

Joe Lombardo  
Governor

Laura Rich  
Director



## DEPARTMENT OF HUMAN SERVICES



NEVADA DIVISION of PUBLIC  
and BEHAVIORAL HEALTH



Andrea R. Rivers,  
MS  
Administrator

Ihsan Azzam,  
Ph.D., M.D.  
Chief Medical  
Officer

Notice of Hearing for the Amendment of Regulations of the Board of Health

### NOTICE OF INTENT TO ACT UPON A REGULATION

LCB File No. R174-24 relating to public health.

Nevada Administrative Code (NAC) Chapter 441

NOTICE IS HEREBY GIVEN the State Board of Health will hold a public hearing to consider proposed amendments to Nevada Administrative Code (NAC) Chapter 441. The public hearing is to be held in conjunction with the State Board of Health meeting on June 5, 2026.

The State Board of Health will be conducted via videoconference beginning at 9:00 am, on Friday, June 5, 2026, at the following locations:

#### **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**

Microsoft Teams

[https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_OTUwY2Q2NGQ0tNjJiYS00NGU2LWl1NjltMjcyMGJjNWU3NDcx%40thread.v2/0?context=%7b%22id%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22oid%22%3a%22768e443d-3be6-48f0-9bb0-7e72f1276b8d%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_OTUwY2Q2NGQ0tNjJiYS00NGU2LWl1NjltMjcyMGJjNWU3NDcx%40thread.v2/0?context=%7b%22id%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22oid%22%3a%22768e443d-3be6-48f0-9bb0-7e72f1276b8d%22%7d)

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

Join By Phone  
(775) 321-6111

Phone Conference ID: 239 762 069#

The proposed changes to NAC 441A addresses the following topics:

- Establishes a process to control tuberculosis in an educational institution.
- Revises the procedure for screening and testing for tuberculosis for health care personnel and in certain facilities.
- Revises requirements governing the reporting and investigation of coronavirus disease 2019 (COVID-19) cases.
- Revises the terminology used to refer to mpox.
- Establishes reporting of wastewater surveillance test results related to infectious pathogens and other biological substances.
- Establishes the ability for public health outreach to people who have experienced an overdose to provide connection to supportive services, treatment and other public health interventions.

1. Anticipated effects on the business which NAC 441A regulates:

- A. *Adverse effects:* There are no anticipated adverse effects on small businesses.
- B. *Beneficial:* It was noted that in some of the facilities and with some of the health care personnel that the tuberculosis screening and testing which is proposed in the regulations already occurs and the benefit of this is ensuring transmission to clients does not occur.
- C. *Immediate:* There are no anticipated immediate effects on small businesses.
- D. *Long-term:* There are no anticipated long-term effects on small businesses.

2. Anticipated effects on the public:

- A. *Adverse:* There are no anticipated adverse effects on the general public. There is potential for increased administrative burden within Nevada schools.
- B. *Beneficial:* These proposed regulations will help to reduce disease burden and facilitate connections to care.
- C. *Immediate:* As soon as the proposed regulations become effective, they would allow for enhanced tuberculosis screening and testing to occur, which will reduce burden and transmission risks within Nevada schools and communities. These regulations will also allow for reporting of detected pathogens or biological substances that pose a public health risk. These regulations also allow for public health outreach to people that have experienced an overdose.
- D. *Long-term:* The long-term beneficial impacts of these regulations are enhanced recognition of tuberculosis risks, and decreased risks of transmission to students while attending school. This helps protect Nevada's youth and decreases the stress and burden placed on school communities and their families as the result of large-scale contact tracing and testing efforts. In addition, having a standardized mechanism for reporting wastewater testing results to public health allows for early recognition and intervention to protect the health of Nevada communities. Finally, establishing a mechanism for public health outreach to people that have experienced an overdose provides opportunities for connection to resources, treatment options, and other necessary interventions to promote long-term health benefits.

3. The Division of Public and Behavioral Health determined the impact on small business pursuant to NRS 233B.0608 (2)(a). The Division of Public and Behavioral Health requested input from private schools, licensed health care facilities, and local water reclamation facilities throughout the State.

