

SMALL BUSINESS IMPACT STATEMENT
LCB File No R039-20
PROPOSED AMENDMENTS TO NEVADA ADMINISTRATIVE CODE (NAC),
CHAPTER 449

The Division of Public and Behavioral Health (DPBH) has determined that the proposed amendments will not have an impact on small business and the proposed amendments should not prevent 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

NRS 449.2418 "Unit" defined. [Effective July 1, 2020.] "Unit" has the meaning ascribed to it by regulation of the Division. This amendment is drafted to come into compliance with NRS 449.2418.

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.

A web-based Small Business Impact Questionnaire with a link to the small business impact questionnaire and the proposed regulations was emailed to all licensed hospitals, independent center for emergency medical care and ambulatory surgical centers licensed by the Division on 1/21/2020, requesting that all interested individuals complete the small business impact questionnaire. The Questionnaire with associated links was also emailed to the Nevada Hospital Association and the Nevada Rural Hospital Partners.

The proposed regulations were also 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 (1 response were received out of 143 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?
Yes - 0 No - 1	Yes - 0 No - 1	Yes - 0 No - 1	Yes - 0 No - 1
Comments: <i>I do not foresee an impact to the facility by adding the definition of unit.</i>	No comments	No comments	No comments

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

An analysis of the input collected was conducted by a Health Facilities Inspection Manager. The analysis involved analyzing feedback obtained from the small business impact questionnaire and review of current statutes and review of the amendments to NAC 449. This information was then used to complete this small business impact statement including the conclusion on the impact of the proposed regulation on a small business found in number 8.

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.

Direct Beneficial Effects: There would be no direct economic beneficial effects.

Indirect Beneficial Effects: There would be no indirect economic benefits.

Direct Adverse Effects: There would be no direct adverse economic effects.

Indirect Adverse Effects: There would be no indirect adverse economic effects.

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.

As no impact is anticipated on small businesses, the Division did not have to use methods to reduce the impact of the proposed regulations.

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

The proposed regulation amendment will not add any costs to the current regulatory enforcement activities conducted by HCQC.

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.

These proposed regulations do not provide for a new fee or increase to any existing fee.

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

There will be no duplicative or more stringent provisions than federal, state or local standards regulating the same activity.

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

There should be no impact on small businesses with this amendment because the definition of “unit” being moved forward was not significantly modified from the definition in NRS 449.2418 that was effective through June 30, 2020 and was previously being used by impacted facilities.

The definition used, effective through June 30, 2020, defines “unit” as a component within a health care facility for providing patient care.

The definition used in the proposed regulations moving forward defines “unit” as a component of a health care facility for providing patient care that is defined by the scope of health care service provided. The term includes, without limitation, a group, department, section or wing of a hospital.

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

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Certification by Person Responsible for the Agency

I, Lisa Sherych, 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  Date: 9/3/2020