

How to Adopt Regulations

A Procedural Overview

Prepared by the Nevada State Health Division
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Introduction:

- ◆ The Nevada State Legislature may delegate rulemaking authority in general terms (Nevada Revised Statute (NRS) 233B)
 - The Legislature may direct an agency to adopt regulations;
 - An agency may exercise its discretion to adopt regulations (within the scope of its statutory authority; or
 - A member of the public may petition an agency to adopt, amend, or repeal a regulation (NRS 233B.100)

- ◆ Rules (Regulations) implement Legislative Policy (Statute) and therefore must be consistent with that policy
 - *Discretionary* rules are those that an agency may adopt, although it is not required to do so
 - ◆ Use of the word “may” usually indicates the rulemaking authority is discretionary
 - *Mandatory* rules are those that the agency is required by statute to adopt
 - ◆ Use of the word “shall” usually defines mandatory rules

◆ Administrative Regulations must be:

- Within the statutory rulemaking authority of the agency, consistent with Legislative Policy in delegating that authority, and not arbitrary or capricious;
- Consistent with the rights guaranteed by the Nevada and U.S. Constitutions; and
- Adopted in compliance with statutory rulemaking procedures

- ◆ Regulation Defined:

- Nevada Revised Statutes (NRS) 233B.038(1)(a) defines a regulation as:

- ◆ “An agency rule, standard, directive or statement of general applicability which effectuates or interprets law or policy, or describes the organization, procedure or practice requirements of any agency.”

- NRS 233B.038(1)(d) also defines a regulation as:

- ◆ “The general application by an agency of a written policy, interpretation, process or procedure to determine whether a person is in compliance with a federal or state statute or regulation in order to assess a fine, monetary penalty or monetary interest.”

- ◆ Regulations are codified in Nevada Administrative Code (NAC)

- ◆ Regulations have the force and effect of law!

- ◆ Types of Regulations:

- Temporary Regulations

- ◆ If an agency wishes to adopt a regulation, amend or suspend a permanent regulation between July 1 of an even-numbered year and July 1 of the succeeding odd-numbered year (i.e. July 1, 2004 to July 1, 2005), it must adopt a temporary regulation
 - ◆ A regulation proposed during this time period may be adopted without first submitting it to the Legislative Counsel Bureau (LCB) for review pursuant to NRS 233B.063 and NRS 233B.064
 - ◆ Temporary regulations expire on November 1st of the odd-numbered year and will need to be re-adopted in order to become permanent. (NRS 233B.063(3))

◆ Emergency Regulations

- Emergency regulations become effective immediately upon their filing with the Secretary of State. They are effective for no longer than 120 days, and may be adopted only under the following circumstances:
 - ◆ The agency must submit a written request to the Governor explaining the emergency and the reasons for that determination;
 - ◆ The Governor must endorse the statement of the emergency at the end of the full text of the statement on the original copy of the proposed regulation; and
 - ◆ A copy of the regulation that includes the statement of emergency endorsed by the Governor, together with the Informational Statement required by NRS 233B.066 and the Regulation Cover Sheet must be filed with the Secretary of State and the Legislative Counsel Bureau (LCB).
- A regulation may be adopted by this emergency procedure only once

◆ Permanent Regulations

- A permanent regulation is “a regulation which is not an emergency regulation or a temporary regulation.” (NRS 233B.036). Permanent regulations may be adopted between July 1 of an odd-numbered year and July 1 of the succeeding even-numbered year (i.e. July 1, 2005 to July 1, 2006),
- Emergency and temporary regulations are exceptions to the general rules governing the adoption of permanent regulations.

The Adoption Process

- ◆ Step One: Obtain Approval to Amend Regulations

- When it is determined that a modification or addition to a regulation is required, a memorandum should be submitted to the Health Division Administrator, including the following:

- ◆ A brief description of the regulation proposed for change
- ◆ A synopsis of the proposed changes
- ◆ A discussion of the reasons for changes
- ◆ A request for approval to proceed with the changes
- ◆ Indicate whether adoption of regulations will pose a cost issue for the bureau/program (Adoption of regulations typically costs \$7,500- Can your bureau/program support these costs?)

