

## **SMALL BUSINESS IMPACT STATEMENT 2015**

### **PROPOSED AMENDMENTS TO NAC 441A**

The Division of Public and Behavioral Health (DPBH) has determined that the proposed amendments should have little to no impact upon a small business or 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**

Nevada Administrative Code (NAC) Chapter 441A (Infectious Diseases; Toxic Agents) provides authorities and requirements related to the investigation, reporting, prevention, and control of communicable diseases. Proposed changes include amendments to NAC 441A.235 eliminating the current threshold requirements for Human Immunodeficiency Virus (HIV) laboratory reporting which will allow the local health authority to increase its capacity and ability to identify new HIV/AIDS cases and improve its ability to control the spread of the virus; amendments to NAC 441A.350-359 improve facility compliance with tuberculosis (TB) screening requirements designed to prevent a public health threat due to TB and enhance local health authority powers to control and prevent the spread of TB; as well as the proposed NAC 441A.247 clarifying which public agencies are required to share health information, the circumstances and procedures for sharing information, and how health information will be handled confidentially. This proposed regulation expands the current infectious disease reporting requirements of NAC 441A.225 by requiring specified agencies to share requested information relevant to an investigation relating to an infectious disease or exposure to a biological, radiological or chemical agent.

- 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 licensed laboratories, hospitals, correctional facilities, public health authorities, non- and for-profit animal shelters in Nevada.

A Small Business Impact Questionnaire was sent to licensed laboratories, hospitals, correctional facilities, public health authorities, non- and for-profit animal shelters in Nevada along with a copy of the proposed regulation changes, on October 23, 2014. 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**

<b>Summary Of Comments Received (94 responses were received out of 1,581 small business impact questionnaires distributed to valid address, only 57 of those responses had less than 155 employees)</b>			
<b>Will a specific regulation have an adverse economic effect upon your business?</b>	<b>Will the regulation (s) have any beneficial effect upon your business?</b>	<b>Do you anticipate any indirect adverse effects upon your business?</b>	<b>Do you anticipate any indirect beneficial effects upon your business?</b>
Yes= 6	Yes= 6	Yes= 5	Yes= 4
No= 47 No Response= 4	No= 48 No Response= 3	No=48 No Response= 4	No= 48 No Response= 5

<b>Number of Respondents out 1,683 mailings*</b>	<b>Adverse economic effect?</b>	<b>Beneficial effect?</b>	<b>Indirect adverse effects?</b>	<b>Indirect beneficial effects?</b>
57	6	6	5	4

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

Small business questionnaires and notices of the public workshop were mailed to all licensed laboratories, hospitals, correctional facilities and public health authorities in Nevada on

October 23, 2014. There were a total of 94 responses faxed/mailed back with only fifty-seven (57) whose organization is under 155 employees. Six (6) reported that the changes would have an adverse economic effect on their business and five (5) reported an indirect adverse effect.

**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.**

Six (6) small businesses indicated that this regulation would have an adverse effect on upon the business. One (1) reported it would incur an additional cost to the company; three (3) reported would require extra staff or staff time; and two (2) did not provide justification.

Six (6) small businesses indicated that this regulation would have a beneficial effect on upon the business. Two (2) reported this would implement into law practices they already follow at their facilities; one (1) said it would control communicable disease right away preventing further exposure; one (1) said it would have a beneficial effect on health care providers because it will safeguard our health; one (1) said that screening of contracted employees lessens the potential for spread; and one (1) did not provide justification.

Five (5) small businesses indicated that this regulation would have an indirect adverse effects upon the business. Two (2) indicated increased cost to business; one (1) indicated it would require additional staff time; and two (2) did not provide justification.

Four (4) small businesses indicated that this regulation would have an indirect beneficial effect upon the business. One (1) indicated this would decrease the possibility of exposure to other employees and patients and increase productivity; two (2) indicated this would improve control and reporting of contagious diseases and protect our community; and one (1) did not provide a justification.

**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 worked to reduce the impact these proposed regulation changes would have on small business by drafting language that aims to align with national recommendations (i.e. guidelines from the Centers for Disease Control and Prevention) and not place undue burden on any direct entity. Additionally, changes in these regulations that may potential have the most potential for a financial burden to an agency would not apply directly to small business.

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

No cost is expected to enforce this 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.

Not applicable

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

Not applicable

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

DPBH has vetted these regulations for years with parties that may be affected and have revised the language to ensure there would not be undue burden on the small businesses impacted. Therefore, DPBH feels these regulations are ready to be adopted and will improve public health practices as a result.

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

Division of Public and Behavioral Health  
3811 W. Charleston Blvd, Suite 205  
Las Vegas, NV 89102  
Sandi Larson  
Phone: 702.486.0068  
Email: slarson@health.nv.gov

**Certification by Person Responsible for the Agency**

I, Marta E. Jensen, Acting 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 M. Jensen Date: 3/31/15