SMALL BUSINESS IMPACT STATEMENT 2018

PROPOSED AMENDMENTS TO NAC 440

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

The DPBH determined that existing Nevada Administrative Code (NAC) 440 needed to be reviewed with regulation additions and changes proposed. The industry has changed dramatically in the past several years and some of the regulations required clarity or additional language to ensure a better service to the public while still protecting the integrity of the records. In addition, the updating of state laws required the update of regulations. The Office of Vital Records can be the gateway to identity theft and fraud. As the Office of Vital Records identifies areas of concern, the regulations required additions and updates to help reduce the risks. Current industry standards, practices and requirements required regulations to be reviewed and changed to ensure the Office of Vital Records could adhere to those standards, practices and requirements.

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), DPBH has requested input from stakeholders, small businesses, and users of the Vital Records System.

A Small Business Impact Questionnaire was sent to users of the Vital Records System, Funeral Homes, County Coroners / Medical Examiners, the Nevada Board of Medical Examiners, the Nevada Nursing Board, the Nevada State Medical Association, Nevada Funeral and Cemetery Services Board, Clark County Vital Records Office, Washoe County Vital Records Office, and Renown Health along with a copy of the proposed regulation changes on April 10, 2018. 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? If so, please indicate the estimated dollar amount(s) you believe the adopted regulations will cost you over one calendar year with a brief explanation as to how the dollar amount was calculated.
3) Will the regulation(s) have any beneficial effect upon your business? If so, please include any cost savings you believe the adopted regulations will save you over one calendar year with an estimated dollar amount if applicable.
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

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<th>Will a specific regulation have an adverse economic effect upon your business?</th>
<th>Will the regulation(s) have any beneficial effect upon your business?</th>
<th>Do you anticipate any indirect adverse effects upon your business?</th>
<th>Do you anticipate any indirect beneficial effects upon your business?</th>
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<tbody>
<tr>
<td>1 - Yes</td>
<td>1 - Yes</td>
<td>2 - Yes*</td>
<td>5 - No</td>
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<td>4 - No</td>
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*One of the “Yes” responses did not seem to be in conjunction with the proposed regulations. The respondent said to disregard if it was not part of the proposed regulations.

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

Analysis was conducted using an Excel spreadsheet to quantify responses.

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.

The DPBH received three (3) responses via email with questions regarding the proposed regulations. Two (2) of the emails were inquiring about the proposed 24 hour requirement for starting death records and why this requirement was being recommended. After responding to both emails, both entities seemed to be acceptable of the response. The other email provided two suggestions for regulations not being recommended for revisions and
additional language to one section being amended. I spoke with the entity on the phone regarding their recommendations. One of the recommendations will be incorporated into the proposed regulations as it provides clarity to language proposed in another area. According to the entity, the other recommendation would assist their office, but was not of urgent need. This recommendation would require system modifications or additional workload by staff, so it currently will not be incorporated into the proposed regulations. Modifications to the proposed regulations have been made as a result of this input. A Public Workshop will be held on May 24, 2018, allowing for further input by the public and regulated community regarding the proposed regulations and the impact. These comments will be taken into consideration for possible further revisions to the regulations to reduce the economic impact on facilities.

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

There is no anticipated 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.**

There are no fee increases.

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

At this time, 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 negligible impact on small businesses. Most of NAC 440 had proposed regulation changes, but didn’t appear to have economic impact on small businesses. Most of the proposed changes were to provide additional clarification to existing regulations while adding or updating others to current industry standards and practices or to assist in meeting program requirements through federal contracts. The DPBH developed regulations that would not be unduly burdensome on small business, such as midwives, funeral homes and medical offices. 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 Jason Lewis at the Division of Public and Behavioral Health at:

Division of Public and Behavioral Health  
Office of Vital Records  
Attn: Jason Lewis, Program Officer III  
4150 Technology Way, Suite 104  
Carson City, NV 89701  
Phone: 775-684-4162  
Email: jalewis@health.nv.gov

Certification by Person Responsible for the Agency

I, Julie Kotchevar, 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: [Signature] Date: 5-9-18