

Steve Sisolak
Governor



Richard Whitley, MS
Director

**DEPARTMENT OF
HEALTH AND HUMAN SERVICES**
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH
Helping people. It's who we are and what we do.



Lisa Sherych
Administrator

Ihsan Azzam,
Ph.D., M.D.
Chief Medical Officer

SMALL BUSINESS IMPACT STATEMENT

**PROPOSED CREATION OF NEVADA ADMINISTRATIVE CODE CHAPTER 422A:
Diapering Account LCB File No. R086-20P**

The Division of Public and Behavioral Health (DPBH) has determined that the proposed amendment LCB File No. R086-20P should not have an impact upon a small business or a negative impact on the formation, operation or expansion of a small business in Nevada.

A small business is defined in Nevada Revised Statutes (NRS) Chapter 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 proposed regulation details processes by which the Division of Public and Behavioral Health (DPBH) Administrator or their designee will approve and administer grants made pursuant to Nevada Revised Statutes 422A.660 from the Diapering Resources Account of the DPBH.

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 via posting on the Division website and mailed copies of the proposed regulation and the small business impact statement.

A Small Business Impact Questionnaire was sent to professional diapering resources agencies statewide along with a copy of the proposed regulation changes, on September 28, 2021. 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 (Three responses, two from small businesses, were received out of 13 mailed small business impact questionnaires distributed or by email in response to the information posted on the Division website here: https://dpbh.nv.gov/Programs/Maternal, Child and Adolescent Health (MCH)/			
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, 2 of 2	Yes, 2 of 2	No, 2 of 2	Yes, 2 of 2
Comments: None	Comments: 1) Cost savings of \$12,000 to \$15,000 per year. 2) The Women and Children’s Center of the Sierra (WACCS) has administered a diaper bank for the past 18 years. We distribute between 9,000 and 11,000 diapers monthly to women and single dads who live at 185% of poverty or less (the 185% of	Comments: None	Comments: 1) Greater access to community resources thru case management. 2) WACCS has started working with the Food Bank of Northern Nevada so that we can accompany their Mobile Harvest food distribution program into impoverished communities where moms have a difficult time

	<p>poverty mirrors Women Infants and Children requirements for services). We currently budget \$4,000 annually for diapers. We spend whatever we need to ensure an adequate supply of diapers given how many we receive in donations and through diaper drives. None of these are predictable.</p>		<p>getting to our office. We believe that ideally, we can bring services to the people. This, of course, will greatly increase the number of diapers needed. Funding through the State program would help this expansion of services be successful.</p>
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Number of Respondents equals three, two from small businesses	Adverse economic effect?	Beneficial effect?	Indirect adverse effects?	Indirect beneficial effects?
2	No, 2 of 2	Yes, 2 of 2	No, 2 of 2	Yes, 2 of 2

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

The Division of Public and Behavioral Health considered possible small business impacts of the proposed regulation and presented the draft regulation to the Diapering Resources Committee for their consideration and feedback on the proposed regulation as subject matter experts. The proposed regulation allows the Division to operationalize Nevada Revised Statutes (NRS) 422A.675. Responses to the Small Business Impact Questionnaire were summarized above and reflect no negative impacts and highlight positive impacts on small businesses.

2) 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 regulation on small businesses.

3) 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 small businesses to provide input and comments regarding the proposed regulations, including the economic impact the proposed regulations may have on small businesses. The Small Business Impact Questionnaire was posted on the Division website and mailed to professional diapering resource entities in addition to being shared at the Diapering Resources Committee. Workshops will be held on January 11, 2022, allowing for further input by interested parties regarding the proposed regulations and how they will impact small businesses. These comments will be taken into consideration for possible further revisions to the regulations to reduce the economic impact on facilities.

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

There is no 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.

The proposed regulation does not provide a new fee or increase an 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 are 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.

Pending any feedback from the public workshop on January 11, 2022, the responses noted above in Summary of Response to the Small Business Impact Questionnaire mailed and posted on the Division website on September 28, 2021, as well as from the Diapering Resource Committee, align with Division of Public and Behavioral Health determination of no impact to small businesses in Nevada from the proposed regulation. The Division's conclusion regarding impact to small business is based on feedback provided by subject matter experts. The conclusion is that the proposed regulations would have no negative impact, and that there is a potential for a positive impact as a result of cost savings and access to needed service for those who would otherwise have difficulty securing diapering resources.

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

Division of Public and Behavioral Health
4150 Technology Way, Suite 300
Carson City, NV 89701
Vickie Ives
Phone: (775) 684-2201

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 business _____ 1 this statement was prepared properly and is accurate.

Signatur  Date: 12/27/2021