(See Health Division Policy & Procedures Manual, Chapter VI, Section 603)

◆ Step Two: Draft the Regulation

- Once approval from the Administrator is obtained, begin to draft the proposed regulation

◆ General Formatting:

- Include a citation of the authority pursuant to which the regulation, or any part of the regulation was adopted (NRS 233B.040(2)(a)) (i.e. indicate which statute(s) authorize the adoption of regulations such as NRS 439.150 and/or NRS 439.200, etc.)
- [~~Language to be deleted should be bracketed, stricken through and written first.~~]
- *New language is to be italicized and underlined and should follow any deleted material.*

◆ Sections

- All regulations are divided into sections numbered consecutively from 1. For the first section, "Section 1." is written out. The abbreviation "Sec." is used for succeeding sections.
- The internal arrangement of a section is the same as used in Nevada Revised Statutes (NRS):
 - Subsection
 - (a) Paragraph
 - (1) Subparagraph
 - (I) sub subparagraph (designated by Roman numerals.)
- Do not assign section numbers (other than 1, 2, 3, etc.). The Legislative Counsel Bureau (LCB) assigns the section numbers when the regulation is incorporated into Nevada Administrative Code (NAC) (i.e. codified). However, it is appropriate to make suggestions regarding the placement of sections.

◆ Typical Order of Sections in a Regulation:

- Chapters and sections should be amended in numerical order. New sections added to a chapter are placed before amended sections for that chapter. If definitions are added with other new sections, the definitions appear before the substantive provisions. Example:

1. New sections
 - a. Definitions
 - b. Substantive provisions
2. Amended sections in that same chapter in numerical order
3. Repealed sections in numerical order

◆ Definitions

- Definitions must only define words or terms that are actually used in the regulation
- Definitions themselves are not enforceable

◆ Adoption by Reference (NRS 233B.040(3))

- An agency may adopt regulation material published by another authority by reference as long as the agency has established a process for review (i.e. NAC 449.833(1)(b)), if:
 - ◆ The agency files one copy of the publication with the Secretary of State; and
 - ◆ The agency files one copy with the State Library and Archives Administrator; and
 - ◆ The agency makes at least one copy available for public inspection with its regulations; and
 - ◆ The references disclose the source and price for the purchase of the publication

◆ Step Three: Obtain Approval

- Approval from the Attorney General's Office must be obtained on the final draft proposed regulation.
- Approval from the Health Division Administrator must be obtained on the final draft proposed regulation, after approval has been obtained by the Attorney General's Office. (E-mail to the Health Division's Regulation Coordinator/Executive Assistant)

- ◆ Step Four: Determine the Impact on Small Businesses
(NRS 233B.0608(1))

- Prepare the Small Business Impact Questionnaire
(See Health Division's Policy & Procedures Manual, Appendix OO)
- Distribute the Small Business Impact Questionnaire (generally at the same time as distributing the Public Workshop Notice and proposed regulation amendment(s) to:
 - ◆ Each person who has requested to be placed on a mailing list/each person who has requested to receive a copy,
 - ◆ To all persons affected by the proposed regulation amendment(s) (NRS 233B.061(2));
 - ◆ In accordance with the Nevada Open Meeting Law, minimum public notice requirements (See Health Division's Policy & Procedures Manual, Chapter II, Section 216.D.)
 - ◆ In any other manner reasonably calculated to provide such notice to the general public and any business that may be affected by the proposed regulation which addresses the general topics to be considered at the workshop.

- Consult with owners and officers of small businesses that are likely to be affected by the proposed regulation.
- Determine if the proposed regulation imposes a direct and significant economic burden upon small businesses.
- Determine if the proposed regulation directly restricts the formation, operation, or expansion of a small business.
- Consider ways to reduce impact
 - ◆ If necessary, revise the proposed regulation amendment(s)

- **Prepare the Small Business Impact Statement** (NRS 233B.0609)
(See Health Division Policy & Procedures Manual, Appendix PP)

THE SMALL BUSINESS IMPACT STATEMENT IS REQUIRED BY LAW

- Pursuant to Nevada Revised Statute (NRS) 233B.0608, the Small Business Impact Statement is required *prior* to the 1st public workshop; and pursuant to NRS 233B.0606(2)(c), copies must be available at the public workshop.
- Small businesses can object to regulations within 90 days after the adoption for failure to prepare the Small Business Impact Statement, or an improper statement.
- By definition, a small business is a business operated for profit that employs fewer than 150 full-time employees (NRS 233B.0382).

