

Steve Sisolak
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

NOTICE OF PUBLIC HEARING

Intent to Adopt Regulations
(CB File No. R117-21)

NOTICE IS HEREBY GIVEN that the State Board of Health will hold a public hearing to consider amendments to Chapters 439 and 441A of Nevada Administrative Code (NAC), Administration of Public Health and Infectious Diseases. This public hearing is to be held in conjunction with the State Board of Health meeting on January 12, 2022.

The State Board of Health will be conducted via videoconference beginning at 9:00 AM on January 12, 2022, at the following locations:

Via Zoom: <https://zoom.us/j/98436022298?pwd=aEFYTmpJZlVMaXpUWjZnM3alRlZz09>
Meeting ID: 984 3602 2298

Join by phone
877 853 5257 US Toll
Passcode: 874882

The proposed changes to NAC 439 and NAC 441A include the following:

- Existing law requires the State Board of Health to adopt regulations governing the control of communicable diseases in this State, including regulations specifically relating to the control of such diseases in medical and correctional institutions. (NRS 441A.120) Section 2 of this regulation requires an employee or contractor of the State Government who is required to enter into an institution for vulnerable populations as part of the regular scope of his or her employment or as part of his or her regular duties under the contract to be fully vaccinated for COVID-19, with certain exceptions. Specifically, section 2 authorizes an employee or contractor of the State Government who is new to his or her position and is not fully vaccinated for COVID-19 to enter into such an institution if he or she has received his or her first dose of a vaccine for COVID-19. Section 2 requires such an employee or contractor to continue to receive doses of vaccine until he or she is fully vaccinated in order to maintain his or her employment or continue to serve under the contract, as applicable. Section 2 also authorizes an exception to the vaccination requirement where a reasonable accommodation is granted pursuant to federal or state law.
- Existing regulations authorize certain persons to apply for a variance from a regulation of the State Board of Health. (NAC 439.200-439.280) Sections 1 and 2 of this regulation provide that any employee or contractor of the State Government who is required by section 2 to be vaccinated for COVID-19 is ineligible to request a variance from a regulation of the Board relating to that requirement.

1. Anticipated effects on business
 - A. *Adverse effects*: These regulations will not have any impact on businesses.
 - B. *Beneficial*: These regulations will not have any impact on businesses.
 - C. *Immediate*: These regulations will not have any impact on businesses.
 - D. *Long-term*: These regulations will not have any impact on businesses.

2. Anticipated effects on the public:
 - A. *Adverse*: There are no known adverse effects to the public.
 - B. *Beneficial*: The state's vulnerable populations in state-run facilities will be protected from COVID-19 which will create less burden on state resources which is beneficial for the public.
 - C. *Immediate*: More populations in state-run facilities would be vaccinated against COVID-19.
 - D. *Long-term*: There would be less COVID-19 outbreaks in state-run facilities. State-run facilities serving vulnerable populations would be safer and would consume less state resources for managing COVID-19 outbreaks and illnesses.

3. The estimated cost to the Division of Public and Behavioral Health for enforcement of the proposed regulations is estimated to be an initial fee of \$0 with an annual renewal fee of \$0. These fees are not currently set in regulations and would not be used to cover the costs to enforce the proposed regulations.

The proposed regulations do not overlap or duplicate any other Nevada state 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 January 5, 2022 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

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 and proposed regulations are on file for inspection and/or may be copied at the following locations during normal business hours:

Nevada Division of Public and Behavioral Health
4150 Technology Way, Suite #300
Carson City, NV 89706

A copy of the regulations and small business impact statement can be found on-line by going to:

https://dpbh.nv.gov/Programs/SIP/dta/Statutes/IZ_Regulations/

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 the Division of Public and Behavioral Health at (775) 684-1030 in Carson City or (702) 486-6515 in Las Vegas.

Copies of this notice and the proposed regulations will be mailed to the member of the public at no charge upon request.

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.

CANCELLED