## STATE OF NEVADA LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING 401 S. CARSON STREET

CARSON CITY, NEVADA 89701-4747

Fax No.: (775) 684-6600



August 26, 2020

LEGISLATIVE COMMISSION (775) 684-6800

NICOLE J. CANNIZZARO. Senator. Chair Brenda J. Erdoes, Director, Secretary

INTERIM FINANCE COMMITTEE (775) 684-6821

MAGGIE CARLTON. Assemblywoman. Chair Cindy Jones. Fiscal Analyst Mark Krmpotic. Fiscal Analyst

The Honorable Barbara Cegavske Secretary of State Capitol Building Carson City, Nevada 89701

RE: LCB File No. R017-20

Dear Secretary Cegavske:

Attached is a regulation adopted by the State Board of Health.

The Legislative Commission approved this regulation and it is therefore filed with you today pursuant to NRS 233B.067 or 233B.0675 as appropriate.

Sincerely,

Bryan J. Fernley Legislative Counsel

Eric W. Robbins Principal Deputy Legislative Counsel

BJF/slj Enclosure

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August 26, 2020

Mr. Joseph Filippi Executive Assistant Nevada Department of Health and Human Services 4150 Technology Way Carson City, Nevada 89706

Re: LCB File No. R017-20

Dear Mr. Filippi,

A regulation adopted by the State Board of Health has been filed today with the Secretary of State pursuant to NRS 233B.067 or 233B.0675 as appropriate. As provided in NRS 233B.070, this regulation becomes effective upon filing, unless otherwise indicated.

Enclosed are two copies of the regulation bearing the stamp of the Secretary of State which indicates that it has been filed. One copy is for your records and the other is for delivery to the State Library and Archives Administrator pursuant to subsection 6 of NRS 233B.070.

Sincerely,

Bryan J. Fernley Legislative Counsel

Eric W. Robbins Principal Deputy Legislative Counsel

BJF/slj Enclosure



# DEPARTMENT OF HEALTH AND HUMAN SERVICES





SECRETARY OF STATE FILING DATA	For Filing Administrative Regulations	FOR EMERGENCY REGULATIONS ONLY
ASSENTATION OF THE PROPERTY OF		Effective date
SOS MA CONTROL	LCB File No.R017-20	Expiration date
	AgencyState Board of Health.	Governor's Signature
Classification:		
PROPOSED	ADOPTED BY AGENCY EME	ERGENCY Brief description of action
The State Board of Health adopted the pr held on June 05, 2020. The attached erra		
Authority citation other than 233B $\Lambda$	IRS 439A.170	:
Notice date <u>04/28/20</u>	Date of Adoption I	by Agency <u>06/05/20</u>
Hearing date 0 <u>6/05/20</u>		

#### APPROVED REGULATION OF

#### THE STATE BOARD OF HEALTH

#### LCB File No. R017-20

Filed August 26, 2020

EXPLANATION - Matter in *italics* is new; matter in brackets omitted material is material to be omitted.

AUTHORITY: §1, NRS 439.190 and 439.200; §§2, 3 and 5-7, NRS 439.200, 439A.170 and 439A.175; §4, NRS 439.150, 439.200, 439A.170 and 439A.175; §§8 and 9, NRS 439.200, 439A.170 and 439A.180.

A REGULATION relating to the State Board of Health; revising requirements concerning publication of certain notice relating to the request for a variance from certain regulations; revising the application fee for a letter of support for the Physician Visa Waiver Program; revising requirements concerning the notification of patients of a J-1 visa physician of certain information; revising provisions governing the reporting of violations concerning the Program and disciplinary action for such violations; and providing other matters properly relating thereto.

#### **Legislative Counsel's Digest:**

Existing law authorizes the State Board of Health to adopt regulations for certain purposes and hold hearings. (NRS 439.190, 439.200) Existing regulations authorize a person who is unduly burdened by a regulation of the Board and thereby suffers a hardship and the abridgment of a substantial property right to request a variance. (NAC 439.200) Existing regulations require the Secretary of the Board to provide public notice of the application and the date of the public hearing on the application by publishing the notice in newspapers of general circulation within the area affected by the requested variance. (NAC 439.220) **Section 1** of this regulation removes the requirement that such notice be published in newspapers and instead requires the Secretary to publish such notice on the Internet website maintained by the Division of Public and Behavioral Health of the Department of Health and Human Services.

