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January 12, 2018

Megan Sloan
Nevada Department of Health and Human Services
Division of Health Care Financing & Policy
1100 E. William Street
Carson City, Nevada 89701

Re: LCB File No. R149-17

Dear Ms. Sloan:

A revised proposed regulation, R149-17, of the Director of the Department of Health and Human Services has been examined pursuant to NRS 233B.063 and is returned in revised form.

We invite you to discuss with us any questions which you may have concerning this review. Please make reference to our file number in all further correspondence relating to this regulation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Eric Robbins".

Eric W. Robbins
Principal Deputy Legislative Counsel

James W. Penrose
Senior Principal Deputy Legislative Counsel

Brenda J. Erdoes
Legislative Counsel

EWR/slj
Enclosure

**PROPOSED REGULATION OF THE DIRECTOR OF THE
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

LCB File No. R149-17

January 12, 2018

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §1, NRS 449.460 and 449.490.

A REGULATION relating to hospitals; clarifying that quarterly financial and utilization reports submitted by hospitals to the Department of Health and Human Services are not required to include certain data; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain institutions, including hospitals, to file with the Department of Health and Human Services certain financial statements or reports in a form and at intervals specified by the Director of the Department. (NRS 449.490). The Director requires each hospital to submit for each calendar quarter a completed financial and utilization report. (NAC 449.960) This regulation clarifies that a hospital is not required to include in such a report financial and utilization data concerning certain patients admitted to the hospital pursuant to the order of a court.

Section 1. NAC 449.960 is hereby amended to read as follows:

449.960 1. Each hospital shall submit for each calendar quarter a completed financial and utilization report on a form prepared and distributed by the Department. This report must be submitted no later than 30 days after the last day of the calendar quarter covered by the report. *A hospital is not required to include in the report financial and utilization data concerning a patient admitted to the hospital pursuant to an order issued by a court in a criminal proceeding in which the patient is a defendant or potential defendant.*

2. The Department will adopt forms and instructions for the quarterly reports required pursuant to subsection 1.

3. Each quarterly report must be certified by a responsible officer of the hospital to be accurate and complete to the best of the officer's knowledge and belief.

4. An extension of the deadline for filing a quarterly report pursuant to this section may be granted to a hospital if the hospital submits to the Department before the report is due an acceptable reason for granting the extension. The Department will not grant an extension unless the request for an extension includes a proposed date for submission of the report.

**SMALL BUSINESS IMPACT DISCLOSURE
PURSUANT TO NRS 233B “Nevada Administrative Procedures Act”**

The purpose of this Form is to provide a framework pursuant to NRS 233B.0608 to determine whether a small business impact statement is required for submittal of a proposed regulation. If Questions 1 and 2 are answered with a NO, then a small business impact statement is not required. If either question is answered with a YES, then a small business impact statement is required prior to the conduct of public workshops by the petitioning agency.

FORM # 4 - Part 1

Regarding Proposed Regulations Pursuant to NAC 449.960

1. Does this proposed regulation impose a direct and significant economic burden upon a small business?
 - *No. Hospitals in Nevada are currently required to file quarterly financial and utilization data, those with forensic data have been granted a filing extension. Forensic hospitals are unique as patients are admitted and confined to the hospital per court instruction as a result of potential criminal activities. The care and services rendered are then reported back to the judicial system. There is no diagnostic information provided as a result of the patient’s admission to forensic hospitals. Collection of the data from forensic hospitals does not meet criteria when analyzing healthcare in Nevada and due to the disparity of the data would result in substantial financial burden to the forensic hospital.*

2. Does this proposed regulation restrict the formation, operation or expansion of a small business?
 - *No. The proposed regulation will exempt hospitals from being required to file forensic financial and utilization data quarterly.*

Note: Small Business is defined as a “business conducted for profit which employs fewer than 150 full-time or part-time employees” (NRS 233B.0382).

3. If **Yes** to either of Questions 1 & 2, the following action must be taken:
 - A. Was a small business impact statement prepared and was it available at the public workshop. *No. Per above criteria, a small business impact statement was not required, therefore not presented at workshop.*

 - B. Attach the Small Business Impact Statement (part 2) as part of Form #4 upon submission of the proposed regulation to LCB. *No. Per above criteria a small business impact statement was not required, therefore not attached.*