

## SMALL BUSINESS IMPACT STATEMENT 2018

### PROPOSED AMENDMENTS TO NAC 441A

The Division of Public and Behavioral Health (DPBH) has determined that the proposed amendments should have little to no impact upon a small business or 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

Nevada Administrative Code (NAC) Chapter 441A (Infectious Diseases; Toxic Agents) provides authority and requirements related to the investigation, reporting, prevention, and control of communicable diseases. The proposed regulation amendments will align reportable conditions with nationally notifiable reportable diseases by adding and removing reporting requirements; provide clarity by removing and cleaning up ambiguous wording and providing clear guidelines for reporting and follow-up for reportable diseases; and, realign Nevada's regulations with updated national guidelines and recommendations.

- 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 licensed laboratories, hospitals, public health authorities in Nevada.

A Small Business Impact Questionnaire was sent to licensed laboratories, hospitals, public health authorities along with a copy of the proposed regulation changes, on July 12, 2018. 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 (25 responses were received out of 2,590 small business impact questionnaires distributed, 18 met the criteria for Small Business of less than 150 employees)			
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	Yes=4	Yes=2	Yes=2
No=10 No response=2	No=8 No response=6	No=9 No response=7	No=9 No response=7

Number of Respondents out	Adverse economic effect?	Beneficial effect?	Indirect adverse effects?	Indirect beneficial effects?
2,590	6	4	3	2

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

Small business questionnaires were mailed to all licensed laboratories, hospitals, and public health authorities in Nevada on July 12, 2018. There was a total of 25 responses via electronic survey with only eighteen (18) whose organization is under 155 employees. Six (6) reported that the changes would have an adverse economic effect on their business and two (2) reported an indirect adverse effect.

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.

Six (6) small businesses indicated that this regulation would have an adverse effect on upon the business. One (1) reported it would incur an additional cost to the company; one (1) reported it is difficult to ascertain the cost impact at this time; and, four (4) did not provide justification.

Four (4) small businesses indicated that this regulation would have a beneficial effect on upon the business and did not provide justification.

Three (3) small businesses indicated that this regulation would have an indirect adverse effect upon the business. One (1) indicated costs associated with testing and reporting, staff time; one (1) indicated it increases levels of communication (i.e. triple reports made); and, one (1) indicated reported it is difficult to ascertain the impact at this time.

Three (3) small businesses indicated that this regulation would have an indirect beneficial effect upon the business. One (1) indicated this would unnecessary testing; and, two (2) did not provide a justification.

- 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 allowed for several opportunities for licensed laboratories, hospitals, public health authorities to provide input and comments regarding the proposed 441A regulations, including the economic impact the proposed regulations may have on licensed laboratories, hospitals, public health authorities. Modifications to the proposed regulations have been made as a result of this input. Workshops will be held on September 17, 2018 allowing for further input by licensed laboratories, hospitals, public health authorities and public regarding the proposed regulations and how they will impact them. These comments will be taken into consideration for possible further revisions to the regulations to reduce the economic impact on facilities.

The Division of Public and Behavioral Health has worked to reduce the impact these proposed regulation changes would have on small business by drafting language that aims to align with national recommendations (i.e. guidelines from the Centers for Disease Control and Prevention) and not place undue burden on any direct entity. Additionally, changes in these regulations that may potential have the most potential for a financial burden to an agency would not apply directly to small business.

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

No cost is expected to enforce this 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.**

Not applicable

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

Not applicable

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

DPBH has vetted these regulations with parties that may be affected and have revised the language to ensure there would not be undue burden on the small businesses impacted. Therefore, DPBH feels these regulations are ready to be adopted and will improve public health practices as a result.

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

Division of Public and Behavioral Health  
3811 W. Charleston Blvd, Suite 205  
Las Vegas, NV 89102  
Sandra Larson  
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**Certification by Person Responsible for the Agency**

I, Julie Kotchevar, 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 Julie Kotchevar Date: 8-31-18