- Provide a description in which comment was solicited from affected small businesses, a summary of their response, and an explanation of the manner in which other interested persons may obtain a copy of the summary.
- Provide information on the estimated economic effect of the proposed regulation on the small businesses that it is to regulate including, without limitation:
 - ◆ Both adverse and beneficial effects; and
 - ◆ Both direct and indirect effects
- Provide a description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.
- Provide the estimated cost to the agency for enforcement of the proposed regulation.

- If the proposed regulation provides a new fee or increases an existing fee, provide the total annual amount the agency expects to collect and the manner in which the money will be used.
- If the proposed regulation includes provisions which duplicate or are more stringent than federal, state, or local standards regulating the same activity, provide an explanation of why such duplicative or more stringent provisions are necessary.

◆ Step Five: Conduct the Public Workshop(s):
(NRS 233B.061(2))

- Before holding the required public hearing (State Board of Health meeting), an agency shall conduct at least one workshop to solicit comments from interested persons on one or more general topics to be addressed in a proposed regulation.
- Draft the Notice for Public Workshop of the Intent to Adopt, Amend, or Repeal Regulations (See Health Division's Policy & Procedures Manual, Appendix B)
- Obtain approval from the Attorney General's Office on the Notice of Public Workshop.
- Obtain approval from the Health Division Administrator on the Notice of Public Workshop (after approval has been provided by the AG's Office). (E-mail to the Health Division's Regulation Coordinator/Executive Assistant)
- Once approval is obtained from Health Division Administration, bureau staff are to e-mail the workshop notice and web-page posting statement to the Health Division's Public Information Office for posting on the Health Division's Internet site, then distribute as outlined below:

- ◆ At least 15 days before the workshop (provide more notice whenever possible), the agency shall provide notice of the time and place for the workshop (generally at the same time as distributing the Small Business Impact Questionnaire) to:
 - Each person who has requested to be placed on a mailing list/each person who has requested to receive a copy,
 - To all persons affected by the proposed regulation amendment(s) (NRS 233B.061(2)); and
 - In accordance with the Nevada Open Meeting Law, minimum public notice requirements (See Health Division's Policy & Procedures Manual, Chapter II, Section 216.D.)
 - In any other manner reasonably calculated to provide such notice to the general public and any business that may be affected by the proposed regulation which addresses the general topics to be considered at the workshop.
 - An abbreviated public notice (See Health Division's Policy & Procedures Manual, Appendix QQ) is also to be published in at least two newspapers (Reno Gazette Journal & Las Vegas Review-Journal) unless the regulation specifically addresses a rural area of the state- then the notice should also appear in the newspaper for the specific area affected.

- ◆ The workshop packet should contain:
 - The Notice of Public Workshop (Health Division’s Policy & Procedures Manual, Appendix B)
 - The Small Business Impact Questionnaire (Health Division’s Policy & Procedures Manual, Appendix OO)
 - The draft regulation language/amendments

- ◆ During the workshop, the following must be made available/provided:
 - A sign-in sheet that contains the name, address, affiliation, and position (oppose or support) of each participant
 - A statement should be read at the beginning of the workshop outlining the parameters of the meeting (See Health Division’s Policy & Procedures Manual, Appendix D)
 - Copies of the Notice of Public Workshop (no actual agenda required)
 - Copies of the proposed regulation amendments(s)
 - Copies of the Small Business Impact Questionnaire
 - Copies of the Small Business Impact Statement (pursuant to NRS 233B.0606(2)(c), copies must be available at the public workshop)

- ◆ It should be noted that workshops and hearings can be conducted simultaneously. In these instances, the notice must be distributed/published (at least 30 days prior to the meeting- NRS 233B.060(1)) as indicated in Step Eight (including the requirements pursuant to NRS 233B.0607)

- ◆ The agency must record the meeting or transcribe the meeting by a certified court reporter pursuant to NRS 656 (NRS 241.035, amended by SB 421 of the 2005 Legislative Session)
 - The agency must keep and retain written minutes and make them available for public inspection within 30 days of the workshop.

