

SMALL BUSINESS IMPACT STATEMENT 2017
PROPOSED AMENDMENTS TO NEVADA ADMINISTRATIVE CODE (NAC) 640D

The Division of Public and Behavioral Health (DPBH) has determined that the proposed amendment should not have a financial impact upon small businesses, and may have a small positive impact, and should not prevent 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

Senate Bill 69 (SB 69) of the 2017 legislative session requires a regulatory body to adopt regulations providing for the issuance of a license by endorsement to engage in an occupation or profession in Nevada. The proposed regulations are being moved forward as required by Senate Bill 69.

The proposed regulations provide provisions for the following:

- Establishes the criteria required for a music therapist to obtain a license by endorsement in accordance with Senate Bill 69 of the 2017 legislative session.
- Outlines licensure through reciprocity requirements for active members and veterans of the Armed Forces of the United States, and spouses as outlined in NRS 622.510.

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 (DPBH) has requested input from Nevada's licensed music therapists and has made a concerted effort to determine whether the proposed regulations are likely to impose an economic burden upon a small business.

An email notification was sent to all licensed music therapists on October 5, 2017, requesting that all interested individuals complete the small business impact questionnaire. A link to the small business impact questionnaire and proposed regulations was provided. In addition, a phone number was provided which an individual could call to obtain a copy of both documents. The proposed regulations were also posted on DPBH's website. 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 (2 responses were received out of 19 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- 0 No - 2	Yes - 0 No- 2	Yes - 0 No - 2	Yes - 2 No – 0
Comments:	Comments:	Comments:	Comments: “With limited music therapists currently residing in Nevada, when I need to hire – I generally have to attract out of state. If their existing state license will help with that transition, it could increase willingness for people to relocate.” “If we were to hire an out of state music therapist who is licensed in another state it could help us for them to be able to start working sooner. We would not have to wait for them to be licensed here. If the employee licensed in another state must still pay the fee to be licensed here; it would not save us money, but may save us time which could be used to make money.”

Any other persons interested in obtaining a copy of the summary may e-mail, call, or mail in a request to Leticia Metherell, RN, CPM, HPM III at the Division of Public and Behavioral Health at:

Division of Public and Behavioral Health
4150 Technology Way, Suite 300
Carson City, NV 89701
Leticia Metherell
Phone: 775-684-1045
Email: lmetherell@health.nv.gov

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

An analysis of the input collected was conducted by a Health Program Manager III. The analysis involved analyzing feedback obtained from the small business impact questionnaire, review of current statutes and review of the requirements of Senate Bill 69 to determine how the Division could reduce the impact on small businesses through the proposed regulations. Current statutes require that all initial music therapist applicants undergo a background check. Review of Senate Bill 69 revealed that in the case of license by endorsement the Division could accept proof that an applicant has previously passed a comparable criminal background check instead of having to require the applicant be background checked again. The Division added a provision to the proposed regulations that would allow for this, thus reducing the costs related to background checks in this scenario.

This information was then used to complete this small business impact statement including the conclusion on the impact of the proposed regulation on a small business found in number 8.

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: Cost savings for applicants who were required to be background checked as part of their out-of-state music therapy license by allowing us to accept their active out-of-state license as comparable proof of being background checked.

Indirect Beneficial Effects: May make it easier for current music therapy businesses to hire out-of-state music therapists as currently there are only 19 licensed music therapists in Nevada.

Direct Adverse Effects: No direct adverse effects were noted.

Indirect Adverse Effects: No indirect adverse effects were noted.

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 Division of Public and Behavioral Health has identified and used methods to reduce the impact of the proposed regulations on small businesses including distribution of the small business impact questionnaire to Nevada licensed music therapists so they could provide input on how the proposed regulations may impact their business, review of current statutes and review of Senate Bill 69 to determine how to reduce the burden on small business by moving

forward proposed regulations. The Division did implement the measure it identified to reduce the burden on small businesses by allowing the Division to accept a comparable background check instead of requiring a new one, thus saving on background check costs. This may reduce the burden on a music therapist applicant coming to Nevada to open a music therapy practice and for small businesses that may employ licensed music therapists and pay or help pay for their background check fees as part of employment.

A public workshop will also be held allowing for further input by stakeholders regarding the proposed regulations and how they will impact licensed music therapists. These comments will be taken into consideration for possible further revisions to the regulations to reduce the economic impact on programs.

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

Senate Bill 69 requires applicants for license by endorsement to pay applicable fees for the issuance of a license that are otherwise required for a person to obtain a license; therefore, the Division would collect fees based on existing fees outlined in current regulations to pay for the 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 proposed regulations do not provide for a new fee or increase an 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.

There are no other state or federal regulations addressing the same activity.

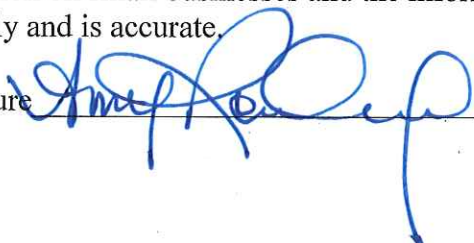
8) Provide a summary of the reasons for the conclusions of the agency regarding the impact of a regulation on small businesses.

The reasons for the Division's conclusion on the impact of the proposed regulations on small businesses is based on feedback received from the industry and its analysis as outlined in number two. The conclusion is the proposed regulations may have a positive financial impact on music therapists that obtain licensure by endorsement by possibly reducing background check costs and may make it easier for existing music therapy businesses in Nevada to hire music therapists.

Certification by Person Responsible for the Agency

I, Amy Roukie, 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:

11/1/17