. The sections of the Nevada Administrative Code (NAC) which are recommended for removal are as follows, the drafts of which are available at:
  - a. NAC Chapter 228: 228.101; 228.102(1)(b); Section 6 of LCB File No. R071-20 (10); Section 4 of LCB File No. R071-20 (2)(d)(1), (2), and (5); Section 4 of LCB File No. R071-20 (4)(b)
  - b. NAC 442.080
  - c. NAC 445A.547(1) and 445A.589 (second monetary allotment of \$175 for out-of-state-produced bottled water sales/distribution permit)
  - d. NAC Chapter 449: 449.079; 449.126(4) (word “ironed); 449.15357(4) (word “ironed); 449.154937(2); 449.154991(2); 449.232(3); 449.39516(2)(b); 449.74417(2)(a); 449.74357(4) (word “ironed); Section 14 of LCB File No. R016-20
  - e. NAC Chapter 450B: 450B.456, 450B.457, 450B.458, and 450B.459
  - f. NAC 458.342(2)(e)
  - g. NAC 652.600
3. The Division is still collecting responses to the Small Business Impact Surveys. The Small Business Impact Statements will be posted by April 6<sup>th</sup>, 2023 and will be available at the following locations:
  - a. NAC Chapters 228, 445A, 449, 458, and 652: [State of Nevada Health Facility Regulation Public Workshops \(nv.gov\)](#)
  - b. NAC Chapter 442: [Maternal, Child and Adolescent Health \(MCH\) \(nv.gov\)](#)
  - c. NAC Chapter 450B: [EMS \(nv.gov\)](#)
  - d. All recommendations for NAC removals: [2023 Nevada State Board of Health \(nv.gov\)](#)
4. At this time, the estimated economic effect of the regulation are as follows:
  - a. On business:
    - i. Anticipated adverse effects: None.
    - ii. Anticipated beneficial effects: Removal of barriers to Nevada businesses.
    - iii. Anticipated immediate effects; Removal of barriers to Nevada businesses.
    - iv. Anticipated long-term effects: Removal of barriers to Nevada businesses.
  - b. On the public:
    - i. Anticipated adverse effects: None.
    - ii. Anticipated beneficial effects: None.
    - iii. Anticipated immediate effects; None.
    - iv. Anticipated long-term effects: None.
5. The Division held a stakeholder engagement meeting on March 22, 2023, to seek input as to all regulations overseen by the Division and the Board of Health. Additionally, a Public Workshop will be held on April 21<sup>st</sup>, 2023. Further, small business impact surveys have been sent to all healthcare facilities of which the regulations would affect, including licensing email addresses for all health facilities, licensing email addresses for all child care facilities, licensing email addresses for all medical laboratories, including individual emails who asked to be on these specific listservs, individual email addresses for dietitians and music therapists, and a listserv emergency medical services providers.
6. The proposed removal of regulations does not overlap or duplicate local, state or federal regulations.

Members of the public may make oral comments at this meeting. Persons wishing to submit written testimony or documentary evidence in excess of two typed, 8-1/2" x 11" pages must submit the material to the Board's Secretary, Lisa Sherych, to be received no later than Friday, April 21<sup>st</sup>, 2023, at the following address:

Secretary, State Board of Health  
Division of Public and Behavioral Health  
4150 Technology Way, Suite 300  
Carson City, NV 89706  
[stateBOH@health.nv.gov](mailto:stateBOH@health.nv.gov)

Written comments, testimony, or documentary evidence in excess of two typed pages will not be accepted at the time of the hearing. The purpose of this requirement is to allow Board members adequate time to review the documents.

A copy of the notice, report, and the recommended NAC removals are on file for inspection and/or may be copied at the following locations during normal business hours:

1. Division of Public and Behavioral Health, 4150 Technology Way, First Floor Lobby, Carson City, NV 89706
2. Division of Public and Behavioral Health, Bureau of Healthcare Quality and Compliance, 727 Fairview Dr., Ste. F, Carson City, NV 89701
3. Division of Public and Behavioral Health, Rawson-Neal Psychiatric Hospital, 1650 Community College Drive, Las Vegas, NV 89146
4. Nevada State Library and Archives, 100 Stewart Street, Carson City, NV 89701

A copy of the recommended regulation removals and small business impact statements will be available on-line by going to:

- NAC Chapters 228, 445A, 449, 458, and 652: [State of Nevada Health Facility Regulation Public Workshops \(nv.gov\)](https://www.health.nv.gov/public-worksshops/)
- NAC Chapter 442: [Maternal, Child and Adolescent Health \(MCH\) \(nv.gov\)](https://www.health.nv.gov/maternal-child-adolescent-health/)
- NAC Chapter 450B: [EMS \(nv.gov\)](https://www.health.nv.gov/emergency-medical-services/)
- All recommendations for NAC removals: [2023 Nevada State Board of Health \(nv.gov\)](https://www.health.nv.gov/2023-nac-removals/)

A copy of the public hearing notice can also be found at Nevada Legislature's web page:  
<https://www.leg.state.nv.us/App/Notice/A/>

Copies may be obtained in person, by mail, or by calling:

Division of Public and Behavioral Health  
4150 Technology Way, Suite 300  
Carson City, NV 89706  
(775) 684-4200  
[stateBOH@health.nv.gov](mailto:stateBOH@health.nv.gov)

Copies may also be obtained from the Nevada State Library at the address listed below:

Nevada State Library & Archives  
100 N. Stewart Street  
Carson City, NV 89701

Per NRS 233B.064(2), upon adoption of any regulations, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, shall 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