

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

SMALL BUSINESS IMPACT STATEMENT 2022

PROPOSED AMENDMENTS TO NAC 433A

The Division of Public and Behavioral Health (DPBH) has determined that the proposed amendments should have no adverse effect upon a small business or 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.

Senate Bill 390 was passed during the 2021 legislative session. The bill indicated the State Board of Health shall adopt regulations to impose a surcharge on each access line of each customer of a company that provides commercial mobile communication services or IP-enabled voice services in this State in accordance with 47 U.S.C. § 251a and each access line or trunk line of each customer to the local exchange of any telecommunications provider providing those lines in this State. Those companies and providers shall collect the surcharge from their customers and transfer the money collected to the Division pursuant to regulations adopted by the State Board of Health. The amount of the surcharge must be sufficient to support the uses set forth in subsection 2, except that the amount of the surcharge must not exceed 35 cents for each access line or trunk line

The Division of Public and Behavioral Health, in consultation with the Attorney General's Office and community stakeholders, determined that there are no small businesses in the State of Nevada, meeting the standard set in NRS 233B, that would be affected by this regulation through a sent survey.

The Division estimates a 35-cent fee will bring in \$13,000,000 annually for the Crisis Response Account. Pursuant to NRS 233B.0608 (2)(a), the Division of Public and Behavioral Health requested input from behavioral health facilities and small business telecommunications via email.

A Small Business Impact Questionnaire was sent to 429 small businesses along with a copy of the proposed regulation changes, on February 28, 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?
- 3) Please list each regulation and explain the adverse impact. 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.
- 4) Will the regulation(s) have any beneficial effect upon your business?
- 5) If so, please explain and include any cost savings you believe the adopted regulations will save your business over one calendar year with an estimated dollar amount, if applicable.

- 6) Do you anticipate any indirect adverse effects upon your business?
- 7) Please explain the indirect adverse effects.
- 8) Do you anticipate any indirect beneficial effects upon your business?
- 9) Please explain the indirect beneficial effects.

Summary of Response

Summary Of Comments Received (0 responses were received out of 429 small business impact questionnaires distributed)			
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?
0	0	0	0

Number of Respondents out of 429	Adverse economic effect?	Beneficial effect?	Indirect adverse effects?	Indirect beneficial effects?
0	0	0	0	0

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

A small business impact questionnaire was distributed via email to: all Nevada telecommunication companies and Nevada-licensed Peer support recovery organizations, Rural Clinics, Mobile Units, Medical Detox Facilities, Outpatient Facilities, Alcohol/Drug Abuse Treatment Facilities, Community Triage Centers, Psychiatric Residential Treatment Facilities, Transitional Living Facilities for Released Offenders, Halfway Houses for Recovering Alcohol and Drug Abusers, and Hospitals on February 28, 2022. This questionnaire was open for two weeks, soliciting feedback. There were no responses to this request for feedback, nor were any staff directly contacted by constituents.

2)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 identified beneficial or adverse effect, direct or indirect, on small business in Nevada. NRS 233B.0608 requires the DPBH to determine whether the proposed regulation imposes *a direct and significant economic burden upon a small business.*

The direct economic burden of these regulations is on the companies that provide commercial mobile communication services or IP-enabled voice services. All identified telecommunication business were requested

to complete a small business impact survey, in which zero respondents answered, nor was staff contacted by any agency reporting difficulties answering the survey. However, there is estimated direct beneficial effect for the non-profits and government entities that will be impacted by this regulation.

2) 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 worked with small businesses and telecommunications when developing this proposal to ensure the regulation would not negatively impact their organizations. They have been consulted with since the beginning of the process through surveys, a planned public workshop (mentioned below), and email updates via Listserv to: Nevada-licensed Peer support recovery organizations, Rural Clinics, Mobile Units, Medical Detox Facilities, Outpatient Facilities, Alcohol/Drug Abuse Treatment Facilities, Community Triage Centers, Psychiatric Residential Treatment Facilities, Transitional Living Facilities for Released Offenders, Halfway Houses for Recovering Alcohol and Drug Abusers, and Hospitals.

The Division of Public and Behavioral Health has held several opportunities to provide input and comments regarding the proposed regulations, including the economic impact the proposed regulations may have on small businesses. Modifications to the proposed regulations have been made as a result of this input. A workshop will be held on May 20th, 2022, at 9:00 AM allowing for further input regarding the proposed regulations and how they will impact small businesses.

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

The agency does not anticipate a cost for the enforcement of the proposed regulation.

4) 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 Division estimates a 35-cent fee will bring in \$13,000,000 annually for the Crisis Response Account. The money will be used in accordance with SB 390. As used in sections 2 to 6, inclusive, of this act, unless the context otherwise requires, “National Suicide Prevention Lifeline program” means the National Suicide Prevention Lifeline program established by 42 U.S.C. § 290bb-36c.

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

Not applicable.

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

No analysis was required since no effect on small business was identified. See previous answers for further explanation.


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

Division of Public and Behavioral Health
4126 Technology Way, Suite 200

Carson City, NV 89701
Veronica Portillo-Bradford
Phone: (775) 684-4295
Email: vportillo@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; this statement was prepared properly and is accurate.

Signature:  _____ Date: 04/27/2022 _____