A Small Business Impact Questionnaire (SBIQ) was sent on June 30, 2025, and July 16, 2025. The SBIQ was distributed to licensed health care facilities, private schools, and local water reclamation facilities, along with a link to a copy of the proposed regulation changes.

4. These proposed regulations will not add any costs to the current regulatory enforcement activities conducted by DPBH. Additionally, the proposed regulations do not provide for a new fee or increase any existing fees.

5. The proposed regulations do not overlap or duplicate any other Nevada state or federal regulations.

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)

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, First Floor Lobby  
Carson City, NV 89706
- Nevada State Library and Archives  
100 Stewart Street  
Carson City, NV
- Nevada Division of Public and Behavioral Health  
ATTN: Nevada Office of State Epidemiology (OSE)  
10375 Professional Circle  
Reno, NV 89521
- Southern Nevada Health District  
280 S. Decatur Blvd.  
Las Vegas, NV 89107
- Northern Nevada Public Health  
1001 E. Ninth St.  
Reno, NV 89512

A copy of the regulations and small business impact statement can be found online by going to:  
<https://nvose.org/proposed-changes-to-nevada-administrative-code-chapters-447a-lcb-file-no-r174-24/>

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 Division of Public and Behavioral Health at 775-400-0333.

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 regulation, the agency shall, if requested 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 include the agency's reasons for overruling the consideration urged against its adoption.

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*Governor*

Laura Rich  
*Director*



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### MEMORANDUM

Date: May 15, 2026

To: Jon Pennell, DVM, Chair  
State Board of Health

From: Andrea Rivers, Administrator  
Division of Public and Behavioral Health

RE: Consideration and adoption of proposed regulation LCB File No. R174-24  
revising Nevada Administrative Code (NAC) 441A

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#### PURPOSE OF REGULATIONS

The proposed regulations amend the current regulations governing NAC 441A by:

- Controlling tuberculosis in an educational institution through screening and/or testing.
- Revising procedures for screening and testing for tuberculosis for health care personnel and facility residents.
- Revising reporting standards and investigation requirements for coronavirus disease 2019 (COVID-19) cases.
- Revising mpox terminology.
- Sets new reporting standards for wastewater surveillance which cause infectious pathogens and other biological substances.
- Extending public health outreach to people who have experienced a drug overdose to provide connection to supportive services, treatment and other necessary public health interventions.

#### POSSIBLE OUTCOMES IF PROPOSED REGULATIONS ARE NOT APPROVED

If these proposed regulations are not approved by the Board of Health, the Division of Public and Behavioral Health ("DPBH") may be unable to control wastewater test result reporting to public health authorities, tuberculosis screening in educational settings which are supposed to reduce the risk of transmission of tuberculosis and enhance

public health outreach to people that have experienced a drug overdose to provide connection to supportive services, treatment and other public health interventions.

#### APPLICABILITY OF PROPOSED AMENDMENT

The proposed regulations will apply statewide to most local health authorities, healthcare agencies, schools, and facilities conducting wastewater testing.

#### PUBLIC COMMENT RECEIVED

Pursuant to NRS 233B.0608 (2)(a), DPBH sought input from public, charter and private schools, healthcare facilities, facilities conducting wastewater testing, and health authorities. On June 30, 2025, DPBH sent small businesses impact questionnaires to healthcare facilities, schools, and facilities conducting wastewater testing that are for profit and have fewer than 150 employees, regarding the proposed regulations through a link to the Division of Public and Behavioral Health, Office of State Epidemiology's webpage. The results of the small business impact study are summarized in the Small Business Impact Statement. See Small Business Impact Statement, attached hereto.

On January 6, 2026, Notice of Public Workshop was sent to request input from interested parties. On January 20, 2026, a public workshop was held regarding the proposed regulations. All comments received during the public workshop were reviewed and considered.

In addition, multiple stakeholder meetings have been held throughout the process, including the Nevada Department of Education, school superintendents, local health authorities, and community partners that are involved with wastewater testing processes.