Existing law establishes the Physician Visa Waiver Program, whereby the Administrator of the Division oversees: (1) physicians who have graduated from a foreign medical school, hold a J-1 visa and a waiver of certain federal requirements and work at health facilities that serve patients residing in underserved areas; and (2) employers of such physicians. (NRS 439A.150, 439A.170) The Program is required to issue letters of support to the Waiver Review Division of

the United States Department of State stating that a request for a J-1 visa waiver by such a physician is in the public interest. (NRS 439A.160, 439A.170) **Section 4** of this regulation removes a requirement that an applicant for a letter of support pay a fee that is based on the practice area and practice location of the physician and instead requires the applicant to pay a fee of: (1) \$1,000 for a nonprofit organization; or (2) \$2,000 for any other applicant. **Section 2** of this regulation revises provisions concerning payment of the application fee for a letter of support. **Sections 2, 5 and 8** of this regulation revise certain contact information for the Division.

Existing regulations require the employer of a J-1 visa physician to post a sign in the waiting room of each location where the J-1 visa physician works stating that: (1) fees based on a sliding scale are available to certain patients who demonstrate financial need; and (2) patients will be provided care and services regardless of ability to pay. (NAC 439A.735) **Section 6** of this regulation alternatively authorizes the employer to instead provide written notice of that information to patients.

Existing regulations require a J-1 visa physician to work at a location which is identified on the petition submitted by the J-1 visa physician to the Waiver Review Division. (NAC 439A.735, 439A.740) **Sections 6 and 7** of this regulation remove that requirement and instead require a J-1 visa physician to work at a location approved by the Administrator.

Existing regulations require the Administrator to report a violation of provisions of law or regulations governing the Program that affects the health and safety of a patient to the Board of Medical Examiners. (NAC 439A.745) **Section 8** of this regulation alternatively authorizes the Administrator to report such a violation to the Bureau of Health Care Quality and Compliance of the Division, which regulates medical facilities and facilities for the dependent. (Chapter 449 of NRS, chapter 449 of NAC)

If an employer violates provisions of law or regulations governing the Program, existing regulations require the Administrator to: (1) impose a fine for a first or second offense; and (2) withdraw the support of the Division for the employer's participation in the Program for a third offense. (NAC 439A.750) Existing regulations prohibit the Administrator from issuing a letter of support to an employer who was penalized for a violation of requirements concerning the Program or federal immigration law within the immediately preceding 2 years. (NAC 439A.725) **Section 9** of this regulation authorizes rather than requires the imposition of certain penalties. **Section 9** also authorizes an employer for whom support has been withdrawn to apply for reinstatement not sooner than 2 years after the withdrawal. **Section 3** of this regulation removes the prohibition on the issuance of a letter of support to an employer who has been penalized but for whom the Administrator has not withdrawn support.

If a J-1 visa physician violates provisions of law or regulations governing the Program, existing regulations authorize the Administrator to report the violation to the United States Citizenship and Immigration Services and the United States Department of State and recommend

that the J-1 visa waiver of the J-1 visa physician be revoked. (NAC 439A.750) **Section 9** removes authorization for the Administrator to report the violation to the Department of State.

- **Section 1.** NAC 439.220 is hereby amended to read as follows:
- 439.220 1. The Secretary of the State Board of Health shall provide public notice of the application and the date of the public hearing by publishing the notice [in one or more newspapers of general circulation within the area affected by the requested variance.] on the Internet website maintained by the Division of Public and Behavioral Health of the Department of Health and Human Services.
- 2. The notice must be published *for* at least <del>[once, not less than]</del> 10 days, at least one of which must be the date 10 days before the hearing, and must specify the time, date and place of the hearing, the nature of the application and the regulation involved.
- 3. The Board will hold a public hearing on the application 40 or more days after the date on which the Secretary receives the application. The hearing will be held:
  - (a) At its next regularly scheduled meeting;
- (b) At its next meeting in Carson City, Las Vegas or Reno, as requested by the applicant in the application; or
  - (c) As soon as the schedule of the Board permits.
  - **Sec. 2.** NAC 439A.720 is hereby amended to read as follows:
  - 439A.720 1. An application for a letter of support must:
  - (a) Be complete.
  - (b) Include the materials required by subsection 1 of aNRS 439A.175.
  - (c) Be on the form prescribed by the Division of Public and Behavioral Health.

