

Steve Sisolak
Governor



Richard Whitley, MS
Director

**DEPARTMENT OF
HEALTH AND HUMAN SERVICES**
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH
Helping people. It's who we are and what we do.



Lisa Sherych
Administrator

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Chief Medical Officer

SMALL BUSINESS IMPACT STATEMENT 2022

PROPOSED AMENDMENTS TO NAC 439 THROUGH LCB FILE NO. R107-22

The Division of Public and Behavioral Health (DPBH) has determined that the proposed amendments to the Nevada Administrative Code (NAC) Chapter 439, through Legislative Counsel Bureau (LCB) File No. R107-22 will have an adverse effect upon a small business, operation or expansion of a small business in Nevada.

A small business is defined in Nevada Revised Statutes NRS 233B as a "business conducted for profit which employs fewer than 150 full-time or part-time employees."

This small business impact statement is made pursuant to NRS 233B.0608 (3) and complies with the requirements of NRS 233B.0609. As required by NRS 233B.0608(3), this statement identifies the methods used by the agency in determining the impact of the proposed regulation on a small business in sections 1, 2, 3, and 4 below and provides the reasons for the conclusions of the agency in section 8 below followed by the certification by the person responsible for the agency.

Background

The Nevada Department of Health and Human Services (DHHS) has drafted revisions to Nevada Administrative Code (NAC) Chapter 439 in accordance with Assembly Bill 254 (AB 254) from the 2019 Legislative Session.

AB254 revises provisions relating to rare disease and establishing a system for the reporting and analysis of certain information as it relates to Sickle Cell and its variants. This will allow DPBH to better understand the needs of patients living with sickle cell throughout the state. Additionally, this information will allow for developing programs and support systems for people living with sickle cell, and others who may be impacted by it.

Current regulations do not require Nevada-licensed health facilities to report on sickle cell and its variants to the Chief Medical Officer. The proposed regulation will update and require Nevada-licensed health facilities to report a case of diagnoses of sickle cell and its variants, and report sickle cell and its variants if it is the primary complaint of the patient. Additionally, any new treatment as indicated by the provider of health care.

1) A description of the manner 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.

The survey was posted as an online survey to the [Office of Public Health Investigations and Epidemiology \(OPHIE\)](#) website.

Individuals had the option to complete the survey online or mail, fax, or email your completed on or prior to Friday, December 9, 2022, to:

Ashlyn Torrez, Health Program Specialist I
 Office of Public Health Investigations & Epidemiology
 4150 Technology Way, STE 300
 Carson City, NV 89706
 Phone Number: (775) 447-0263
 Email Address: atorrez@health.nv.gov
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The online survey was emailed to four (4) listservs including Nevada Primary Care Association, the statewide UNR medical school listserv, the Nevada State Board of Medical Examiners, and the Nevada Hospital Association and a recipient from the Dreamsickle Kids Foundation on November 8, 2022. As of November 30, 2022, no responses had been received, so the survey deadline was extended to December 9, 2022, and the survey was resent to these listservs and the recipient from the Dreamsickle Kids Foundation on November 30, 2022. Pursuant to NRS 233B.0608 (2)(a), DPBH also requested input from all Nevada-licensed health facilities listserv subscribers interested in information related to health facilities from Health Care Quality Compliance regulators. A Small Business Impact Questionnaire along with a copy of the proposed regulation changes were emailed on December 1, 2022, to these recipients which included all Nevada-licensed health facilities and listserv subscribers interested in information related to health facilities from Health Care Quality Compliance regulators.

The questions on the questionnaire were:

- 1) How many employees are currently employed by your business?
- 2) Will a specific regulation have an adverse economic effect upon your business?
- 3) Will the regulation(s) have any beneficial effect upon your business?
- 4) Do you anticipate any indirect adverse effects upon your business?
- 5) Do you anticipate any indirect beneficial effects upon your business?

Summary of Response

Summary Of Comments Received (1 response was received)				
How many employees are currently employed by your business?	Will a specific regulation have an adverse economic effect upon your business?	Will the regulation (s) have any beneficial effect upon your business?	Do you anticipate any indirect adverse effects upon your business?	Do you anticipate any indirect beneficial effects upon your business?
1-149	Yes – 1 No – 0	Yes – 0 No – 1	Yes – 0 No – 1	Yes – 0 No – 1

2) Describe the manner in which the analysis was conducted.

