

Joe Lombardo  
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.*



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Administrator

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**SMALL BUSINESS IMPACT STATEMENT 2023  
PROPOSED AMENDMENT TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 442**

The Division of Public and Behavioral Health (DPBH) has determined that the proposed amendment 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 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) [442.080](#) is proposed for deletion. This Nevada Administrative Code requires the Chief of the Bureau of Children's Services to inform all employees of the Bureau of regulations relating to confidential materials. Current onboarding requirements already ensure all employees of the Division of Public and Behavioral Health receive instruction on confidential materials and this includes all employees of the Bureau. The regulation is redundant since the process referenced in NAC 442.080 occurs as a mandated aspect of Division policy and required trainings.

**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 requested input on multiple public health regulations from 9,053 individuals solicited via email and a stakeholder feedback meeting held on March 22<sup>nd</sup>, 2023.

A Small Business Impact Questionnaire was sent to 9,053 individuals on March 22<sup>nd</sup>, 2023. 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</b> (2 responses were received specific to NAC 442.080 out of 9,053 small business impact questionnaires distributed)			
<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>
No (2 responses)	No (2 responses)	No (2 responses)	No (2 responses)

<b>Number of Respondents out of 9,053 e-mailings and posting to the Division website</b>	<b>Adverse economic effect?</b>	<b>Beneficial effect?</b>	<b>Indirect adverse effects?</b>	<b>Indirect beneficial effects?</b>
2	0	0	0	0

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

An email making stakeholders aware of a pending stakeholder feedback meeting was widely distributed on March 15, 2023, and the meeting was held with a physical and virtual option to attend on March 22, 2023. The Small Business Impact Questionnaire was distributed to 9,053 individuals, requesting feedback on multiple public health regulations. Of the questionnaires distributed, two responses for NAC 442.080 were received, indicating no adverse or beneficial direct or indirect effects or impacts of the proposed regulation deletion.

**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 adverse or beneficial estimated direct or indirect economic effect of the proposed regulation deletion.

**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 has held several opportunities including a meeting on March 22, 2023, for stakeholders to provide input and comments regarding the proposed regulation change,

including the economic impact the proposed regulation deletion may have on relevant stakeholders. Modifications to the proposed regulations have not been made or suggested as a result of this input. A Workshop will be held on April 21, 2023, allowing for further input by interested parties regarding the proposed regulations and how they will impact small businesses. Any future comments will be taken into consideration for possible further revisions to the regulations to prevent or reduce the economic impact on facilities.

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

There is no estimated 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 one.

**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 hearing on April 28 2023, currently there are no responses indicating any impact from the small business impact questionnaire mailed and posted on the Division website on March 22, 2023.

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  
Email: [vives@health.nv.gov](mailto:vives@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: 04/05/2023