- ◆ Step Six: Submission to the Legislative Counsel Bureau (LCB)
(NRS 233B.063)

- Once the workshop(s) have been held and all public comment has been received, e-mail the following to the Health Division's Regulation Coordinator/Executive Assistant:

- ◆ Final draft version of the regulation amendment
- ◆ Small Business Impact Statement
- ◆ Copy of the Notice of Public Workshop along with the date(s) the notice was distributed and published
- ◆ Name and phone number of the bureau staff to contact if LCB has questions

- The Health Division's Regulation Coordinator/Executive Assistant will e-mail the final draft version of the regulation amendment and supporting documentation to LCB for review and formatting.

- ◆ LCB has 30 days to review the proposed regulation (NRS 233B.063); however, 45 days should be allowed to ensure sufficient time for review and mailing to the Board of Health within required deadlines.
- ◆ LCB charges \$25/hour to review regulations (Bureau/program budgets are responsible for covering these costs)

◆ Step Seven: LCB Regulation Number Assignment (R#):

- Once LCB receives the proposed regulation amendments(s), they will assign a Regulation Number (R#)
- Once LCB returns the formatted version of the final draft proposed regulation to the Health Division's Regulation Coordinator/Executive Assistant (after 30-45 days), the Health Division's Regulation Coordinator will distribute copies to the following:
 - ◆ Deputy Attorney Generals
 - ◆ Legal Counsel to the State Board of Health
 - ◆ Director of the Department of Health & Human Services
 - ◆ Affected Bureau (Attn: Bureau Chief)

- Staff should carefully review the formatted regulation to ensure the intent and verbiage are consistent with Division needs (two weeks should be allowed for review)
 - ◆ LCB is prohibited from altering the meaning or effect of the regulation without consent from the agency; however, LCB lacks the agency's subject matter expertise and may affect substantive changes
 - ◆ If the draft is unsatisfactory, and changes are major, staff should work with LCB to review the formatted regulations as necessary or postpone the hearing/presentation to the State Board of Health until a later date to allow sufficient time for additional workshops and rewriting
 - ◆ If the draft is acceptable, proceed with presentation at the public hearing (State Board of Health meeting)

◆ Step Eight: Public Hearing (State Board of Health meeting):

- Draft the Notice for Public Hearing of the Intent to Adopt, Amend, or Repeal Regulations. (See Health Division's Policy & Procedures Manual, Appendix B)
- Obtain approval from the Attorney General's Office on the Notice of Public Hearing
- Obtain approval from the Health Division Administrator on the Notice of Public Hearing (after approval has been provided from the AG's Office) (e-mail to the Health Division's Regulation Coordinator/Executive Assistant)
- Once approval is obtained from Administration, e-mail the hearing notice and web-page posting statement to the Health Division's Public Information Office for posting on the Internet, then distribute as follows:
- The agency must give at least 30 days' notice of its intent to adopt, amend or repeal regulations (NRS 233B.060(1)) to:

- ◆ Each person who has requested to be placed on a mailing list/each person who has requested to receive a copy;
- ◆ To all persons affected by the proposed regulation amendment(s) (NRS 233B.061(2));
- ◆ In accordance with the Nevada Open Meeting Law, minimum public notice requirements (See Health Division's Policy & Procedures Manual, Chapter II, Section 216.D.); and
- ◆ In any other manner reasonably calculated to provide such notice to the general public and any business that may be affected by the proposed regulation which addresses the general topics to be considered at the workshop.
- ◆ Pursuant to NRS 233B.0607, **copies must also be distributed to the following locations:**
 - State Library & Archives Administrator
 - Each of the bureau's offices for inspection and copying by the public (must be available from the date of the notice to the date of the hearing)

- Main public library in each county (See Health Division's Policy & Procedures Manual, Appendix H), if the agency does not maintain an office in that county
 - Copies should also be distributed to the Clark and Washoe Health Districts
 - Copies should also be distributed to the location of the meeting, if different than above
- ◆ An abbreviated public notice is also to be published in at least two newspapers (See Health Division's Policy & Procedures Manual, Appendix QQ)
 - Obtain approval from the Attorney General's Office and Health Division Administrator prior to publishing as outlined above
 - ◆ If an agency has adopted a temporary regulation, it must provide a second hearing notice and submit the proposed regulation language to the Legislative Counsel Bureau (LCB) for review/formatting prior to the hearing in order to adopt the regulation as permanent (NRS 233B.060(2))

