Notice of Public Hearing for the Adoption of a Permanent Regulation

NOTICE OF INTENT TO ACT UPON A REGULATION

LCB File No. R164-26

Nevada Administrative Code (NAC) Chapter 439

NOTICE IS HEREBY GIVEN that the State Board of Health will hold a public hearing to consider adoption of proposed permanent regulations amending Chapter 439 of the Nevada Administrative Code (NAC) in accordance with the Board's authority under NRS 439.150. This notice is provided in accordance with NRS 233B.060.

This public hearing will be held in conjunction with the State Board of Health meeting on December 4, 2026. beginning at 9:00 a.m., conducted via videoconference at the following locations, per NRS 233B.0603 (1)(a)(10):

Physical Locations

Division of Public and Behavioral Health
Hearing Room 303
4150 Technology Way
Carson City, NV 89706

Southern Nevada Health District
Red Rock Trail Rooms A & B
208 S. Decatur Blvd.
Las Vegas, NV 89107

Virtual Information

Meeting Link

Microsoft Teams

https://teams.microsoft.com/meet/2884072667187768?p=ORYZiLdHq03FYZEVMD

Please note: If you experience technical difficulties connecting online, please call in to participate by phone.

Join By Phone

775-321-6111
Conference ID: 399 652 804#

1. A statement of the need for and purpose of the proposed regulation.

   The proposed permanent regulations revise NAC Chapter 439 to update Nevada's regulatory framework reflecting changes in administrative authority, ensure consistent and transparent appeal processes, and clarify the scope of NAC Chapter 439. LCB File No. R164-26:

   - Establishes updated rules of practice and administrative procedures for appealing certain actions taken by the Nevada Health Authority (NVHA) and its Health Care Purchasing and Compliance Division.
   - Adjusts appeal procedures to reflect the transfer of certain authorities from the Department of Human Services (DHS) to the NVHA.
   - Creates, in Sections 4–24, an appeal process for disciplinary actions involving:
     - Domestic violence treatment programs
     - Health care facilities and entities providing personal care services
     - Nontransplant anatomical donation organizations
     - Naprapaths
     - Medical laboratories and laboratory personnel
     - Sanitation matters
     - Music therapists
     - Dietitians
   - Amends, in Sections 25–36, NAC Chapter 439 so that it applies only to appeals and disciplinary or other adverse actions handled by the Division of Public and Behavioral Health within DHS.

2. If the proposed regulation is a temporary regulation, either the terms or substance of the proposed regulation or a description of the subjects and issues involved.

   The regulation is not a temporary regulation.

3. 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 approved text may be obtained from the Nevada Legislature's website at the following link:

   https://www.leg.state.nv.us/Register/2026Register/R164-26P.pdf

4. A statement of the estimated economic effect of the regulation on the business which it is to regulate and on the public.

   The estimated economic effect on businesses is not direct because it would only be applied for sanctions that are a result of non-compliance with the regulations.

A. Adverse effects on business:

- For businesses that do not adhere to regulations governing their license, they could be adversely affected by sanctions that are imposed; however, the regulations do not change the current appeal system. They merely change the agencies that are responsible for processing the appeals.

B. Beneficial effects on business:

- There are no direct beneficial effects on business.

C. Immediate effects on business:

- The immediate effects are administrative in nature and ensure a clearer process for appeals.

D. Long-term effects on business:

- The long-term effects on business are a systematic method to process appeals.

E. Anticipated adverse effects on the public:

- There are no adverse effects on the public.

F. Beneficial effects on the public:

- Indirectly, the public benefits by a systematic appeals process because regulated licensees face consequences for violations that may affect the public if they are not corrected in a timely manner.

G. Immediate effects on the public:

- The public benefits by the elimination of confusion related to making complaints and expectations for a sanctions process.

H. Long-term effects on the public:

- The public will receive more timely outcomes.

5. 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.

The agency used its email distribution list, public notice postings, and direct outreach to chambers of commerce. The Health Care Purchasing and Compliance Division assessed small business impacts by distributing email notice containing a link to the small business impact questionnaire and the proposed regulations to interested parties, members of the public, and facilities and licensees licensed under NRS/NAC 449, as well as to industry representatives in

accordance with NRS 233B.0608. The proposed regulations and questionnaire were also posted on the Health Care Quality and Compliance website.

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

   There is no additional cost to the agency for these regulations.

7. A description of 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 regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

   The regulation does not duplicate any other state, local or federal government regulations.

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

   The regulation supplements 42 CFR Part 498 requiring an appeals and hearing process for providers certified through the Centers for Medicare and Medicaid Services.

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

   No provisions of the proposed regulations are more stringent than federal requirements.

10. The time when, the place where and the manner in which interested persons may present their views regarding the proposed regulation.

    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 8.5 in. x 11 in. pages must submit the material to the Board's Secretary, to be received no later than November 19, 2026, 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

11. Include a statement indicating whether the regulation establishes a new fee or increases an existing fee.

    This regulation does not establish or increase an existing fee.

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.

Pursuant to NRS 233B.0603(3), the proposed regulation is a permanent regulation. The approved or revised text prepared by the Legislative Counsel pursuant to NRS 233B.063, along with a copy of this notice and the proposed regulation, is available for inspection or copying during normal business hours at the following locations:

- Nevada Division of Public and Behavioral Health - 4150 Technology Way, Suite #300, Carson City, NV 89706
- Nevada Health Authority – 4070 Silver Sage Dr. Carson City, NV 89701
- Nevada Health Authority – 9850 Double R Blvd., Suite 200, Reno, NV 89521
- Nevada Health Authority/Bureau of Health Care Quality and Compliance – 727 Fairview Dr., Suite E, Carson City, NV 89701
- Nevada Health Authority/Bureau of Health Care Quality and Compliance – 500 E Warm Springs Rd., Suite 200, Las Vegas, NV 89119
- Nevada State Library and Archives – 100 Stewart Street, Carson City, NV, 89701

A copy of the regulations and the small business impact statement can be found online at: https://www.hcqc.nv.gov/notices/

A copy of the public hearing notice can also be found on the 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 the Bureau of Health Care Quality and Compliance at:

Bureau of Health Care Quality and Compliance 727 Fairview Drive, Suite E
Carson City, NV 89701
(775) 684-1030
PIO@nvha.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.0603(1)(c), an agency shall not adopt, amend or repeal a permanent regulation until it has received from the Legislative Counsel the approved or revised text of the regulation in the form to be adopted. The agency shall immediately notify the Legislative Counsel in writing of the date of adoption of each regulation adopted. Per NRS 233B.064(2) Upon adoption of any regulation, 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.