

SMALL BUSINESS IMPACT STATEMENT 2020

PROPOSED AMENDMENTS TO NAC Chapter 653 pertaining to LCB File No. R074-19.

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

A REGULATION relating to radiation; defining the terms "crime involving moral turpitude" and "unprofessional conduct;" establishing certain fee amounts; setting forth the scope of practice for radiologist assistants and persons who hold licenses or limited licenses to engage in radiation therapy and radiologic imaging; setting forth continuing education requirements; setting forth the supervision requirements that apply to a person who holds a limited license; designating three additional national accrediting organizations that may accredit educational programs for certain licenses; providing the process through which a license or limited license to engage in radiation therapy and radiologic imaging may be renewed; requiring a license holder to notify the Division of Public and Behavioral Health of the Department of Health and Human Services of any change in his or her mailing address or name; authorizing the Division to request that the operators of certain machines satisfy certain requirements; setting forth the requirements a person must satisfy to be issued a rural authorization; requiring certain persons to provide certain information and pay a fee before he or she is issued a license or limited license to engage in radiation therapy and radiologic imaging; requiring the Division to issue a provisional license or provisional registration in certain situations; setting forth the process for an informal discussion and informal conference to resolve certain complaints; revising the list of items that are adopted by reference; revising certain provisions relating the transfer of source material; and providing other matters properly relating thereto.

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 has requested input from stakeholders, small businesses, registrants, and licensees that are likely to be affected by the proposed regulations.

A Small Business Impact Questionnaire was sent to approximately 2465 licensees and registrants of the Radiation Control Program along with a link to the proposed regulation changes, on September 19, 2019. 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
(41 responses were received out of 2465
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 – 6 No – 18 Unknown – 17	Yes – 1 No – 24 Unknown – 16	Yes – 4 No – 19 Unknown – 18	Yes – 0 No – 25 Unknown – 16

Number of Respondents out of 2465	Adverse economic effect?	Beneficial effect?	Indirect adverse effects?	Indirect beneficial effects?
41	6	1	4	0

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

The Division of Public and Behavioral Health prepared and distributed a Small Business Impact Questionnaire to all licensee’s and registrants of the Radiation Control Program. The responses received were analyzed using a spreadsheet formatted to quantify total responses and comments. A Public Workshop will be held on January 27, 2020 allowing for further input by the public and regulated community regarding the proposed regulations and how they will impact small businesses. These comments will be taken into consideration for possible revisions to the regulations to reduce the economic impact on facilities. Nevada’s licensing fee structure was compared against eight other western states: Arizona, California, Montana, New Mexico, Oregon, Utah, Washington, and Wyoming. The term of licensure has been standardized at 2 years for a single license issued or renewed and an average of the fees calculated. None of the other states provide for enforcement or inspection of licenses at time of inspection unless there is a complaint and an audit is performed. It is determined that Nevada charges a fee to issue a new license that is approximately \$35.00 more than the

average. Nevada charges a fee for renewal of a license that is approximately \$79.00 more than the average.

- 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 Radiation Control Program held a Public Hearing on October 29, 2019 to consider the proposed regulations prescribed in SB 130. The proposed regulations and licensing requirements were discussed. The fees charged for licensure were closely tailored to the program expenses to minimize the impact on persons requiring licensure. DPBH kept the fees at a minimal level by using efficiencies in the administration of the program including integration with existing registration requirements.

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

The cost to the agency for enforcement of the proposed regulations is two new full-time employees.

- 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.**

The total annual amount of fees expected can only be calculated by counting the number of applications received to date. As this is a new regulation, there is no preexisting database which lists the number of persons required to be licensed pursuant to SB 130. The number of licenses issued cannot be estimated based on the number of small business impact questionnaires sent out, as they do not account for the number of people requiring licensure at each facility. Additionally, the questionnaires were only distributed to small businesses; larger businesses employ many individuals that are now required to be licensed.

As of this date, the Division has received 2288 applications for licensure. This represents an amount of \$457,600 coming due every two years. This equates to a total annual amount of \$228,800. The funds will be used to provide services for the administrative hire of two full time employees to review the applications and the issuance of licenses.

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

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 a negligible impact on small businesses. The fees charged cover the costs associated with issuing and renewing licenses, processing corrections, tracking expiration and enforcement as required. The fees are charged to the individual applying for licensure, not to the small businesses. 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 Glen Gimenez 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

Signature:



__ Date: __1/9/2020__