Notice of Public Hearing for the Adoption of a Permanent Regulation

NOTICE OF INTENT TO ACT UPON A REGULATION

LCB File No. R168-26

Nevada Administrative Code (NAC) Chapter 449

NOTICE IS HEREBY GIVEN that the State Board of Health will hold a public hearing to consider adoption of proposed permanent regulations amending Chapter 449 of the Nevada Administrative Code (NAC) in accordance with NAC 449.0302 and 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 449 to update regulatory responsibilities, improve procedures for CARA Plans of Care, and strengthen oversight of medical facilities. The regulations also respond to a performance audit of the Department of Human services related to the opioid epidemic. LCB File No. R168-26:

- Addresses the transfer of administration of CARA Plans of Care from the Health Care Purchasing and Compliance Division to the Division of Public and Behavioral Health, Department of Human Services.
- Updates procedures for developing and delivering CARA Plans of Care for infants affected by prenatal substance exposure or fetal alcohol spectrum disorders.
- Authorizes medical facilities to submit CARA Plans of Care to the Division of Public and Behavioral Health by 5:00 p.m. on the next business day if an infant is discharged on a weekend or state holiday.
- Establishes requirements for situations when a medical facility cannot deliver a CARA Plan of Care to a parent or guardian.
- Creates an administrative penalty for medical facilities that fail to ensure a required CARA Plan of Care is established.

2. 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/R168-26P.pdf

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

There is no anticipated economic effect on businesses the regulation is intended to regulate. Hospitals are currently required to ensure a CARA Plan of Care is completed. These regulations clarify the role of medical providers in hospital settings as well as clarify the role of the Division of Public and Behavioral Health and the Bureau of Health Care Quality and Compliance, Nevada Health Authority.

A. Adverse effects on business:

- No adverse effects are anticipated.

B. Beneficial effects on business:

- The beneficial effects are clearer guidelines for hospitals and medical providers related to CARA Plans of Care.

C. Immediate effects on business:

- The immediate effects are that hospitals will need to update their policies and procedures to ensure they are complying with the regulations.

D. Long-term effects on business:

- The long-term effects are more systematic responses when CARA Plans of Care are needed.

E. Anticipated effects on the public:

- There are no anticipated adverse effects on the public.

F. Beneficial effects on the public:

- Beneficial effects on the public are that babies born with addictions to substances and their families may receive help to prevent future addictions.

G. Immediate effects on the public:

- If a CARA Plan of Care is executed and accepted timely, children may not be removed from their families and placed into the foster care system.

H. Long-term effects on the public:

- Providing addiction prevention services to families may reduce the long-term impacts of foster care and criminality; thereby reducing public funds spent on these activities.

4. 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. On August 11, 2026, 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 medical facilities licensed under NRS/NAC 449 that subscribe to the Division's medical facility specific ListServ, 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. In addition, a workshop took place on October 7, 2026, at 9:00 a.m. to hear additional comments from affected businesses and members of the public.

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

   The cost for enforcement of the regulation is $97 per hour based on the current rate imposed by the Health Care Purchasing and Compliance Division. That cost is charged back to the facility for each substantiated complaint, and a substantiated complaint requires a penalty of $5,000 to the licensed medical facility.

   The Division of Public and Behavioral Health, Department of Human Services, incurs additional costs for oversight of CARA Plans of Care in the amount of $545,417.

6. 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.

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

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

   The regulation supplements oversight of CARA Plans of Care, which are required by federal law (42 U.S.C. § 5106a(b)(2)(B)(iii)(II)).

8. 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.

9. 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

10. 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.