#### STAFF RECOMMENDATIONS

Staff recommends the State Board of Health adopt the proposed changes to NAC 441A as set forth in LCB File No. R174-24. Approval of these changes will allow DPBH to maintain tuberculosis, COVID-19, and wastewater surveillance in order to protect the health of the public.

#### PRESENTER

Melissa Bullock, Medical Epidemiologist

#### Attachments:

LCB File No. R174-24

Small Business Impact Statement

Public Workshop Notice

Public Hearing Notice

Joe Lombardo  
Governor

Rique Robb  
Interim Director



## DEPARTMENT OF HUMAN SERVICES



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## NOTICE OF PUBLIC WORKSHOP

NOTICE IS HEREBY GIVEN that the Division of Public and Behavioral Health will hold a public workshop to consider amendments to Nevada Administrative Code (NAC Chapter 441A)

The workshop will be conducted via videoconference beginning at 11:00 AM on Tuesday, January 20, 2026, via the following:

Join online using Microsoft TEAMS by clicking on the link below:

- [Join the meeting now](#)  
Meeting ID: 281 381 515 271 75  
Passcode: TE3UK928
- Call in (audio only): 1-775-321-6111 (Phone Conference ID: 386 598 674#)
- Attend in person at:
  - Division of Public and Behavioral Health  
Office of State Epidemiology  
10375 Professional Circle, Third Floor, Walker Conference Room  
Reno, NV 89521

These workshops will be conducted in accordance with NRS 241.020, Nevada's Open Meeting Law.

### AGENDA

1. Introduction of workshop process
2. Public comment on errata to proposed amendments to Nevada Administrative Code Chapter 441A. Legislative Council Bureau (LCB) File No. R174-24.
3. General Public Comment

The proposed changes will revise Chapter 441A of the Nevada Administrative Code and are being proposed in accordance with §§ 1-15, NRS 439.200 and 441A.120; §§ 16 and 17, NRS 439.200, 441A.120 and 441A.160.

The proposed regulations provide provisions for the following:

1. A regulation relating to public health, meant to:
  - Establish a process to control tuberculosis in an educational institution.
  - Revise the procedure for screening and testing of tuberculosis for health care personnel and in certain facilities.
  - Revise requirements governing the reporting and investigation of coronavirus disease 2019 (COVID-19) cases.

- Revise the terminology used to refer to mpox.
- Establish reporting of wastewater surveillance test results related to infectious pathogens and other biological substances.
- Establish the ability for public health outreach to persons who have experienced an overdose to provide connection to supportive services, treatment and other public health interventions.

2. Anticipated effects:

1) Small businesses:

- A. Adverse effects: None identified
- B. Beneficial effects: Reduced disease transmission
- C. Immediate effects: None identified
- D. Long-term Effects: None identified

2) General Public

- A. Adverse effects: None identified
- B. Beneficial effects: Reduced disease transmission
- C. Immediate effects: None identified
- D. Long-term effects: None identified

3. The proposed regulations will not add any additional costs to the current regulatory activities conducted by the Division of Public and Behavioral Health.

4. The proposed regulations do not overlap or duplicate federal, state, or local standards.

5. The proposed regulations do not establish a new fee nor increase an existing fee.

Members of the public may make oral comments at this meeting. Persons wishing to submit written testimony or documentary evidence may submit the material to the Division's Medical Epidemiologist: Melissa Bullock:

Nevada Division of Public and Behavioral Health  
10375 Professional Circle  
Reno, NV 89521  
stateepi@health.nv.gov  
FAX (775) 684-5999

Members of the public who require special accommodations or assistance at the workshops are required to notify Melissa Bullock, State Medical Epidemiologist in writing to the Division of Public and Behavioral Health, Nevada Division of Public and Behavioral Health, Office of State Epidemiology 10375 Professional Circle Reno, NV 89521, or by calling 775-400-0333 at least five (5) working days prior to the date of the public workshop.

You may contact Melissa Bullock, State Medical Epidemiologist, by calling 775-400-0333 for further information on the proposed regulations or how to obtain copies of the supporting documents.

