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Governor



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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 440**

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**

The DPBH determined that existing Nevada Administrative Code (NAC) 440 needed to be reviewed with regulation additions and changes proposed. As the Office of Vital Records identifies areas of concern, the regulations required additions and updates to help reduce the risks. Current industry standards, practices and requirements required regulations to be reviewed and changed to ensure the Office of Vital Records could adhere to those standards, practices, and requirements. These regulations will clarify time constraints for signing death certificates (as required by the Sunset committee), how to fill out the cause of death, clarify the responsibility for death record creation during a transfer of service providers, standardize requirements for delayed and homebirth registration and English language replacements of foreign birth certificates whose language is not English, create a fee for an English language replacement of a foreign birth certificate not in English, identify requirements for paternities and parentage, establish residency requirements for parents during the adoption process, and provide Gender Identity options on a death certificate and the evidence needed to correct the gender on a death record.

**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), DPBH has requested input from stakeholders, small businesses, and users of the Vital Records System.

A Small Business Impact Questionnaire was sent to all users of the Vital Records System which include funeral homes, county coroners / medical examiners, the Nevada Board of Medical Examiners, Nevada

Nursing Board, the Nevada State Medical Association, Nevada Funeral Services Board, Clark County Vital Records Office, Washoe County Vital Records Office, physicians, advanced practice registered nurse, hospital/hospice oversight personnel, birth clerks and midwives along with a copy of the proposed regulation changes on July 5, 2022. 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? If so, please indicate the estimated dollar amount(s) you believe the adopted regulations will cost you over one calendar year with a brief explanation as to how the dollar amount was calculated.
- 3) Will the regulation(s) have any beneficial effect upon your business? If so, please include any cost savings you believe the adopted regulations will save you over one calendar year with an estimated dollar amount if applicable.
- 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> <b>(6 responses were received out of 4,362 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>
1 – Yes 5 - No 0 - Unknown	1 - Yes 5 - No 0 - Unknown	1 – Yes 5 - No 0 - Unknown	0 – Yes 6 - No 0 - Unknown

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

Analysis was conducted using an Excel spreadsheet to quantify responses.

**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 DPBH received six (6) responses via email. Only two (2) had a comment which were responded to via email. One was in support of the changes and the other needed clarification and had a question on who could access the system, when the new system would go into effect and if the new system would be available on a cell phone. No modifications to the proposed regulations have been made as a result of this

input. A Public Workshop will be held on October 12, 2022, allowing for further input by the public and regulated community regarding the proposed regulations and the impact. These comments will be taken into consideration for possible further revisions to the regulations to reduce the economic impact on facilities.

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

There is no anticipated cost to the agency for enforcement of the proposed regulations.

**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.**

There are no fee increases.

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

At this time, 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 negligible impact on small businesses. Most of NAC 440 had proposed regulation changes didn't appear to have economic impact on small businesses. As instructed by the Nevada State Legislature's Sunset Committee, the proposed changes were to provide additional clarification to existing regulations while adding or updating others to current industry standards and practices or to assist in meeting program requirements through federal contracts. The DPBH developed regulations that would not be unduly burdensome on small business, such as midwives, funeral homes and medical offices. 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 Stephanie Herrera at the Division of Public and Behavioral Health at:

Division of Public and Behavioral Health  
Office of Vital Records  
Attn: Stephanie Herrera, Program Officer III  
4150 Technology Way, Suite 104  
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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 and is accurate.

Signature  Date: 09/27/2022