

Steve Sisolak
Governor

Richard Whitley, MS
Director



DEPARTMENT OF HEALTH AND HUMAN SERVICES

AGING AND DISABILITY SERVICES DIVISION
Helping people. It's who we are and what we do.



Dena Schmidt
Administrator

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the
Amendment of Regulation NAC
435.675

NOTICE IS HEREBY GIVEN; the Aging and Disability Services Division will hold a public hearing to consider amendments to Nevada Administrative Code (NAC) Chapter 435 related to the performance of specific skilled care services for a person with an intellectual or developmental disability by trained direct support staff in a supported living arrangement.

The public hearing will be conducted virtually via TEAMS Meeting beginning at 1:00 p.m. until adjournment, Tuesday, September 27, 2022, at the following:

Join on your computer or mobile app

[Click here to join the meeting](#)

Or join by entering a meeting ID

Meeting ID: 210 054 883 012

Passcode: bbxD4E

Or call in (audio only)

[+1 775-321-6111](tel:+17753216111), [647768495#](tel:+1775647768495) United States, Reno

Phone Conference ID: 647 768 495#

[Find a local number](#) | [Reset PIN](#)

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

AGENDA

1. Introduction of hearing process
2. Public comment
3. Adoption of proposed amendments to Nevada Administrative Code (NAC) Chapter 435 related to the performance of specific skilled care services for a person with an intellectual or developmental disability by trained direct support staff in a supported living arrangement.
4. Public Comment
5. Adjournment

The following information is provided pursuant to the requirements of NRS 233B.0603:

The proposed changes will revise Chapter 435 of the Nevada Administrative Code related to the performance of specific skilled care services for a person with an intellectual or developmental disability by trained direct support staff in a supported living arrangement.

The proposed regulations will provide for:

1. The purpose of the change is to authorize a member of the direct support staff of a provider of supported living arrangement services to perform specific skilled care services for a person with an intellectual or developmental disability who live in our community.
2. These health support services may include medication administration, and other skilled services for individuals who are medically stable.
3. The benefits will be to enhance the individual's quality of life while supporting their health care needs in a community setting.
4. The current resources for nursing in the community is very limited, resulting in institutional placement for individual who otherwise could be supported our community.
5. Any skilled services as referenced in NAC 435 performed by direct support staff of a provider of a supported living arrangement services must be authorized to perform the service, by the individual's provider of health care, indicating competency in that skill.
6. The estimated economic effect of the regulation on the business which NAC 439B regulates:

Providers of Service:

- A. *Adverse effects:* The regulation may have an impact to providers of service in regard to obtaining the required liability insurance if they choose to have staff perform these services and providers may have trouble recruiting and hiring staff if they are required to perform these services.
- B. *Beneficial effects:* This regulation will allow flexibility in providing services as providers will not need to rely on a home health agency to administer certain skilled care services. Further, this change will create a more person-centered approach.
- C. *Immediate effects:* The immediate and long-term effects the regulation include not having to rely on home health agencies to provide these services.
- D. *Long-term effects:* The immediate and long-term effects the regulation include not having to rely on home health agencies to provide this service.

The estimated economic effect of the regulation on the public:

- A. *Adverse effects:* None noted.
 - B. *Beneficial effects:* The beneficial effects of the regulation on the public are the same as the beneficial effects of the statute, in that this regulation will allow flexibility in providing services as providers will not need to rely on a home health agency to administer certain skilled care services. Further, this change will create a more person-centered approach.
 - C. *Immediate effects:* Upon passage of the proposed regulation provide the benefits as noted in the beneficial section.
 - D. *Long-term:* Upon passage of the proposed regulation provide the benefits as noted in the beneficial and immediate sections.
1. To determine the impact on a small business, a Small Business Impact Survey was posted to the Aging and Disability Services Division website along with a copy of the proposed regulation changes, in March 2022. Questions on the survey 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) Please list each regulation and explain the impact.
 - 4) Will the regulation(s) have any beneficial effect upon your business?
 - 5) Do you anticipate any indirect adverse effects upon your business?
 - 6) Do you anticipate any indirect beneficial effects upon your business?

The results of the small business impact studies are available at <https://adsd.nv.gov/Programs/regulations/>.

2. At this time, it is estimated that there would be no additional cost to the agency to enforce the proposed regulation.
3. The proposed regulation does not overlap or duplicate any other Nevada state or federal regulations.
4. The regulation is not required pursuant to federal law.
5. The regulation does not include provisions which are more stringent than a federal regulation that regulates the same activity.
6. The regulation does not provide a new fee.

A copy of this notice and the regulation to be amended will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be amended will be available at Aging and Disability Services Division, 3208 Goni Road, I-181, Carson City, NV 89706, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours.

A copy of this notice and the regulation to be amended can be obtained by contacting Jennifer Frischmann jfrischmann@adsd.nv.gov and can also be found on-line by going to: Nevada Aging and Disability Services Division:

<https://adsd.nv.gov/Programs/regulations/>

This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Notice of this meeting is also posted on the Internet: <https://adsd.nv.gov/>, <https://notice.nv.gov/> and has been sent to the Legislative Counsel Bureau.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will 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.

This notice of hearing has been posted at the following locations:

1. Aging and Disability Services Division, Carson City Office, 3208 Goni Road, Suite I-181, Carson City, NV 89706
2. Aging and Disability Services Division, Las Vegas Office, 3320 West Sahara Ave., Suite 100, Las Vegas, NV 89102
3. Aging and Disability Services Division, Reno Office, 9670 Gateway Drive, Suite 100, Reno, NV 89521
4. Nevada State Library and Archives, 100 North Stewart Street, Carson City, NV 89706

We are pleased to make reasonable accommodations for members of the public who have disabilities and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify Jennifer Frischmann jfrischmann@adsd.nv.gov as soon as possible and at least one business day in advance of the meeting.