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

List of offices where the proposed regulation will be on file for inspection:

Division of Public and Behavioral Health  
4150 Technology Way, First Floor Lobby  
Carson City, NV

Division of Public and Behavioral Health  
3811 W. Charleston Blvd, Suite 205  
Las Vegas, NV

Division of Public and Behavioral Health  
10375 Professional Circle  
Reno, NV

A copy of the regulations and small business impact statement can be found on the Division of Public and Behavioral Health's, Office of State Epidemiology's web page [here](#).

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

A copy of this notice has been posted at the following locations:

1. Division of Public and Behavioral Health, 4150 Technology Way, First Floor Lobby, Carson City
2. Division of Public and Behavioral Health, 10375 Professional Circle, Reno
3. Southern Nevada Health District, 280 S Decatur Blvd, Las Vegas

Copies may be obtained in person, by mail, or by calling the Division of Public and Behavioral Health at 775-400-0333.

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.

Joe Lombardo  
*Governor*



Richard Whitley,  
MS  
*Director*



Dena Schmidt  
*Administrator*

Ihsan Azzam,  
Ph.D., M.D.  
*Chief Medical Officer*

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## SMALL BUSINESS IMPACT STATEMENT (2025)

### PROPOSED AMENDMENTS TO NAC 441A

The Division of Public and Behavioral Health (DPBH) has determined that the proposed amendments should not act upon a small business or impact the formation, operation or expansion of a small business in Nevada.

A small business is defined in Nevada Revised Statutes NRS 233B as a "business conducted for profit which employs fewer than 150 full-time or part-time employees."

This small business impact statement is made pursuant to NRS 233B.0608 (3) and complies with the requirements of NRS 233B.0609. As required by NRS 233B.0608(3), this statement identifies the methods used by the agency in determining the impact of the proposed regulation on a small business in sections 1, 2, 3, and 4 below and provides the reasons for the conclusions of the agency in section 8 below followed by the certification by the person responsible for the agency.

### BACKGROUND:

The proposed revisions are intended to:

- Establish a process to control tuberculosis in an educational institution.
- Revise the procedure for screening and testing of tuberculosis for health care personnel and in certain facilities.
- Revise requirements governing the reporting and investigation of coronavirus disease 2019 (COVID-19) cases.
- Revise the terminology used to refer to mpox.
- Establish reporting of wastewater surveillance test results related to infectious pathogens and other biological substances.

- 1) A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.

Pursuant to NRS 233B.0608 (2)(a), the Division of Public and Behavioral Health has requested input from private schools, licensed health care facilities, and local water reclamation facilities throughout the State.

A Small Business Impact Questionnaire (SBIQ) was sent out on June 30, 2025, and July 16, 2025. The SBIQ was distributed to licensed health care facilities, private schools and local water reclamation facilities, along with a link to a copy of the proposed regulation changes.

The questions on the questionnaire were:

- 1) How many employees are currently employed by your business?
- 2) Will a specific regulation have an adverse economic effect upon your business?
- 3) Will the regulation(s) have any beneficial effect upon your business?
- 4) Do you anticipate any indirect adverse effects upon your business?
- 5) Do you anticipate any indirect beneficial effects upon your business?

**SUMMARY OF RESPONSES:**

Summary Of Comments Received (2 responses were received out of 3,215 small business impact questionnaires distributed)				
	Will a specific regulation have an adverse economic effect upon your business?	Will the regulation(s) have any beneficial effect upon your business?	Do you anticipate any indirect adverse effects upon your business?	Do you anticipate any indirect beneficial effects upon your business?
<b>Yes</b>	Yes = 0	Yes = 1  <u>Comments:</u> This has been in place since we started doing business, since employees are caring for clients then its beneficial so that they are not getting clients sick	Yes = 0	Yes = 0
<b>No</b>	No = 2  <u>Comments:</u> TB's are already part of employees annual requirement.	No = 1	No = 2	No = 2

**2) Describe the manner in which the analysis was conducted.**

A small business impact questionnaire was disseminated to licensed health care facilities through the Divisions Listserv, along with private schools utilizing the private school list available through the Nevada Department of Education, and the local water reclamation facilities throughout the State. The data collected from the questionnaire was reviewed, along with a review of the proposed regulations, and applicable statutes. This information was then analyzed by the Medical Epidemiologist within the Office of State Epidemiology to determine the impact of the proposed regulations on small business. A

public workshop will be scheduled at a future date to continue to obtain feedback on the proposed regulations during the regulatory development process.

