



## **NOTICE OF PUBLIC HEARING**

### **NOTICE OF INTENT TO ACT UPON A REGULATION**

NOTICE IS HEREBY GIVEN that the Department of Health and Human Services will hold a public hearing to adopt regulations to Nevada Administrative Code (NAC) Chapter 439.730, 439.735 and 439.740, LCB File No R121-20.

The hearing is scheduled for April 11th at 10 a.m. (PST) and can be accessed at the following link:

<https://zoom.us/j/95927609089?pwd=RFE4RmJxYzF0aXpyYS9GdkhITTE2UT09>

Meeting ID: 959 2760 9089

Passcode: tsTg8k

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)

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

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 by April 8th at the following email address: [drugtransparency@dhhs.nv.gov](mailto:drugtransparency@dhhs.nv.gov)

The proposed changes to NAC 439 include the following:

- Sections 2-6 of the proposed amendment define terms related to reporting information relating to prescription drugs.
- Section 7 of the proposed regulation sets forth the process for the appointment of hearing officers.
- Section 8 of the proposed regulation sets forth the process for notification of the imposition of an administrative penalty.
- Section 9 of the proposed regulation sets forth the process for an appeal of the imposition of an

administrative penalty.

- Sections 10-12 of the proposed regulation sets forth the process for a hearing and decision on the appeal of the imposition of an administrative penalty.
- Section 13-14 of the proposed regulation adds the term wholesaler to NAC 439.730, 439.735 and makes conforming changes pursuant to SB 380 from the 81<sup>st</sup> Session of the Nevada Legislature.
- Section 15 makes conforming changes to NAC 439.740 pursuant to SB 380 from the 81<sup>st</sup> Session of the Nevada Legislature.

1. Anticipated effects on the business which NAC 439B regulates:
  - a. *Adverse effects:* The proposed amendments are not expected to have any adverse effect on businesses.
  - b. *Beneficial effects:* The proposed amendments provide a mechanism for an appeals process of the penalty that will be beneficial to the businesses.
  - c. *Immediate:* Upon passage the Department will implement the appeals process for any penalty imposed upon the businesses.
  - d. *Long-term:* This process will remain in place for any future imposition of penalties against the businesses.
2. Anticipated effects on the public:
  - a. *Adverse:* There is no anticipated adverse impact on the public.
  - b. *Beneficial:* This amendment adds wholesalers to the reporting process and that increases transparency. That is beneficial to the public.
  - c. *Immediate:* There is no anticipated immediate effect on the public.
  - d. *Long-Term:* The included wholesaler information will be incorporated into the data collected by the transparency program. That is beneficial to the public.
3. No new costs are anticipated for enforcement of the proposed regulation.
4. There are no changes to a fee schedule.
5. The proposed regulations do not overlap or duplicate any other Nevada state regulations.

### **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/](http://dhhs.nv.gov/HCPWD/DRUG_TRANSPARENCY/)

A copy of the public workshop and hearing notice can also be found at Nevada Legislature's web page: <https://www.leg.state.nv.us/App/Notice/A/> and the Nevada Public Notice website at [www.notice.nv.gov](http://www.notice.nv.gov)

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](mailto: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](mailto:drugtransparency@dhhs.nv.gov) at least five (5) working days prior to the date of the public workshop.

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.