

SMALL BUSINESS IMPACT STATEMENT 2015 PROPOSED AMENDMENTS TO NAC 458

The Division of Public and Behavioral Health (DPBH) has determined that the proposed amendments will not impose a direct adverse impact upon a small business or hamper 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 regulation provides for certification of detoxification technicians by the Division of Public and Behavioral Health of the Department of Health and Human Services; establishes certain fees associated with certification; adopts by reference certain publications; and revises requirements for the certification by the Division of programs that address substance-related disorders.

The proposed changes in NAC 458 clarify the use of Telehealth communications and add a section on the certification of detoxification technicians. The section on detoxification technicians clarifies the role of the Substance Abuse Prevention and Treatment Agency (SAPTA) in the certification process and provides specific information and required training for detoxification technicians. This will result in a stronger and better skilled workforce in the State's detoxification programs.

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 requested input from all interested parties.

On December 23, 2014, Small Business Impact Questionnaires were sent to: NPER; Board of Examiners for Alcohol, Drugs, and Gambling; Northern Nevada Adult Mental Health Services; Southern Nevada Adult Mental Health Services; Members of the Substance Abuse Prevention and Treatment Agency Advisory Board; Adelson Clinic; Bristlecone Family Resources; Community Counseling Center; HELP of Southern Nevada; Las Indian Center; Quest Counseling; Rural Nevada Counseling; Bridge Counseling Associates; China Spring Youth Camp; Community Counseling; Family Counseling Service; New Frontier Treatment Center; Ridge House; STEP 1; STEP 2; Tahoe Youth and Family Services, West Care

Nevada, Churchill Community Coalition, Healthy Communities Coalition; Nevada Community Prevention Coalition PACT Coalition; Solutions Recovery; Vitality Unlimited; Care Coalition; Frontier Community Coalition; Join Together Northern Nevada; Nye Communities Coalition; Pace Coalition; Partnership Carson City; Statewide Native American Coalition; and subscribers to the SAPTA LISTSERV (9), along with a copy of the proposed regulation changes, on December 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

Summary Of Comments Received (7 responses were received out of 86 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?
No	No	No	No

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

Distribution, receipt, and analysis of Small Business Impact Questionnaires from interested parties compiled for the Small Business Impact Statement 2015.

In the initial review and consideration of the estimated economic effect of the proposed regulations on small businesses, it was determined there would be no impact (i.e., adverse, beneficial, direct, indirect).

The Small Business Impact Questionnaires supported this presumption. Seven (7) of 86 Small Business Impact Questionnaires were received, and they showed no impact whatsoever. In addition, the limited number of responses from small businesses illustrates there is no adverse 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.**

The proposed regulation will have no direct or indirect economic effects, nor any adverse or beneficial effects on small businesses. SAPTA has conducted detoxification technician certifications for years. This regulation is an administrative change that moves provisions pertaining to detoxification technician certifications from NAC 641C to NAC 458.

- 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 requested interested parties to provide input and comments regarding the proposed NAC 458 regulations, including the economic impact the proposed regulations may have on small businesses. No modifications to the proposed regulations have been made based on the input from interested parties.

A Public Workshop will be held on February 5, 2015, allowing for further input by interested parties and the public regarding the proposed regulations and how they would adversely impact small businesses. Comments will be taken into consideration for possible further revisions to the regulations and any possible economic impact on facilities.

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

There are costs associated with the Division conducting detoxification technician certifications. Those costs are defrayed by non-refundable fees charged and collected by the Division for initial certification and recertification services.

- 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.**

Existing fees are associated with detoxification technician certifications; however, there is no increase or decrease of existing fees in the proposed regulations.

- 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.**

Responses from interested parties indicate there will be no adverse impact on small businesses. In addition, SAPTA has conducted detoxification technician certifications for years. This regulation is an administrative change that moves provisions pertaining to detoxification technician certifications from NAC 641C to NAC 458.

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

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Certification by Person Responsible for the Agency

I, Richard Whitley, 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 accurately.

Signature Richard Whitley

Date: January 20, 2015