◆ Step Nine: State Board of Health Staff Memo & Meeting Materials

- Prepare a memorandum from the Administrator (Secretary of the State Board of Health (i.e. staff memo). (See Health Division's Policy & Procedures Manual, Appendix A-2). The staff memo should contain the following:

- ◆ Purpose of the Amendment

Under this section, staff should outline what circumstances make the amendments(s) necessary

- ◆ Summary of Changes to NAC

Under this section, staff should provide information on the likely outcome if the State Board of health does not adopt/approve the proposed regulation changes. Also include information on whether the State Board of Health has taken similar actions(s). If so, when, and explain the outcome.

- ◆ Public Comment Received

Under this section, staff should outline where workshops were held, what newspapers the public notice appeared and when the notice was published. Staff should also outline who received copies of the workshop/hearing notice(s) and the date the notice(s) were mailed. The amount of public comment should be noted, including a summary of comments from the workshops, contents of written comments from interested parties, and a brief discussion of comments not being recommended for inclusion (if any).

(Public comment already incorporated into the proposed regulation does not require additional discussion.) If there is opposition to the proposed amendments, staff should list who and why, explain what the agency has done to reduce opposition, and indicate if those in opposition are expected to appear before the Board of Health during the hearing.

- ◆ Staff Recommendation

Under this section, staff should state their recommendation (i.e. "Staff recommends the State Board of Health adopt the proposed (temporary) regulation amendments to NAC _____ "Title of Section" LCB File No. R____-____")

- ◆ Presenter

Under this section, staff should list the name and title of the presenter (usually the Bureau Chief)

- Obtain approval from the Attorney General's Office on the draft regulation staff memo
- At least 20 days before the State Board of Health meeting (hearing), the bureau's Office Manager should notify the Division's Executive Assistant/Regulation Coordinator of the bureau's anticipated agenda item (intent to bring the regulations before the Board of Health), which should read:
 - ◆ "Consideration and adoption of proposed amendments to NAC _____ "Title of Chapter," LCB File No. R____-____." (Also indicate the estimated time of presentation & the presenter's name & title)

- At least three weeks (21 days) before the State Board of Health meeting (hearing), submit the draft regulation staff memo (already approved by the Attorney General’s Office) to the Health Division Administrator (Secretary to the State Board of Health) for approval by e-mailing the memo to the Division’s Executive Assistant/Regulation Coordinator as well as providing a hard copy of all supporting documentation

- Once Administration’s approval is obtained, the Bureau’s Office Manager (or designee) should attach the following documents to the staff memo and submit one original packet and the appropriate number of copies to the Executive Assistant/Regulation Coordinator for inclusion in the State Board of Health meeting packets not less than 15 days before the hearing (State Board of Health meeting):
 - ◆ LCB formatted version of the regulation amendment (with R#)
 - ◆ Small Business Impact Statement
 - ◆ Copy of the Notice of Public Workshop and the Notice of Public Hearing
 - ◆ Copy of any written public input

- The agency must record the meeting or transcribe the meeting by a certified court reporter pursuant to NRS 656 (NRS 241.035, amended by SB 421 of the 2005 Legislative Session)
 - ◆ The agency must keep and retain written minutes and make them available for public inspection within 30 days of the workshop.

◆ Step Ten: “Nine-Item” Informational Statement

(NRS 233B.066)

– Each adopted regulation, which is submitted to the Legislative Counsel, pursuant to NRS 233B.067 or filed with the Secretary of State pursuant to NRS 233B.070 must be accompanied by a nine-item informational statement (See Health Division’s Policy & Procedures Manual, Appendix E) containing the following:

- ◆ A description of how public comment was solicited, a summary of the public response, and an explanation how other interested persons may obtain a copy of the summary.
- ◆ The number of persons who: 1) attended the hearing; 2) testified at each hearing; and 3) submitted to the agency written statements.
- ◆ A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.
- ◆ If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

- ◆ The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and in each case must include:
 - Both adverse and beneficial effects; and
 - Both immediate and long-term effects
- ◆ The estimated cost to the agency for enforcement of the proposed regulation.
- ◆ A description of any regulations of other state or 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 name of the regulating federal agency.
- ◆ If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.
- ◆ If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

