

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 458**

The Division of Public and Behavioral Health (DPBH) has determined that the proposed amendments should have no direct and significant economic burden upon small businesses or directly restrict 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**

This revision to NAC 458 updates and revises regulations for oversight of providers certified by the Substance Abuse Prevention and Treatment Agency (SAPTA) within the Division of Public and Behavioral Health (DPBH). Updated language is needed to use more current terminology as well as remove stigmatizing language from the regulations. The amendments also streamline language to clarify requirements and make more user friendly. The amendments:

- Update the definition of coalition to conform to SB 69 (2021).
- Update the definition of detoxification to include the more appropriate term withdrawal management when possible and avoid conflict with other regulations.
- Update language related to providers keeping a current copy of applicable licensing board supervision agreements for interns available for review.
- Add language on the requirement to report client deaths to DPBH.
- Change the terms "substance abuse" and "substance abuser" to more appropriate terminology.
- Update references to publications such as ASAM and DSM.
- Clarify language related to how SAPTA Advisory Board (SAB) reviews and approves DPBH criteria.
- Update language related to requirements on sale or transfer and ownership and how this impacts application for certification.
- Simplify language related to certification fees.
- Clean up requirements related to background checks to be consistent with Department of Public Safety (DPS) regulations and added a policy requirement for background checks.
- Update and clarify language related to confidentiality.
- Update language related to comprehensive written reports for requirement of a co-occurring disorder (COD) assessment

- Update language per ASAM for continued care and discharge planning.
- Update Detoxification Technician requirements.

**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 substance abuse prevention and treatment businesses.

A Small Business Impact Questionnaire was disseminated through the SAPTA Listserv, the Substance Abuse Block Grant Agencies, the SAPTA Advisory Board, the BHPAC, and the HCQC Listserv. It was posted on the SAPTA website as well along with a copy of the proposed regulation changes, on August 1, 2022.

- SAB – 23 people
- BHPAC – 49 people
- SABG Agencies – 10 people
- HCQC listservs – 745 people

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 Responses**

<b>Summary Of Comments Received</b>			
<b>One (1) response was received out of 827 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>
No = 1 Yes = 0 Response/Unknown = 0	No = 1 Yes = 0 Response/Unknown = 0	No = 1 Yes = 0 Response/Unknown = 0	No = 1 Yes = 0 Response/Unknown = 0

<b>Number of Respondents out of 827</b>	<b>Adverse economic effect?</b>	<b>Beneficial effect?</b>	<b>Indirect adverse effects?</b>	<b>Indirect beneficial effects?</b>
No	0	0	0	0
Yes	0	0	0	0

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

The Division of Public and Behavioral Health has supplied wide range of opportunities to all known providers of substance use prevention and treatment services in Nevada to submit input and comments regarding the proposed amendment to NAC 458, including any economic impact this amendment may produce for small businesses. A Public Workshop will be held on September 29, 2022, for the purpose of soliciting further input from this statewide community regarding the proposed regulation change and how it may impact their operations and incomes. All comments will be considered carefully for possible further revision to the regulation to reduce adverse economic impact on small businesses.

**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.**

As reflected in the table above, Summary of Responses, no small business owners anticipate any adverse or beneficial economic effects associated with the proposed regulation and did not expect any direct or indirect effects.

**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.**

Not relevant since no adverse impact on small business found.

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

There will be no cost to the agency associated with 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 regulations do not provide for a new fee or increase existing fees.

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

No increases in the number or the level of stringency of standards, regardless of entity, are considered necessary.

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

No small business impact identified in survey of known providers of substance use prevention and treatment services in Nevada.

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

Division of Public and Behavioral Health  
4150 Technology Way, Suite 300  
Carson City, NV 89701  
Frederick Pilot  
Phone: (775) 461-6537  
Email: fpilot@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: 09/14/2022