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## SMALL BUSINESS IMPACT STATEMENT 2020

### PROPOSED AMENDMENTS TO NAC 439A

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

Proposed amendments to Nevada Administrative Code (NAC) 439A update the following areas:

- Update the application fee receipt requirement.
- Remove the requirement to post public notices in a newspaper and allow for electronic posting.
- Allow health care facilities and/or interested parties to be notified electronically.
- Update the public posting requirement to allow Division to post on their website and in public facilities.

#### **1) A description of the way comment was solicited from affected small business, a summary of their response and an explanation of the way 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 all known stakeholders.

A Small Business Impact Questionnaire was distributed to Nevada Hospital Association, Nevada Rural Hospital Partners, 2,116 medical facilities licensed throughout the state, the State Office of Rural Health, and 768 Radiation Producing Machine (RPM) facilities, along with a copy of the proposed regulation changes, on December 31, 2019.

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**

(09 responses were received out of 2,887 contacts invited to complete the small business impact questionnaire)

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 – 4 responses No – 5 responses	Yes – 2 response No – 7 responses  1 respondent noted <i>\$65,000</i>	Yes -2 responses No - 7 responses  2 respondents noted <i>That the fees required could be an impediment.</i>	Yes – 2 response No – 7 responses

One participant noted that the fees created an indirect adverse effect that could reduce the ability for a small business to hire staff or cause them to reduce staff benefits. The same participant also noted that the changes would bring indirect beneficial effects to their business but did not elaborate how.

**2) Describe the way the analysis was conducted.**

The Small Business Impact Questionnaire was embedded in an online survey with a link to the proposed amendments to regulation and distributed electronically to the stakeholders identified above. Responses were reviewed individually and collectively to determine potential impacts of the proposed amendments. Staff have reviewed the regulations to ensure there is not a negative impact on small business.

**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.**

The proposed amendments do not include any proposed changes to the application fee and are not expected to have any economic effect – adverse or beneficial – on small businesses.

**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 used any of those methods.**

The agency is not seeking to make any changes to the application fee and doesn't expect for the proposed changes to impact small businesses.

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

No new costs are anticipated 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 way the money will be used.**

There will be no change in the fee schedule.

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

The proposed regulation does not include more stringent provisions than the Nevada Revised Statutes.

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

The response rate to the small business impact questionnaire was relatively low which may be a reflection that stakeholders do not anticipate significant impact from the proposed regulation. Most respondents indicated no impact, with one respondent noting positive impact of the regulation, in general. Two respondents did indicate that the application fees could potentially impact small businesses. The agency determined that since the fees are not changing, the proposed changes would not have a negative impact on small businesses.

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

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Technology Way, 3<sup>rd</sup> Floor  
Carson City, NV 89701  
Joseph Tucker Phone: (775) 684- 2232  
Email: [jtucker@health.nv.gov](mailto:jtucker@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 business and the information contained in this statement was prepared properly and is accurate.

Signature:



Date: 1/21/2020