Notice of Public Hearing for the Adoption of a Permanent Regulation

NOTICE OF INTENT TO ACT UPON A REGULATION

LCB File No. R162-26

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/295094124148250?p=E8zCAZP2L4XZ4siwBY

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

Join By Phone

775-321-6111
Conference ID: 160 707 602#

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

   The proposed permanent regulations revise NAC Chapter 449 strengthen statewide standards for the evaluation, discharge planning, care coordination, and documentation requirements for children with behavioral health disabilities. The purpose of the proposed regulation is to ensure consistent clinical practices across hospitals, improve continuity of care for certain vulnerable pediatric patients, and establish clear accountability measures for hospitals providing behavioral health services.

   LCB File No. R162-26 includes the following provisions:

   - Adopts by reference certain behavioral health guidelines and incorporate them into the definition of "substance use disorder."
   - Requires that a child with a behavioral health disability receive an evaluation from a professional qualified in psychiatric mental health.
   - Establishes a mandate that hospitals develop a discharge plan for every child with a behavioral health disability, regardless of evaluation outcome.
   - Establishes detailed requirements for the development and content of discharge plans for these patients.
   - Requires hospitals to ensure adequate care coordination, including facilitating a warm handoff with each behavioral health provider identified in the discharge plan.
   - Requires medical records to include documentation of all discharge planning activities.
   - Creates an administrative penalty for hospitals that fail to comply with discharge-planning requirements for children with behavioral health disabilities.

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/R162-26P.pdf

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

   A. Adverse effects on business:

      - Rural and critical care access hospitals may have difficulty accessing specialty behavioral health services for children with behavioral health disabilities.

B. Beneficial effects on business:

- The beneficial effects are clearer guidance for hospitals related to discharge planning.

C. Immediate effects on business:

- The immediate effects are that hospitals will need to ensure they have access to qualified mental health providers. In addition, they must update their policies and procedures to ensure they are complying with the regulations.

D. Long-term effects on business:

- The long-term effects are a broader network of mental health providers.

E. Anticipated adverse 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 children with behavioral health disabilities will realize better access to needed mental health services.

G. Immediate effects on the public:

- The immediate effects on the public are that families can expect a referral to services that meet the needs of children with behavioral health disabilities.

H. Long-term effects on the public:

- The long-term effects on the public are that behavioral health services will be more accessible to children with behavioral health disabilities and families will have better access to services.

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. On September 3, 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 Hospital and Outpatient facilities 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. In addition, a workshop took place on October 21, 2026, at 9:00 a.m. to hear additional comments from affected businesses and members of the public.

6. 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.

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 oversight of hospitals pursuant to 42 CFR Part 498.

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

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.