

SMALL BUSINESS IMPACT STATEMENT 2015

PROPOSED AMENDMENTS TO NAC 439A

The Division of Public and Behavioral Health (DPBH) has determined that the proposed amendments should not impose an economic burden upon a small business or have a negative impact on 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

Assembly Bill 39 was approved in 2015 updating NRS 439A.170 to increase the cap on the amount of the application fee that the State Board of Health may establish from \$500 to \$2,000, for a letter of support from the Nevada Conrad/J-1 Physician Visa Waiver Program

Proposed amendments to Nevada Administrative Code (NAC) 439A update the following areas:

- Update the name of the Nevada Primary Care Association, formerly Great Basin Primary Care Association;
- Update meeting requirements for the Advisory Council from at least once each calendar quarter to at least annually;
- Update selection of Advisory Council chair from annually to biennially;
- Allow members to assign representatives to serve as their proxy for the purpose of obtaining a meeting quorum and voting on action items;
- Establish an annual application fee schedule within the new statutory limitations; and
- Remove references to obsolete website.

1) A description of the manner in which comment was solicited from affected small business, 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 all known stakeholders.

A Small Business Impact Questionnaire was distributed to Nevada Hospital Association, Nevada Rural Hospital Partners, medical facilities licensed through the state, the State Office of Rural Health, National Health Service Corps sites, 3RNet Referral List, J-1 Law Firms and J-1 Participants, along with a copy of the proposed regulation changes, on November 11 and November 17, 2015. 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 (5 responses were received out of 778 contacts invited to complete the small business impact questionnaire)			
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?
No	1 respondent noted <i>Improves physician recruitment efforts and care delivery; reduces recruitment costs for each candidate</i>	No	1 respondent noted <i>Reputation as a company for hiring of VISA physicians attracts other similar candidates</i>

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

The Small Business Impact Questionnaire was embedded in an online survey with a link to the proposed amendments to regulation, and distributed to the stakeholders identified above. Responses were reviewed individually and collectively to determine potential impacts of the proposed amendments.

- 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.**

The proposed changes include modest application fee increases for specialists and third-party contractors to cover increased costs for program administration and monitoring. The cap was increased from \$500 to \$2,000 under NRS 439A.170. A schedule will be determined annually to reflect up-to-date costs for program administration and monitoring, not to exceed the \$2,000 cap. This could result in an increase of \$1,500 to be shared by the employer and the physician.

- 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.**

The proposed changes include a fee schedule, to be updated annually, based on time and effort, to help sustain program administration. The regulation will retain an exemption to the fee requirement for a demonstrated hardship. In addition to the Small Business Impact Questionnaire, further input from stakeholders will be solicited at the December 15, 2015 workshop and the subsequent State Board of Health public hearing for possible further revisions to the regulations to reduce the economic impact on small businesses.

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

No new costs are anticipated for enforcement of the proposed regulation.

- 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 average number of applications received, per year, over the last five years is three. If all three applications per year were subject to an increase of \$1,500, up to the cap of \$2,000, this would total \$4,500 per year. These funds would be used to administer and monitor the program, including technical assistance, application review, public hearing, data collection, site visits and monitoring.

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

The proposed regulation does not include more stringent provisions than the Nevada Revised Statutes.

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

The response rate to the small business impact questionnaire was relatively low which may be a reflection that stakeholders do not anticipate significant impact from the proposed regulation. The majority of respondents indicated no impact, with one respondent noting positive impact of the regulation, in general, because it supports physician recruitment.

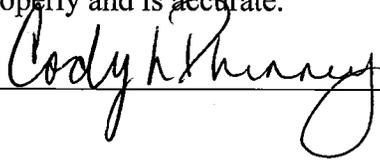
Any other persons interested in obtaining a copy of the summary may e-mail, call, or mail in a request to Laura Hale at the Division of Public and Behavioral Health at:

Division of Public and Behavioral Health
4150 Technology Way, Suite 300
Carson City, NV 89701
Laura Hale
Phone: (775) 684-4041
Email: ljhale@health.nv.gov

Certification by Person Responsible for the Agency

I, Cody L. Phinney, 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:

11/30/15

NOTICE OF PUBLIC WORKSHOP

NOTICE IS HEREBY GIVEN, the Nevada Division of Public and Behavioral Health will hold a public workshop to consider amendments to Nevada Administrative Code (NAC) Chapter 439A. The workshop will be conducted via videoconference beginning at **10:00AM on December 15, 2015**, at the following locations:

Division of Public and Behavioral Health 4150 Technology Way, Room 303 Carson City, Nevada 89706	Health Care Quality and Compliance 4220 S. Maryland Pkwy, Suite 810, Bldg D Las Vegas, NV 89119	Early Intervention Services 1020 Ruby Vista Drive, Suite 102 Elko, NV 89801
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These workshops will be conducted in accordance with NRS 241.020, Nevada's Open Meeting Law. The proposed change of regulations include provisions to:

- Update the name of the Nevada Primary Care Association, formerly Great Basin Primary Care Association;
- Update meeting requirements for the Advisory Council from at least once each calendar quarter to at least annually;
- Update selection of Advisory Council chairperson from annually to biennially;
- Allow members to assign representatives to serve as their proxy for the purpose of obtaining a meeting quorum and voting on action items;
- Establish an annual application fee schedule within the new statutory limitations; and
- Remove references to obsolete website.

AGENDA

1. Introduction of workshop process
2. Public comment on proposed amendments to revise Chapter 439A of the Nevada Administrative Code.
3. Public Comment

A copy of this notice has been posted at the following locations:

1. Division of Public and Behavioral Health, 4150 Technology Way, First Floor Lobby, Carson City
2. Nevada State Library and Archives, 100 Stewart Street, Carson City
3. Health Care Quality and Compliance, 4220 S. Maryland Parkway, Las Vegas
4. Early Intervention Services 1020 Ruby Vista Drive, Elko, NV 89801
5. Nevada Division of Public and Behavioral Health web page:
<http://dphh.nv.gov/Programs/Conrad30/Conrad30-Home/>

Members of the public who require special accommodations or assistance at the workshop are requested to notify Laura Hale, Primary Care Office Manager, in writing at the Division of Public

and Behavioral Health, 4150 Technology Way, 2nd Floor, Carson City, NV 89706 or by calling (775) 684-4041 no later than December 8, 2015.

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 Laura Hale, Primary Care Office Manager, at the following address:

Division of Public and Behavioral Health
Primary Care Office
4150 Technology Way, 2nd Floor
Carson City, NV 89706
FAX (775) 684-5951

A copy of the notice and the proposed regulations are on file for inspection and/or may be copied at the following locations during normal business hours:

Division of Public and Behavioral Health
4150 Technology Way, 2nd floor
Carson City, NV 89706

Division of Public and Behavioral Health
4220 S. Maryland Parkway, Bldg. D, Ste. 810
Las Vegas, NV 89119

Nevada State Library and Archives
100 Stewart Street
Carson City, NV 89701

A copy of the regulations and workshop information can also be found on-line by going to:
<http://dpbh.nv.gov/Programs/Conrad30/Conrad30-Home/>

Copies may be obtained in person, by mail, or by calling (775) 684-4041.

Copies may also be obtained from any of the public libraries listed below:

Carson City Library
900 North Roop Street
Carson City, NV 89702

Churchill County Library
553 South Main Street
Fallon, NV 89406

Clark County District Library
833 Las Vegas Boulevard North
Las Vegas, NV 89101

Douglas County Library
1625 Library Lane
Minden, NV 89423

Elko County Library
720 Court Street
Elko, NV 89801

Esmeralda County Library
Corner of Crook and 4th Street
Goldfield, NV 89013-0484

Eureka Branch Library
210 South Monroe Street

Henderson District Public Library
280 South Water Street

Eureka, NV 89316-0283

Humboldt County Library
85 East 5th Street
Winnemucca, NV 89445-3095

Lincoln County Library
93 Maine Street
Pioche, NV 89043-0330

Mineral County Library
110 1st Street
Hawthorne, NV 89415-1390

Pershing County Library
1125 Central Avenue
Lovelock, NV 89419-0781

Tonopah Public Library
167 Central Street
Tonopah, NV 89049-0449

White Pine County Library
950 Campton Street
Ely, NV 89301-1965

Henderson, NV 89105

Lander County Library
625 South Broad Street
Battle Mountain, NV 89820-0141

Lyon County Library
20 Nevin Way
Yerington, NV 89447-2399

Pahrump Library District
701 East Street
Pahrump, NV 89041-0578

Storey County Library
95 South R Street
Virginia City, NV 89440-0014

Washoe County Library
301 South Center Street
Reno, NV 89505-2151

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.