



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 439, LCB File No R121-20.

In accordance with Governor Sisolak's Declaration of Emergency Directive 006, Subsection 1, the requirement contained in NRS 241.023(1)(b) that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and participate is suspended.

The workshop is scheduled for December 9th, 2020 at 1:00 p.m. (PST) and can be accessed at the following link:

<https://zoom.us/j/7756842204?pwd=dXpTSnZmY1B5N3IyRkoybzMzZTdodz09>

Meeting ID: 775 684 2204

Or dial by your location:

- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)
- +1 669 900 6833 US (San Jose)
- +1 301 715 8592 US (Washington D.C)
- +1 312 626 6799 US (Chicago)
- +1 646 876 9923 US (New York)

Meeting ID: 775 684 2204

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 proposed amendments to Nevada Administrative Code Chapter 439
3. Public Comment

The proposed changes will revise Chapter 439 of the Nevada Administrative Code, LCB File No R121-20.

Summary of Amendments:

- Updated terms and definitions in Section 2 for Department, Director, Manufacturer, Pharmacy and Pharmacy benefit manager
- Added terminology to include the appointing of three (3) permanent employees to act as hearing officers. These hearing officers will perform this function in addition to their regular duties. Once a request for an appeal to be heard has been received, the Director will assign the appeal to the next hearing officer unless there is a conflict of interest or they are otherwise disqualified from hearing the appeal

- Included the requirement to notify the entity of the proposed penalty in writing, at least 15 days prior to the effective date of the imposition of the penalty. This notice will include statutory and regulatory authority for the penalty, the facts on which the penalty is based, circumstances the Department considered in taking the penalty, instructions for responding to the notice and the effective date of the penalty. This notice will be sent to the last known mailing address and email address of the entity
- Section 5 now includes wording on the process when appealing a proposed fine
- Section 6 includes wording for the hearing process
- Section 7 includes wording for the decision after the hearing process

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 Drug Transparency program at the following email address: drugtransparency@dhhs.nv.gov

Members of the public who require special accommodations or assistance at the workshops are required to notify the Drug Transparency Program in writing to drugtransparency@dhhs.nv.gov at least five (5) working days prior to the date of the public workshop.

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 for adequate time to review the documents.

Agenda Posting Locations:

A copy of the regulations and small business impact statement can be found on the Drug Transparency web page: http://dhhs.nv.gov/HCPWD/DRUG_TRANSPARENCY/

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/>

Copies may be obtained by email, or by calling the Division of Public and Behavioral Health at (775) 684-4255 in Carson City or emailing drugtransparency@dhhs.nv.gov

In accordance with Nevada Governor Sisolak’s Declaration of Emergency Directive 006, this workshop may be held without a physical location and without physical posting of notice.

- As per Nevada Governor Sisolak’s Declaration of Emergency Directive 006, Subsection 3, the requirements contained in NRS 241.020(4)(a) that public notice agendas be posted at physical locations within the State of Nevada are suspended.
- As per Nevada Governor Sisolak’s Declaration of Emergency Directive 006, Subsection 4, public bodies must still comply with requirements in NRS 241.020(4)(b) and NRS 241.020(4)(c) that public notice agendas be posted to Nevada’s notice website and the public body’s website, if it maintains one along with providing a copy to any person who has requested one via U.S. mail or electronic mail.
- As per Nevada Governor Sisolak’s Declaration of Emergency Directive 006, Subsection 5, the requirement contained in NRS 241.020(3)(c) that physical locations be available for the public to

receive supporting material for public meetings is suspended.

- As per Nevada Governor Sisolak's Declaration of Emergency Directive 006, Subsection 6, if a public body holds a meeting and does not provide a physical location where supporting material is available to the public, the public body must provide on its public notice agenda the name and contact information for the person designated by the public body from whom a member of the public may request supporting material electronically and must post supporting material to the public body's website, if it maintains one.

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.