An online small business impact survey was distributed via email and posted publicly to the DPBH OPHIE website, as described above. All questionnaire responses were conducted via the web, and none were received via email, fax, or mail. The proposed regulations, existing regulations, and the one (1) survey response were analyzed by the OPHIE Manager and the Health Program Specialist I to determine if the proposed regulations had an impact on small businesses or if it was existing regulations that had an impact on small businesses. This statement was prepared by the OPHIE Manager and the Health Program Specialist I.

A Public Workshop will be held January 9, 2023, to continue to obtain feedback on the proposed regulations.

3) The estimated economic effect of the proposed regulation on the small business which it is to regulate including, without limitation both adverse and beneficial effects and both direct and indirect effects.

- Direct beneficial effects:
 - Will establish a system of reporting for sickle cell and its variants.
- Indirect beneficial effects:
 - Increase in diagnosis and treatment of sickle cell.
- Direct adverse effects:
 - The only respondent commented that their business currently would not be able to complete the reporting requirements in a timely manner due to the lack of staff. It was mentioned that funding needed for a dedicated medical records staff would require about 0.25 FTE, which would be around \$9,000 to \$9,360 annually.
- Indirect adverse effects:
 - None anticipated.

4) 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.

DPBH has held several opportunities for businesses to provide input and comments regarding the proposed regulations, including the economic impact the proposed regulations may have on their business. Modifications to the proposed regulations have been made because of this input. These modifications included adding in a process to automate the reporting burden by utilizing hospital discharge data when available. Additionally, DPBH will work with medical providers and the Rare Disease Advisory Council to develop the data collection tool. This collaboration on the data collection tool will help DPBH create a tool that will limit the burden of reporting as much as possible but still meet the specifications set forth in AB254 and the regulations.

Additionally, a public workshop will be held on January 9, 2023, allowing for further input by businesses regarding the proposed regulations and how they will impact their business. These comments will be taken into consideration for possible further revisions to the regulations to reduce the economic impact on facilities.

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

These proposed regulations will not have any direct cost to the agency.

6) If the proposed regulation provides a new fee or increases an existing fee, the total annual amount DPBH expects to collect and the manner in which the money will be used.

The proposed regulations will not add a new fee or increase any existing fee.

7) An explanation of why any duplicative or more stringent provisions than federal, state or local standards regulating the same activity are necessary.

Sickle cell is not a nationally reportable condition, so this requirement could be considered more stringent than federal requirements. These regulations are a result of Assembly Bill 254 (AB 254) from the 2019 Legislative Session. These regulations were deemed necessary so Nevada could better understand the needs of patients living with sickle cell throughout the state. Additionally, this information will allow for developing programs and support systems for people living with sickle cell, and others who may be impacted by it.

8) Provide a summary of the reasons for the conclusions of the agency regarding the impact of a regulation on small businesses.

In summary, the proposed regulations Legislative Counsel Bureau (LCB) file no. R107-22, in carrying out the provisions of AB 254 to update NAC 439, will have an adverse financial impact on the programs and/or small businesses. LCB file no. R107-22 will significantly benefit residents within the State of Nevada by:

- 1) Increase diagnosis and treatment for sickle cell and its variants.
- 2) Agency and state will have a better understanding of sickle cell.
- 3) Will establish a system for reporting of sickle cell and its variants.

Any other persons interested in obtaining a copy of the summary may e-mail, call, or mail in a request to Ashlyn Torrez at the Division of Public and Behavioral Health at:

Division of Public and Behavioral Health
500 Damonte Ranch Pkwy, Suite 657
Reno, NV 89521
Ashlyn Torrez
Phone: 775-447-0263
Email: atorrez@health.nv.gov

Certification by Person Responsible for the Agency

I, Lisa Sherych, Administrator of the Division of Public and Behavioral Health certify to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and the information contained in this statement was prepared properly and is accurate.

Signature  Date: 12/15/2022