

SMALL BUSINESS IMPACT STATEMENT 2019

PROPOSED AMENDMENTS TO NAC Chapters 459 and 457, pertaining to LCB File No. R021-18.

The Division of Public and Behavioral Health (DPBH) has determined that the proposed amendments should not have any adverse effect upon a small business or negatively impact the formation, 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

A REGULATION relating to health; increasing the fee for a mammographer's certificate and establishing a late payment fee; revising certain requirements for digital mammography machines; removing the requirement to provide a notice concerning a patient's breast density from existing regulations; prescribing the requirements for the operation of invasive intervention radiation machines that are used to perform radiography which is exempt from the requirements of the federal regulations adopted pursuant to the Mammography Quality Standards Act of 1992, as amended; prescribing the qualifications for persons who operate invasive intervention radiation machines to perform such federally exempt radiography; prescribing the fee for obtaining a duplicate registration certificate for a radiation machine or for a person installing, servicing or repairing radiation machines; revising provisions governing a license or registration authorizing the possession and use of radioactive materials; revising provisions governing surveys of areas; revising requirements concerning X-ray systems; specifying requirements concerning linearity for certain devices; and providing other matters properly relating thereto.

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.

Pursuant to NRS 233B.0608 (2)(a), the Division of Public and Behavioral Health has requested input from stakeholders, small businesses, registrants and licensees that are likely to be affected by the proposed regulations.

A Small Business Impact Questionnaire was sent to approximately 4810 licensees and registrants of the Radiation Control Program along with a link to the proposed regulation changes, on August 22, 2019. 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
(126 responses were received out of 4810
small business impact questionnaires distributed)**

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?
Yes – 6 No – 73 Unknown – 47	Yes – 1 No – 78 Unknown – 47	Yes – 4 No – 73 Unknown – 49	Yes – 1 No – 75 Unknown – 50

Number of Respondents out of 4810	Adverse economic effect?	Beneficial effect?	Indirect adverse effects?	Indirect beneficial effects?
126	6	1	4	1

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

The Division of Public and Behavioral Health prepared and distributed a Small Business Impact Questionnaire to all licensees and registrants of the Radiation Control Program. The responses received were analyzed using a spreadsheet formatted to quantify total responses and comments. A Public Workshop will be held on October 28, 2019 allowing for further input by the public and regulated community regarding the proposed regulations and how they will impact Small Businesses. These comments will be taken into consideration for possible revisions to the regulations to reduce the economic impact on facilities. Fees structure was discussed with LCB to be more consistent with future regulations. Modifications to the proposed regulations have been made in consideration of this input. The proposed regulations were reviewed through three revisions with LCB to ensure the terminology and fee structure used is appropriate.

- 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.**

There is no estimated economic effect of the proposed regulations on small business.

- 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.**

A thorough review was conducted regarding increasing the fees which were closely tailored to the program expenses to minimize the impact. DPBH kept the fees at a minimal level by using efficiencies in the administration of the program including program integration with future licensing requirements.

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

There is minimal cost to the agency for enforcement of the proposed regulations.

- 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 total annual amount of fees expected is \$17,933.00. This amount reflects an increase of \$10,760.00 annually over the current fees of \$7,173.00 annually. The funds will be used to provide services for the administrative review of mammographer certificate applications and the issuance of mammographer certificates.

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

There are no duplicative or more stringent provisions than federal, state or local standards.

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

The agency concludes the proposed regulations will produce a negligible impact on small businesses. The fee increases will cover law mandated fees as well as material and administrative costs associated with processing mammography certificates, their corrections and other amendments as required. Overall, small businesses in the State of Nevada appear not to be impacted by the proposed regulations.

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

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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: 11/4/2019