

SMALL BUSINESS IMPACT STATEMENT 2016

PROPOSED AMENDMENTS TO NAC 629: HEALING ARTS GENERALLY; VOLUNTARY HEALTH CARE SERVICE

LCB File No. R067-16

Based on the response received regarding the Small Business Impact Questionnaire, the Division of Public and Behavioral Health (DPBH) has determined that the 2016 proposed regulations for NAC 629 should not have any adverse economic effect upon a small business or negatively affect 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.

The small business impact statement complies with the requirements of 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 provide the reasons for the conclusions of the agency in section 8 below followed by the certification by the person responsible for the agency.

- 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.**

Background

During the 2013 Legislature (77th Nevada Legislature), Assembly Bill 228 was passed in the interest of the Health Division of the Department of Health and Human Services. AB 228 authorizes a provider of health care who is licensed or certified in this State or in another state or territory to provide voluntary health care services without compensation if those services are provided in association with a sponsoring organization. The bill requires a sponsoring organization to register with the Health Division of the Department of Health and Human Services and file quarterly reports containing information on the services delivered by voluntary health care providers. This bill was heard in the 2013 legislative session and public input was elicited and taken into consideration by the legislatures. This bill was effective June 6, 2013 for the purpose of adopting regulations and carrying out preparatory administrative tasks and on October 1, 2013 signed into statute by Governor Sandoval.

Pursuant to NRS 233B.0608 (2)(a), the Division of Public and Behavioral Health has requested input from stakeholders that are likely to be affected by the proposed regulation.

A Small Business Impact Questionnaire was sent to all NRS 629.400-490 sponsoring organization registrants and statewide health care stakeholders along with a copy of the proposed regulation changes, on September 15, 2016. 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

<p>Summary of Comments Received</p> <p>7 Responses were received out of the 1,353 SBIQs sent out</p> <p><u>Small Business Impact Questionnaires distributed:</u></p> <ul style="list-style-type: none"> • Nevada Health Alert Network (HAN) EMResource Alert System Notification = 1,100 • Inter-Hospital Coordinating Council = 2 • Douglas County Healthcare Coalition = 90 • Southern Nevada Healthcare Coalition = 100 • Rural Healthcare Preparedness Partners = 48 • Burning Man = 4 • Remote Area Medical = 4 • Medical Reserve Corps Unit Leaders = 4 <p>2 responses did not directly respond to the SBIQ</p>			
<p>Will a specific regulation have an adverse economic effect upon your business?</p>	<p>Will the regulation(s) have any beneficial effect upon your business?</p>	<p>Do you anticipate any indirect effects upon your business?</p>	<p>Do you anticipate any indirect beneficial effects upon your business?</p>
<p>0 – Yes 3 – No</p>	<p>0 – Yes 3 – No</p>	<p>0 – Yes 3 – No</p>	<p>0 – Yes 3 – No</p>

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

Analysis was conducted by the Nevada Public Health Preparedness (PHP) Program staff using a spreadsheet formatted to quantify total responses and comments. Throughout the Small Business Impact process, the Division has made a concerted effort to determine all impacts, mitigate the adverse ones and enhance the beneficial ones.

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.

At this time, there is no estimated economic effect of the proposed regulation on the small business which it is to regulate.

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 held several opportunities for the public, sponsoring organizations, and the health care community to provide input and comments regarding the proposed regulations and the impacts that could result upon implementation. Modifications to the proposed regulations have been made as a result of this input in the form of an Errata. A public workshop will be held on November 4, 2016 allowing for further input regarding the proposed regulations and how they will impact the public, sponsoring organizations, and the health care community. 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.

At this time, there is no additional cost to the agency for enforcement of the proposed 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.

At this time, is no funding attached to this proposed regulation.

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 is no duplicative provisions or more stringent provisions due to no federal, state, or local standards and regulations being set.

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 no effect on small businesses, as the proposed language does not impose any fees, nor exclusory language. Of the small businesses that responded to the small business impact questionnaire regarding proposed regulations to NAC 629: Healing Arts Generally, Voluntary Health Care Service, there were no effects noted and no comments offered. Similarly, comments received by those representatives of larger businesses, there was concern that the requirement in Section 2, item 2: in the event the sponsoring organization has already submitted and received approval of registration and would like to add additional licensed, out-of-state volunteers to the registration, the sponsoring organization must notify the Division electronically not less than 1 business day after being informed of the addition. This may not be entirely possible in remote areas of Nevada with unreliable internet coverage. The Division will include language in the Errata that if electronic communication is not possible, to notify the Division by telephone with all required information. The concern was also raised by a health care facility that in Section 2, item 3 should be clarified to state "Upon review and approval of the registration form..." rather than "Upon receipt of the registration form..." in order to remove any confusion of whether the Division may deny a sponsoring organization registration.

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

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4150 Technology Way, Suite 200
Carson City, NV 89701
Malinda Southard, Healthcare Preparedness Program Manager
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Certification by Person Responsible for the Agency

I, Cody L. Phinney, 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 Cody L. Phinney Date: 9/30/10