

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

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Chief Medical Officer

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**SMALL BUSINESS IMPACT STATEMENT 2022  
PROPOSED AMENDMENTS TO NAC 640D**

The Division of Public and Behavioral Health (DPBH) has determined that the proposed amendments should not have a negative economic impact upon a small business or discourage 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**

The proposed regulations are being moved forward as a result of Assembly Bill 330 of the 81<sup>st</sup> (2021) legislative session which requires each regulatory body, in this case the Board of Health, to adopt regulations to effectuate the purposes of the following bill requirements:

- 1. A person who, in secondary or postsecondary education, completes a training program for occupational, vocational, career, trade or technical education approved by the State Board of Education and receives a certificate for the completion of that program is eligible to receive equivalent credit towards the satisfaction of requirements for the issuance of any professional and occupational licenses and certifications relating to the training received.*
- 2. For a person to be eligible to receive equivalent credit pursuant to subsection 1, the secondary or postsecondary education received by the person pursuant to title 34 of NRS must be consistent with the requirements for the issuance of professional or occupational licenses and certifications established pursuant to the provisions of title 54 of NRS and the regulations adopted pursuant thereto.*
- 3. Any person aggrieved by a decision of a regulatory body concerning eligibility for equivalent credit pursuant to this section may appeal to the regulatory body for a determination whether the training satisfies the requirements for professional or occupational licensure or certification, as applicable. An appeal made pursuant to this subsection must be conducted as provided for the appeal of the denial of a professional or occupational license or certificate by that regulatory body.*

In addition, the proposed regulations amend NAC 640D.200 relating to unlicensed music therapy complaints by requiring the Executive Officer to investigate such complaints, not allowing unlicensed individuals to engage in music therapy services until the individual becomes licensed, and other related provisions.

The proposed regulations also amend NAC 640D.210, as it relates to a complaint against a licensee or an applicant for a license to practice music therapy, to allow the Executive Officer to conduct an investigation, and if substantiated, to forward the complaint, information collected as part of the investigation, and the investigative results to the Certification Board for Music Therapists.

**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 music therapists.

An email was sent to all 28 licensed music therapists with information on how small businesses could provide input on the proposed regulations and how to access the small business impact questionnaire and proposed regulations through a link to the Division’s webpage with links to the questionnaire and proposed regulations. 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**

<b>Summary Of Comments Received (Two (2) responses were received out of 28 small business impact questionnaires distributed)</b>			
<b>Will a specific regulation have an adverse economic effect upon your business?</b>	<b>Will the regulation (s) have any beneficial effect upon your business?</b>	<b>Do you anticipate any indirect adverse effects upon your business?</b>	<b>Do you anticipate any indirect beneficial effects upon your business?</b>
Yes = 0 No = 2	Yes = 2 No = 0	Yes = 0 No = 2	Yes = 2 No = 0
	This has no direct economic impact on my business but will make it easier to hold unlicensed practitioners and those who hire them accountable while also protecting my business from false claims.		I believe this further increases the validity of and trust towards music therapy in Nevada. As an organization that employees licensed music therapists it will

	<p>We can't estimate a dollar amount but increased state oversight will benefit the legitimacy of our profession which will in turn benefit our ability to provide quality services in Nevada.</p>		<p>benefit us to have more support from the state in investigating and following up on complaints.</p>
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**Other interested persons may obtain a copy of the summary by calling, writing or emailing:**

Nevada Division of Public and Behavioral Health  
 Bureau of Health Care Quality and Compliance  
 Attention: Leticia Metherell  
 727 Fairview Drive, Suite E  
 Carson City, NV 89701  
 Phone: 775-684-1030  
 Email: [lmetherell@health.nv.gov](mailto:lmetherell@health.nv.gov)

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

A health program manager reviewed the requirements of Assembly Bill 330 of the 81st (2021) legislative session, the proposed regulations, Nevada Revised Statutes Chapter 640D, Nevada Administrative Code Chapter 640D, and the small business impact questionnaire responses to determine the impact on small businesses. The proposed regulations carry out the requirement that the Board of Health adopt regulations to effectuate the purposes of carrying out provisions of Assembly Bill 330. In addition, Nevada Revised Statutes Chapter 640D and Nevada Administrative Code Chapter 640D, were reviewed, related to unlicensed and licensed music therapist complaints, and revised to address potential issues, for example, allowing an individual who was found to be engaged in unlicensed music therapy services, to be able to continue to do so, just because a licensure application to become a music therapist was submitted, but prior to the issuance of a license to practice music therapy.

**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.**

*Adverse Economic Effects* – There are no anticipated direct adverse economic effects.

*Indirect Adverse Economic Effects* – There are no anticipated indirect adverse economic effects.

*Beneficial Effects* – There are no anticipated direct beneficial economic effects.

*Indirect Beneficial Effects* – Indirect beneficial effects noted by industry included:

*This has no direct economic impact on my business but will make it easier to hold unlicensed practitioners and those who hire them accountable while also protecting my business from false claims. We can't estimate a dollar amount but increased state oversight will benefit the legitimacy of our profession which will in turn benefit our ability to provide quality services in Nevada*

*I believe this further increases the validity of and trust towards music therapy in Nevada.*

*As an organization that employees licensed music therapists it will benefit us to have more support from the state*

*in investigating and following up on complaints.*

**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 reviewed Assembly Bill 330's requirements for the development of regulations and developed regulations that reduce the impact by requiring the minimal amount of documentation to carry out the provisions of the bill. In addition, the current appeal process outlined in NAC Chapter 439 in the event a person is aggrieved by a decision of the regulatory body will be used instead of creating a new, separate process, in the event an individual files an appeal pursuant to Assembly Bill 330.

The Division will hold a public workshop to obtain further feedback on the proposed regulations. The Division will take the feedback into consideration when determining if further modifications to the proposed regulations are needed, and the impact to small businesses.

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

None, as it is anticipated that this workload can be incorporated into the Division's current workload to license and regulate music therapists.

**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 regulations do not provide for 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 other known duplicate or more stringent provisions regulating to 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.**


The Division concluded the proposed amendments should not have a negative economic impact upon a small business or discourage the formation, operation or expansion of a small business in Nevada. The reason for the conclusion is based on industry feedback which indicated there would be no direct or indirect adverse economic impact on their business and the analysis of the proposed regulations, that concluded the same.

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

Division of Public and Behavioral Health  
4150 Technology Way, Suite 300  
Carson City, NV 89701  
Leticia Metherell  
Phone: 775-684-1045  
Email: [lmetherell@health.nv.gov](mailto:lmetherell@health.nv.gov)

**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: 04/28/2022