- (d) Contain the notarized signatures of the employer and the J-1 visa physician.
- (e) Except as otherwise provided in subsection 2, be accompanied by [an] the application fee pursuant to NAC 439A.728. [The] At least one-half of the fee must be paid [in equal-amounts] by the employer. [and the J-1-visa physician.]
- 2. The Administrator may waive the any portion of the application fee which must be paid by the J-1 visa physician or require the J-1 visa physician to pay that portion of the application fee pursuant to a payment plan if the J-1 visa physician is experiencing an economic hardship and the J-1 visa physician submits with the application documentation sufficient to demonstrate that the economic hardship exists.
- 3. The application fee will not be refunded if the Administrator does not issue a letter of support for the applicant. The Administrator may refund {:
- (a) One-half of the application fee paid by the J-1 visa physician and one-half of the application fee paid by the employer if the application is withdrawn before the Administrator has made a determination whether to issue a letter of support; or
- (b) All all or any portion of the application fee paid by the J-1 visa physician and the employer if {. at }:
- (a) The application is withdrawn before the Administrator has made a determination whether to issue a letter of support; or
- (b) At the time the application is received by the Division, all the available spots for enrollment of J-1 visa physicians in the Program have been filled for that fiscal year.
- 4. An employer or a J-1 visa physician may obtain an application for a letter of support from the Division of Public and Behavioral Health on the Internet website maintained by the Division

[at http://dpbh.nv.gov/Programs/Conrad30/Conrad30-Home/] or by submitting a written request for an application to the *Primary Care Office of the* Division [of Public and Behavioral Health, Primary Care Office, 4150 Technology Way, Carson City, Nevada 89706.] at the address posted on the Internet website maintained by the Division.

- **Sec. 3.** NAC 439A.725 is hereby amended to read as follows:
- 439A.725 1. An application for a letter of support must be filed with the Administrator by personal delivery, commercial carrier or mail.
- 2. The Advisory Council may review an application submitted pursuant to this section for completeness and compliance with the provisions of NRS 439A.130 to 439A.185, inclusive, and NAC 439A.700 to 439A.755, inclusive.
  - 3. Applications must be reviewed in the order in which they were received.
- 4. The Administrator is responsible for the review and the approval or denial of all applications. The Administrator shall provide notice of the approval or denial of an application to the applicant. If an application is incomplete, the Administrator shall provide notice to the applicant within 14 days after receipt of the application and provide a written explanation of the missing information or documentation. An application may be resubmitted with the additional required information or documentation.
- 5. The Administrator shall accept applications pursuant to this section until all available spots for enrollment of J-1 visa physicians in the Program have been filled. The Administrator shall post the status of the number of available spots for enrollment on the Internet website maintained by the Division of Public and Behavioral Healtha Lat

http://dpbh.nv.gov/Programs/Conrad30/Conrad30-Home/.1

- 6. The Administrator shall not issue a letter of support to:
- (a) An employer who was penalized for a violation of NRS 439A.130 to 439A.185. inclusive. or NAC 439A.700 to 439A.755, inclusive, or convicted of a violation of a federal statute or regulation relating to immigration within the immediately preceding 2 years. for which the Administrator has withdrawn the support of the Division of Public and Behavioral Health pursuant to NAC 439A.750.
- (b) A J-1 visa physician who was determined by the Administrator to have violated a provision of NRS 439A.130 to 439A.185, inclusive, or NAC 439A.700 to 439A.755, inclusive, or convicted of a violation of a federal statute or regulation relating to immigration within the immediately preceding 2 years.
  - **Sec. 4.** NAC 439A.728 is hereby amended to read as follows:
- 439A.728 [1.] Except as otherwise provided in [this section and] NAC 439A.720, the application [fees] fee for a letter of support from the Division of Public and Behavioral Health [are as follows:

— (f) For a specialist employed by a health facility in a flex slot
— (g) For a specialist employed by a third-party contractor in a designated health
professional shortage area
— (h) For a specialist employed by a third-party contractor in a flex slot
2. If the actual cost to the Division of processing an application exceeds the amount listed in
subsection 1, the Division shall impose an additional amount equal to that cost, except the total
fee may not exceed \$2,000.
—3. As used in this section:
— (a) "Designated health professional shortage area" means an area designated by the Secretary
of Health and Human Services pursuant to 42-U.S.C. s 254e.
— (b) "Flex slot" means an area which is not a designated health professional shortage area or a
medically underserved area but which contains health facilities that are utilized by persons who
reside in neighboring areas which are designated health professional shortage areas or medically
underserved areas.
—(c) "Medically underserved area" means an area designated by the Secretary of Health and
Human-Services pursuant to 12-U.S.C. s-254b as containing a medically underserved population.
— (d) "Primary care provider" means a physician or osteopathic physician who practices in the
area of family practice, general practice, geriatrics, internal medicine, obstetrics and gynecology,
pediatries-or-psychiatry.
— (e) "Specialist" means a physician or osteopathic physician who practices in any area other

than an area specified for a primary care provider.

- (1) "Third-party contractor" means the employer of a physician or an osteopathic physician who is not a health facility.] is:
  - 1. For a nonprofit organization, \$1,000.
  - 2. For all other applicants, \$2,000.
  - **Sec. 5.** NAC 439A.730 is hereby amended to read as follows:
- 439A.730 1. In addition to the requirements of subsection 2 of NRS 439A.175, the contract entered into by the employer and the J-1 visa physician must:
- (a) Except as otherwise provided in subsection 2, require the J-1 visa physician to begin work within 90 days after receipt of the J-1 visa waiver.
  - (b) Except as otherwise provided in subsection 2, be for a term of at least 3 years.
- (c) Provide that the J-1 visa physician will work a minimum of 40 hours each week at the location identified on the petition submitted by the J-1 visa physician to the Waiver Review Division of the United States Department of State.
- (d) Specify the wage that the J-1 visa physician will earn. The wage must not be less than the prevailing wage determined by the Office of Foreign Labor Certification of the United States

  Department of Labor, which may be found on the Internet website maintained by the Foreign

  Labor Certification Data Centera [at http://www.fledatacenter.com.]
- (e) Contain the signatures of the employer and the J-1 visa physician and the date on which the contract was signed by each person.
- (f) Identify the conditions for termination of the contract, which must not include a provision authorizing termination without cause.

- 2. If a J-1 visa physician is transferred to a different employer pursuant to NAC 439A.750, the contract entered into by the employer to which the J-1 visa physician is transferred and the J-1 visa physician must comply with paragraphs (c) to (f), inclusive, of subsection 1 and:
- (a) Require the J-1 visa physician to begin work within 90 days after receiving notice that the transfer was granted; and
- (b) Be for a term [equal to the time remaining on the previous contract.] sufficient for the J-1 visa physician to complete the obligation associated with the J-1 visa waiver.
- 3. A contract entered into by an employer and a J-1 visa physician may contain a clause for liquidated damages. If a contract entered into by an employer and a J-1 visa physician contains a clause for liquidated damages, the employer may not receive liquidated damages if the contract is terminated by the J-1 visa physician before the end of the contract because the employer has violated a provision of the contract, NRS 439A.130 to 439A.185, inclusive, or NAC 439A.700 to 439A.755, inclusive.
  - **Sec. 6.** NAC 439A.735 is hereby amended to read as follows:

439A.735 An employer shall:

- 1. Offer fees based on a sliding scale to patients whose income is at or below 200 percent of the federally designated level signifying poverty.
- 2. Ensure that the J-1 visa physician works only in a location which is identified on the petition submitted by the J-1 visa physician to the Waiver Review Division of the United States

  Department of State. approved by the Administrator.
- 3. Post a sign in the waiting room of each location where the J-1 visa physician works *or provide written notice to each patient* which states that:

- (a) Fees based on a sliding scale are available for certain patients who have demonstrated a financial need for assistance to pay for care and services.
  - (b) Patients will be provided care and services regardless of the ability of the patient to pay.
- 4. Provide documentation satisfactory to the Division of Public and Behavioral Health that the employer participates in Medicaid, Medicare and Nevada Check Up.
  - 5. File the schedule of fees with the Administrator for review.
- 6. Submit an affidavit to the Administrator once every 6 months which attests that the J-1 visa physician [+
- (a) Worked worked at least 40 hours each week at a location which is identified on the petition submitted by the J-1 visa physician to the Waiver Review Division; and
- (b) Is not employed at any location which is not identified on the petition.] approved by the Administrator.
  - **Sec. 7.** NAC 439A.740 is hereby amended to read as follows:
- 439A.740 A J-1 visa physician must be in the final year of residency or a fellowship program or be requesting a transfer from the J-1 visa waiver program of another state and shall:
  - 1. Comply with the requirements of 8 U.S.C. § 1184(k).
  - 2. If the J-1 visa physician will prescribe or dispense controlled substances:
- (a) Obtain any certificate or registration required by chapters 453 and 639 of NRS and any regulations adopted pursuant thereto; and
- (b) Register with the Drug Enforcement Administration of the United States Department of Justice.
  - 3. Accept patients who are enrolled in Medicaid, Medicare or Nevada Check Up.

- 4. Provide care and services based on the sliding scale of fees filed with the Administrator pursuant to subsection 5 of NAC 439A.735.
- 5. Only work in a location [which is identified on the petition submitted by the J-1-visa physician to the Waiver Review Division of the United States Department of State.] approved by the Administrator.
- 6. Submit an affidavit to the Administrator once every 6 months which attests that the J-1 visa physician |
- (a) Worked worked at least 40 hours each week at a location [which is identified on the petition submitted by the J-1 visa physician to the Waiver Review Division: and

  (b) Is not employed at any other location which is not identified on the petition.] approved by
- the Administrator.
  - **Sec. 8.** NAC 439A.745 is hereby amended to read as follows:
- 439A.745 1. A complaint about an employer or a J-1 visa physician may be submitted to the Program on the Internet website maintained by the Division of Public and Behavioral Health [at http://dpbh.nv.gov/Programs/Conrad30/Conrad30 Home/] or by submitting a written complaint to the *Primary Care Office of the* Division [of Public and Behavioral Health, Primary Care Office, 4150 Technology Way, Carson City, Nevada 89706.] at the address posted on the Internet website maintained by the Division.
- 2. The Administrator shall [investigate or require the Advisory Council to] investigate each complaint submitted pursuant to this section. The investigation must commence within 45 days after receipt of the complaint, except that if the complaint alleges that the safety of a patient was

threatened, the investigation must commence as soon as practicable. <del>| The Administrator is responsible for the investigation of complaints submitted pursuant to this section. |</del>

- 3. If the Administrator determines that a violation of NRS 439A.130 to 439A.185, inclusive, or NAC 439A.700 to 439A.755, inclusive, has occurred, the Administrator:
- (a) Shall, if the violation affected the health and safety of a patient, submit a report to the Board of Medical Examiners wor the Bureau of Health Care Quality and Compliance of the Division of Public and Behavioral Health; or
- (b) May, if the violation did not affect the health or safety of a patient, submit a report to the Board of Medical Examiners or to the Bureau of Health Care Quality and Compliance of the Division of Public and Behavioral Health.
  - **Sec. 9.** NAC 439A.750 is hereby amended to read as follows:
- 439A.750 1. If an employer violates the provisions of NRS 439A.130 to 439A.185, inclusive, or NAC 439A.700 to 439A.755, inclusive, the Administrator Ishall: I may:
  - (a) For a first offense, impose an administrative fine of \$1,000.
  - (b) For a second *or subsequent* offense, impose an administrative fine of \$10,000.
- (c) [For a third offense, withdraw] Withdraw the support of the Division of Public and Behavioral Health for the employer and assist in the transfer of the J-1 visa physician to a different employer pursuant to subsection 2.
- 2. If an employer is penalized **[for a third offense]** pursuant to paragraph (c) of subsection 1
- (a) The Administrator shall [. in cooperation with a different employer, the J-1 visa physician and the Waiver Review Division of the United States Department of State.] assist in the transfer