- ◆ Step Eleven: Submission of Adopted Regulation to LCB:
(NRS 233B.067)

- After the proposed regulation(s) have been adopted by the State Board of Health (or in some cases the State Health Division), staff are to electronically submit to the Health Division's Regulation Coordinator (within 3 days of the hearing) the following:

- ◆ A clean copy of the amended regulations

- ◆ The nine-item informational statement (See Health Division's Policy & Procedures Manual, Appendix E)

- ◆ A Regulation Cover Sheet "Form for Filing Administrative Regulations" (See Health Division's Policy & Procedures Manual, Appendix F)

- If any revisions were made to the regulation as a result of the hearing:

- ◆ Summarize the revisions under the "Brief description of action" section on the regulation cover sheet;

- ◆ Attach an Errata sheet showing the exact changes to the regulation as a result of the hearing; and
- ◆ Provide an explanation under Item #4 of the nine-item informational statement of the reason for making any changes to the regulation as proposed.
- ◆ The Health Division's Regulation Coordinator/Executive Assistant will electronically submit the documents to LCB for review by the Legislative Commission.
 - The Commission may refer the regulation to a joint interim committee, to determine whether the regulation conforms to the statutory authority pursuant to which it was adopted and whether the regulation carries out the intent of the Legislature in granting that authority.
- ◆ The Legislative Commission, or the joint interim committee, will review the regulation at its next regularly scheduled meeting, if the regulation is received more than 10 working days before the meeting and a regular meeting is held within 35 days after receipt of the regulation.
- ◆ The Commission may appoint a Committee to Review Regulations composed of three or more members of the Commission or any joint interim committee to examine proposed regulations received more than 35 days before a regular meeting is scheduled to be held.
- ◆ The Legislative Commission will notify the Legislative Counsel of the results of its review within 30 days after receipt of the regulation from the agency.

- If the Commission does not object to the regulation, the Legislative Counsel will file it with the Secretary of State within 35 days after receipt from the agency and notify the agency of the filing.
- If the Commission objects to the regulation, the Legislative Counsel will return the regulation to the agency with a written notice of the objection including the reasons for the objection.

- ◆ Step Twelve: Effective Date:
(NRS 233B.070(1))

- Permanent Regulations:

- ◆ A permanent regulation becomes effective when the Legislative Counsel files the original final adopted regulation with the Secretary of State. Typically, this process takes 45 days once the adopted regulation has been submitted to LCB.

- Temporary Regulations:

- ◆ An agency that has adopted a temporary regulation may not file the temporary regulation with the Secretary of State until 35 days after the date on which the temporary regulation was adopted by the agency/State Board of Health.
- ◆ A temporary regulation becomes effective when the agency files the original final draft regulation or revision of the regulation with the Secretary of State along with the nine-item informational statement. (A copy of the Small Business Impact Statement should also be included.)
- ◆ Temporary Regulations expire by limitation on November 1st of the odd-numbered year, and need to be re-adopted as permanent prior to its expiration in order to become permanent (NRS 233B.0385)

- Immediately after each permanent or temporary regulation is filed, the agency (Health Division Regulation Coordinator) must deliver one original copy of the final adopted regulation bearing the stamp of the Secretary of State indicating that it has been filed, including material adopted by reference (if any), to the State Library & Archives Administrator
- The Health Division's Regulation Coordinator/Executive Assistant will also request the State Library & Archives to stamp the agency's copy, which will be kept in a regulation binder in Administration until such time as the codified version is received. The agency's original will then be transferred to an individual regulation file in the Regulation Coordinator/Executive Assistant's office with a notation of the date that the codified regulation was received.
- Once the original final adopted regulation has been filed with the Secretary of State and the State Library & Archives Administrator, the Health Division's Regulation Coordinator/Executive Assistant will distribute copies of the adopted regulation bearing the stamp of the Secretary of State and the State Library of Archives to:

- ◆ Deputy Attorney Generals
 - ◆ Legal Counsel to the State Board of Health
 - ◆ Director of the Department of Health & Human Services
 - ◆ Affected Bureau (Attn: Bureau Chief)
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- ◆ Special Note:
 - Agencies are required to review all of its regulations at least once every 10 years.