

## NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Adoption of Regulations  
of the Department of Health and Human Services  
**LCB File No. R056-16**

The Nevada Department of Health and Human Services will hold a public hearing at 10:00 am on the 13<sup>th</sup> day of April, 2017 at The Division of Public and Behavioral Health located at 4150 Technology Way, room 303 Carson City, Nevada 89706. This hearing will also be video conferenced to the Division of Health Care Financing and Policy, 1210 S. Valley View Blvd., Suite 104, Las Vegas, Nevada, 89102. The telephone conference number is (877) 402-9753, Access Code 7316372.

The purpose of the hearing is to receive comments from all interested persons regarding the Adoption of regulations that pertain to chapter 439 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of [NRS 233B.0603](#):

1. The need and purpose of the proposed regulation.

Per Nevada Revised Statutes 439.587-439.589 the Director of the Department of Health and Human Services is required to prescribe regulations governing the certification and operation of a health information exchange.

2. The substance of the regulation to be adopted and a description of the subjects and issues involved.

This regulation defines entities covered by the it, interprets the term “commercially available.” It requires the covered entity to adhere to applicable federal and state law, have certain operational capabilities, adopt policies and procedures, perform audits and risk assessments, and to be accredited. It also prescribes requirements for the application for certification and a certification interval, prescribes who may use a health information exchange, and establishes certain prohibitions on the use and disclosure of data held in the exchange.

3. Estimated economic effect of the regulation on the business which it is to regulate and on the public.

A Small Business Impact Statement submitted May 2, 2016 identified no adverse economic effects on the small business which it is to regulate. Beneficial effects identified were not economic, but acknowledged a potential for citizens to determine a low risk to participation in the health information exchange.

No economic effects on the public are anticipated. It is generally thought that the timely sharing of electronic health information can improve health care quality, efficiency, and safety by

ensuring that healthcare providers have access to comprehensive clinical information, thereby ultimately reducing costs.

4. The estimated cost to the agency for enforcement of the proposed regulation.

These regulations aren't adding any addition costs to the agency.

5. A description of and citation to any regulations of other state or local government agencies which the proposed regulation overlaps.

There are no other federal, state, or local governmental regulations that overlap with the proposed regulation

6. If the regulation is required pursuant to federal law, a citation and description of the federal law.

The proposed regulation is not required pursuant to any federal law.

7. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

The proposed regulation does not include any provisions which are more stringent than a federal regulation that regulates the same activity.

8. Whether the proposed regulation establishes a new fee or increases an existing fee.

The proposed regulation does not establish a new fee or increase any existing fee.

Persons wishing to comment upon the proposed action of the Nevada Department of Health and Human Services may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to the Department of Health and Human Services, Davor Milicevic, 4126 Technology Way, Suite 100, Carson City, Nevada 89706. Written submissions must be received by the Department of Health and Human Services on or before March 16, 2017. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Department of Health and Human Services may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be Adopted 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 Adopted will be available at the Department of Health and Human Services, 4126 Technology Way, Suite 100, Carson City, Nevada 89706, its website at [dhhs.nv.gov](http://dhhs.nv.gov), 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. These materials can also be found online by going to: <http://dhhs.nv.gov/Programs/HIT/>. 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.

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:  
Nevada State Library; Carson City Library; Churchill County Library; Las Vegas Library; Douglas County Library; Elko County Library; Lincoln County Library; Lyon County Library; Mineral County Library; Tonopah Public Library; Pershing County Library; Goldfield Public Library; Eureka Branch Library; Lander County Library; Storey County Library; Washoe County Library; and White Pine County Library.