of the J-1 visa physician to a different employer, including, without limitation, submitting a letter to the J-1 visa physician which documents the reasons for the transfer and providing documentation for designating a new location in which the J-1 visa physician may work. The Administrator may notify the United States Citizenship and Immigration Services of the withdrawal of support and recommend to the United States Citizenship and Immigration Services that the J-1 visa physician be transferred to a different employer in this State.

- (b) The employer may apply to the Administrator to request reinstatement of support not sooner than 2 years after the date on which support is withdrawn. The application must include, without limitation:
- (1) A detailed description of changes concerning management or policy which the employer has made to protect the interests of any J-1 visa physicians to be employed by the employer; and
- (2) An attestation that each person who has responsibility for any part of the operation or management of the employer has reviewed and agreed to comply with all federal and state requirements relating to the Program.
- 3. If a J-1 visa physician does not comply with the provisions of NRS 439A.130 to 439A.485, inclusive, and NAC 439A.700 to 439A.755, inclusive, the Administrator may report the failure to comply to the United States Citizenship and Immigration Services [and the United States Department of State] and recommend that the J-1 visa waiver of the J-1 visa physician be revoked.



# DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Division of Public and Behavioral Health

Helping people. It's who we are and what we do.



#### **DIVISION OF PUBLIC & BEHAVIORAL HEALTH**

#### **Primary Care Office**

LCB File No. R017-20

#### Informational Statement per NRS 233B.066

- 1. The proposed regulations amend and modify the existing language to make regulations more clear, current, and compatible with the intent and scope of the Conrad 30/J-1 Visa Waiver Program (J-1). The introduction of new language which aids the J-1 to carry out its regulatory role more effectively and repeals redundant / or outdated regulations.
- 2. A **public workshop** was conducted to solicit feedback from stakeholders in the community on January 27, 2020 at 4150 Technology Way, Carson City, NV 89706 with videoconference to 4220 S. Maryland Parkway in Las Vegas. One person signed in and testified verbally against the application fee increase. Additionally, the proposed regulations were reviewed by the Primary Care Advisory Council (PCAC) during their public meetings on December 03, 2019 and March 04, 2020. Members of the PCAC expressed concern about the fee increase negatively affecting nonprofits. A small business survey was also sent to stakeholders and community partners.

#### **Public Hearing**

A public hearing was held on June 05, 2020. One person testified in opposition against the application fee increase stating that percent increased was greater for nonprofits than for for-profit businesses

#### How other interested persons may obtain a copy of the summary

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

Division of Public and Behavioral Health
Primary Care Office
4150 Technology Way Suite 300
Carson City, NV 89706

- 3.A statement indicating the number of persons who attended each hearing, testified at each hearing, and submitted written statements regarding the proposed regulation. This statement should include for each person identified pursuant to this section that testified and/or provided written statements at each hearing regarding the proposed regulation, the following information, if provided to the agency conducting the hearing:
  - (a) Name
  - (b) Telephone Number

- (c) Business Address
- (d) Business telephone number
- (e) Electronic mail address; and
- (f) Name of entity or organization represented

#### **Public Hearing**

A public hearing was held on June 05, 2020. A total of sixty-five individuals attended the teleconference meeting. Due to Section 37 of the Governor's Directive 21, the Board of Health meeting on June 5<sup>th</sup> was conducted by phone conference without a physical location for attendees. Public participated in the hearing and gave public comment when requested by the Chair. For this regulation, one person provided testimony against the regulation changes stating that the fee percent increase for nonprofits should not be as high as the percent increase for for-profits. As there were other items on the agenda, not all those that phoned in were in attendance for LCB File No R017-20. The name and contact information of the individual who testified at the June 05, 2020 hearing is listed below:

Steve Messinger
775-283-5724
smessinger@nvpca.org
Nevada Primary Care Association

4. Pursuant to NRS 233B.0608 (2)(a), the Division of Public and Behavioral Health (DPBH) has requested input from Nevada Rural Hospital Partners, medical facilities licensed throughout the state, the State Office of Rural Health, National Health Service Corps sites, 3RNET Referral list, J-1 participants, and law firms and has made a concerted effort to determine whether the proposed regulations are likely to impose an economic burden upon a small business.