**3) The estimated economic effect of the proposed regulation on the small business which it is to regulate including, without limitation both adverse and beneficial effects and both direct and indirect effects.**

Adverse effects: There are no anticipated adverse effects on small businesses.

Beneficial effects: It was noted that some of the health care personnel and facilities tuberculosis screening and testing that is proposed in the regulations already occurs and the benefit of this is ensuring transmission to clients does not occur.

**4) Provide a description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.**

The Division of Public and Behavioral Health has sought input from potentially affected small businesses, including the economic impact the proposed regulations may. No impact has been noted, so further modifications to the proposed regulations have not been made as a result of this input. A public workshop will be held on August 13, 2025, allowing for further input regarding the proposed regulations. Comments received at the public workshop will be taken into consideration for possible further revisions to the regulations to reduce any economic impact on small businesses.

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

There is no expected cost to the agency for enforcement of the proposed regulations.

**6) If the proposed regulation provides a new fee or increases an existing fee, the total annual amount DPBH expects to collect and the manner in which the money will be used.**

There are no fees associated with these proposed regulations.

**7) An explanation of why any duplicative or more stringent provisions than federal, state or local standards regulating the same activity are necessary.**

Tuberculosis (TB) is an airborne transmissible bacteria. Congregate settings present greater opportunity for TB transmission through shared air spaces. Educational settings are not specifically identified by the Centers for Disease Control and Prevention (CDC) as setting at higher risk for TB transmission, unlike other congregate settings like correctional facilities or health care facilities which do have specific guidance from the CDC. However, to reduce the potential for transmission, the CDC recommends that state and local tuberculosis (TB) programs use local epidemiologic data to identify individuals or populations at greater risk for TB and TB infection. The Division of Public and Behavioral Health (DPBH) evaluated state and county data after an alarming number of TB exposures within primary and secondary school settings occurred in 2023. Infectious TB exposures occurred in five school settings in 2023 which led to post-exposure TB evaluation and testing of 1171 persons within these five school settings. The testing outcome from these five school settings was 48 persons experienced transmission which resulted in TB infection, however, no TB disease occurred among those that were exposed. The impact of post-exposure TB testing in large settings like schools is two-

fold. For the health department and school district, it is monetarily costly and requires large-scale, onsite mini clinics providing examination and venipuncture. More importantly, post-exposure TB testing and the potential for TB infection are emotionally challenging for staff, students, and parents. Implementing a non-invasive individual TB risk screening questionnaire for staff and volunteers within schools increases earlier identification of TB risks and allows for preventative treatment thereby decreasing unnecessary TB transmission and anxiety in school settings.

**8) Provide a summary of the reasons for the conclusions of the agency regarding the impact of a regulation on small businesses.**

The reasons for the conclusions regarding the impact of these regulation on small business is based on an interpretation of the proposed regulations and how they impact a small business, the feedback provided by small business regarding the impact to their businesses and looking at the different components of the proposed regulations and their individual impact on a small business. The overall conclusion is that the proposed regulation may have a beneficial effect by reducing disease transmission and there is no adverse effect which would impact small businesses.

Any other persons interested in obtaining a copy of the summary may e-mail, call, or mail in a request to Melissa Bullock at the Division of Public and Behavioral Health at:

Division of Public and Behavioral Health  
10375 Professional Circle, Third Floor  
Reno, NV 89521  
Melissa Bullock  
Phone: 775-400-0333  
Email: [stateepi@health.nv.gov](mailto:stateepi@health.nv.gov)