



SMALL BUSINESS IMPACT STATEMENT 2020

PROPOSED AMENDMENTS TO NAC Chapter 178.417, pertaining to LCB File No. R181-18.

The Division of Public and Behavioral Health (DPBH) has determined that the proposed amendments should not have any adverse effect upon small business or 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 statement is made pursuant to NRS233B.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, and 3 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:

In 2017 the Nevada Legislature passed an amendment to Nevada Revised Statute 178.400 to include Advance Practice Registered Nurses (APRNs) in the group of providers who are able to perform competency to stand trial evaluations in the state of Nevada. The change in statute requires adding APRNs to the regulation (Nevada Administrative Code 178.417), relating to competency examiner certification of criminal competency evaluators. The regulation also provides for the review and cancellation of certificates, and increases fees for certification by the Division of Public and Behavioral Health.

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.068 (2) (a), the Division of Public and Behavioral Health has requested input from stakeholders, small business, registrants ,and licensees that are certified to perform competency evaluations, that are likely to be affected by the proposed regulations.

A Small Business Questionnaire was sent to all currently certified criminal competency evaluators in the state of Nevada on July 20, 2020. The questionnaire was also posted on the website of the Nevada State Board of Nursing and the Clinical Services site of the Division and Behavioral Health website. 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 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

(7 responses were received out of 86 small business questionnaires distributed to certified examiners and posted on the NSBON and DPBH websites)

Will a specific regulation have an adverse effect on your business?	Will the regulation have any beneficial effect of your business?	Do you anticipate any indirect adverse effect upon your business?	0
Yes – 3 No – 2 Unknown – 2 Respondents who responded yes, primarily commented that they were concerned with adding cost to their licensing fees and training costs in order to maintain credentials.	Yes – 0 No – 2 Unknown – 2 No direct benefit to providers was mentioned,	Yes – 0 N – 5 Unknown – 2 No indirect adverse effect was mentioned in comments.	Yes – 1 No – 4 Unknown - 2 One respondent commented that quality assurance measures may benefit by producing better quality reports.

Number of Respondents out of 86	Adverse economic effect?	Beneficial effect?	Indirect adverse effect	Indirect beneficial effect
7	3	0	0	1

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

The Division of Public and Behavioral Health prepared and distributed a Small Business Impact Questionnaire to all criminal competency examiners certified by the Division of Public and Behavioral Health. At this time no Advanced Practice Registered Nurses have sought certification by the DPBH, per Nevada Revised statute, to become competency examiners. However, as a courtesy, the Board of Nursing **was** notified and they agreed to post the notification and the questionnaire. The notification was also posted on the website of the State of Nevada Board of

Nursing and on the website of the Division of Public and Behavioral Health to make it accessible to interested parties who are not currently certified. The responses received were analyzed by quantifying the data, total responses, and comments. A Public Workshop will be held within the next 30 days, allowing for further input by the public and regulated community regarding the proposed regulation and how it will impact Small Businesses. These comments will be taken into consideration for possible revision of the regulation to reduce economic impact on providers of these services.

5) The estimated economic effect of the proposed regulation on the small businesses which it is to regulate including both direct and indirect effects.

It does not appear that there will be any economic impact on any of the businesses effected by this regulation.

6) Provide a description of the methods that the agency considered to reduce the impact of the proposed regulations on small businesses and a statement regarding whether the agency actually used any of those methods.

A thorough review of the actual costs was completed in regard to managing oversight of a certified examiners program with appropriate quality assurance and provision of high-quality training to the participants. The estimates of cost to the Division were calculated and matched to the appropriate fees to minimally sustain such a program.

7) The estimated cost to the agency to enforce the regulation, 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.

Attached is an estimate of the cost to the agency to provide oversight and quality assurance services for the certification process. The costs and amounts collected are estimated on the spread sheet. The funds will be used to offset costs for administrative costs and maintaining lists and certificates for the courts, provide for nationally recognized training in the area of forensic treatment and assessment and quality assurance staff to review and maintain high quality reports for the courts.

8) 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 estimated total revenue to be collected by the Division of Public and Behavioral Health is \$12,200. These funds will be used to support trainings four times per year to meet the statutory requirements for supporting certification and re-certification of competency examiners. The funds will also be used to provide administrative support for producing and monitoring certificates as well as quality assurance processes for maintaining high quality reports for the courts.

9) An explanation of why any duplicative or more stringent provision 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.

10) Provide a summary of the reasons for the conclusions of the agency regarding the impact of a regulation on small business.

The agency concludes that the proposed regulations will produce a negligible impact on small businesses, The fee increases will cover a statutorily required program to certify criminal competency examiners as well as maintain certificates and support staff to maintain these records and respond to the public regarding the pool of certified examiners. Although this fee increase is significant the original fee structure was extremely low and not nearly sufficient to support a quality program for the state.

Any other persons interested in obtaining a copy of the summary may email, call, or mail in a request to Elizabeth Neighbors, Ph. D. at the Division of Public and Behavioral Health at:

DIVISION OF PUBLIC AND BEHAVIORAL HEALTH

Lake's Crossing Center

500 Galletti Way

Sparks, Nevada

Attn: Elizabeth Neighbors, Ph.D., ABPP, Statewide Forensic Program Director

Phone: 775-848-9840

Email: eneighbors@health.nv.gov

Certification by person responsible for 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 9/11/2020