

Joe Lombardo
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

Ihsan Azzam,
Ph.D., M.D.
Chief Medical Officer

**SMALL BUSINESS IMPACT STATEMENT 2023
PROPOSED AMENDMENTS TO NAC CHAPTER 449**

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

The proposed regulations are being moved forward to increase efficiencies by reducing redundant regulations as well as ease the burden on health care facilities by removing regulations that no longer appear to provide value within the health care facility industry.

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 (Division) has requested input from Nevada's certified programs for the treatment of domestic violence as well as any members of the public that signed up for the Division's ListServ.

A Small Business Impact Questionnaire and the proposed regulations were sent to Nevada's licensed health care facilities via an email with links to access the questionnaire and proposed regulations on March 23, 2023. 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 Responses

Summary Of Comments Received (25 responses were received out of 9,053 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 - 13 No – 12	Yes - 6 No - 19	Yes - 12 No - 13	Yes - 7 No - 18
Comments:	Comments: Removal of requirements for cultural competency will have a beneficial effect on several facilities	Comments:	Comments: Elimination of cultural competency requirements will have indirect beneficial impact on facilities

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

A small business impact questionnaire was distributed to all of Nevada’s licensed health care facilities. The Bureau Chief for the Bureau of Health Care Quality and Compliance analyzed the responses to determine the impact to small businesses as well as reviewed the proposed regulations being omitted to determine if there would be a negative economic impact to small businesses.

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 Adverse economic effects: None
- Indirect Adverse economic effects: None
- Direct Beneficial economic effects: This is not quantifiable, as the impact is variable depending on whether individual facilities developed their own cultural competency training programs or whether they are using third party training programs.
- Indirect Beneficial economic effects: This is not quantifiable, as the impact is variable depending on whether individual facilities developed their own cultural competency training programs or whether they are using third party training programs.

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 provided opportunities for small businesses and the public to provide input and comments regarding the proposed regulations, including the economic impact the proposed regulations may have on a small business. No modifications to the proposed regulations have been made as a result of this input because it appears the responses indicating that there may be adverse economic effects, were misaligned identified as the written comments from those same individuals explained there would be beneficial effects. A stakeholder feedback meeting was held on March 22, 2023. Several individuals commented that the modifications to cultural competency regulations would be beneficial. No one testified regarding the other changes to the health facility regulations proposed by the Division. A public workshop will be held at a future date in which testimony provided, if any, will be considered.

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

None.

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.

No new fees or an increase in existing fee is being proposed.

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 known duplicative or more stringent 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.

Based on the analysis conducted pursuant to section 2 and the feedback provided by small businesses it was determined that the proposed regulations would not have an adverse economic impact on small businesses and may have a beneficial impact on small businesses.

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

Division of Public and Behavioral Health
4150 Technology Way, Suite 300
Carson City, NV 89701
Paul Shubert
Phone: 702.668.3270
Email: pshubert@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: 04/05/2023