Notice was sent to all entities by the Division on October 30, 2019, requesting that all interested individuals complete the small business impact questionnaire. An email notice with a link to the small business impact questionnaire and proposed regulations was provided to those with an email address. The proposed regulations were 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**

(There were { 11 } responses received out of { 926 } small business impact questionnaires distributed)

(Q#1) Will a specific regulation have an adverse economic effect upon your business?	(Q#2) Will the regulation(s) have any beneficial effect upon your business?	(Q#3) Do you anticipate any indirect adverse effects upon your business?	(Q#4) Do you anticipate any indirect beneficial effects upon your business?	
{ 1 } "Yes" Responses	{ 1 } "Yes" Responses	{ 1 } "Yes" Responses	{ 1 } "Yes" Responses	
{ 9 } "No" Responses	{ 10 } "No" Responses	{ 10 } "No" Responses	{ 10 } "No" Responses	
Comments (Q#1):				

1 respondent did not answer the question.

1 respondent noted \$50,000 – one fulltime salary of one office nurse.

#### Comments (Q#2):

1 respondent noted \$15,000

#### Comments (Q#3):

1 respondent noted that it will be difficult to recruit if the fees are increased.

#### Comments (Q#4):

Additional responses were collected from two participants who completed the survey but indicated that their business does not meet the small business definition defined above.

One participant answered yes to question 2 and question 5 but provided no further information. The second participant answered no to questions 2-5 and did not provide any additional comments.

#### How other interested persons may obtain a copy of the summary

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

### Primary Care Office 4150 Technology Way Suite 300 Carson City, NV 89706

- 5. A cost analysis was conducted to determine a reasonable price based on costs to administer the program. Similarly, a survey was issued to other J-1 programs across the nation and it was determined that the proposed fee schedule was on par with other states. Finally, to address the concerns about nonprofits, staff conducted a longitudinal study of participation in the program by nonprofits. Staff created an erratum reducing the fee for nonprofits to \$1,000 based on the results of the analysis.
- 6. Anticipated effects on the businesses which NAC 439.220 and 439A regulates:

#### Adverse effects:

- A. The proposed changes include a modest application fee increases for a J-1 visa waiver application to cover increased costs for program administration and monitoring. The current fee schedule ranges from \$500 to \$1400. The cap was increased to \$1,000 for nonprofits, and \$2,000 for all other businesses under NRS 439A.170.
- B. *Beneficial*: Any business regulated by the Division will be able to apply for a variance without any associated costs.
- C. *Immediate*: ability to apply for variance if experiencing a hardship. The simplified fee schedule for the J-1 Visa Waiver program helps increase the efficiency of the application process for J-1 physicians and businesses.
- D. Long-term: The same as the immediate effect.

#### Anticipated effects on the public:

- E. A. Adverse: There are no adverse anticipated effects on the public.
- F. B. Beneficial: There are no beneficial anticipated effects on the public.
- G. C. Immediate: There are no immediate anticipated effects on the public.
- H. D. Long-term: There are no long-term anticipated effects on the public.
- 7. No new cost is anticipated to the agency for enforcement of the proposed regulation.
- 8. There are no known regulations of other state or government agencies which overlap or duplicate the proposed regulation changes.
- 9. The proposed regulations do not include more stringent provisions than the Nevada Revised Statutes or federal regulations.
- 10. The agency expects to collect about \$20,000 per year which will be used to administer the program, conduct site visits, provide education and training to J-1 physicians and businesses.

NOTE: The Informational statement is essential. If this statement is not included with the final regulations or is incomplete or inaccurate, LCB will return the regulation to the agency. Unless a statement is supplied, the LCB will not submit the regulation to the Legislative Commission, and the regulation never becomes effective (NRS 233B.0665).