

Joe Lombardo
Governor



Richard Whitley,
MS
Director



Cody Phinney,
MPH
Administrator

Ihsan Azzam,
Ph.D., M.D.
Chief Medical
Officer

SMALL BUSINESS IMPACT STATEMENT 2023

PROPOSED AMENDMENTS TO NAC 459

The Division of Public and Behavioral Health (DPBH) has determined that the proposed amendments should have minimal 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.

BACKGROUND

The Nevada Division of Public and Behavioral Health (DPBH) has drafted revisions to Nevada Administrative Code (NAC) Chapter 459 in accordance with Assembly Bill 471 (AB 471) of the 2021 legislative session. The development of this bill emerged from the cancer registry's ongoing pursuit of financial sustainability to support its expanding operations. Recognizing the need for adequate funding, the registry explored various approaches to alleviate the burden on external stakeholders, particularly radiation machine registrants. After careful analysis, the implementation of a fee system was identified as the most fiscally responsible method.

- 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 Nevada- licensed health facilities and radiation machine registrants.

A Small Business Impact Questionnaire was sent electronically to 4,450 recipients along with a copy of the proposed regulation changes, on May 23, 2023. 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 (55, responses were received out of 4,450 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?
Yes-31	Yes-2	Yes-18	Yes-1
No-24	No-53	No-37	No-54

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

The Division of Public and Behavioral Health prepared and distributed electronically a Small Business Impact Questionnaire to all the Nevada-licensed health facilities (2,629) and members of the radiation machine registrant's listserv (1,821). The Division distributed the survey electronically on May 23, 2023. NCCR has considered the impact on Nevada- licensed health facilities through a review of the proposed regulations. Results from the Small Business Impact Questionnaire were entered into a spreadsheet for review and analysis. A Public Workshop will be held on Wednesday, August 30, 2023, to allow further input by the public regarding the proposed regulations and how they will impact the Nevada- licensed health facilities and radiation machine registrants.

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. On the Small Business Survey, 31 of the 55 respondents believed the proposed regulations will have an estimated economic effect on their business. Also, 18 out of the 55 respondents anticipated an indirect adverse effect upon their business. From the 55 responds 2 believed the regulations will have a beneficial effect upon their business. Many appeared to be unsure why they are receiving this increase in fees, and if small businesses will be the only ones affected by this increase.

Please note that of the 31 responses that stated this regulation will have an economic effect, the fee increases ranges from an increase of \$8.40 to \$30 per machine. With the primary respondents experiencing an \$8.40 fee increase.

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 Division of Public and Behavioral Health conducted thorough impact assessments early on in this process, before writing and suggesting this type of regulation to increase fees. The Division collaborated and received feedback from stakeholders in the community, to provide valuable

feedback, and participate in shaping the new regulation. There have been ongoing opportunities for stakeholders to provide input and comments regarding the proposed regulations, including the economic impact the proposed regulations may have on their business. As a result, from ongoing research, collaboration, and many modifications these regulations were developed.

Although it might not appear to be related or relevant to some, this small increase in fees for radiation machines presents to be a well-balanced outcome resulting from the Division's diligent efforts to address both the economic impact on businesses and the improvement of cancer registry operations and systems.

Workshops will be held on Wednesday August 30, 2023, allowing for further input by the public and stakeholders regarding the proposed regulations and how they will impact their facilities. These comments will be taken into consideration for possible further revisions to the regulations to reduce the economic impact on small businesses.

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

There is no direct 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.

All amounts are based on an annual renewal fee and new licensure for certificate, based on the minimum necessary amount of 6% as stated in AB471. Therefore, projected fees are calculated to be \$145,388 for FY24/25. Fees are paid to the Radiation Control Program and transferred to the Nevada Central Cancer Registry Program. Based on the FY25/25 Agency's Requested Budget, this includes two Health Program Specialist I FTEs in FY24.

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

The fees for radiation machines registration are neither duplicative nor more stringent, rather it is a necessary measure to ensure the sustained support of the cancer registry operations. Radiation machines play a pivotal role in the diagnosis and treatment of cancer. Their significance in accurately detecting and assessing cancerous cells cannot be overstated. As such, it is only logical that funding required to maintain and enhance cancer registry operations should be sourced from the very equipment that contributes directly to these operations.

By introducing a fee tied specifically to radiation machine registrations, we can establish a direct correlation between the utilization of these machines and the financial support provided to the cancer registry.

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

Based on the quantitative and qualitative data received through this Small Business Survey, it would be fair to conclude the impact of the fees to be minimal on Small Businesses. Many factors were considered in making this determination. Some factors include the of number respondents, specific concerns raised by the respondents, the likelihood of misunderstanding the regulations intent, and connection to the fee increase.

Any other persons interested in obtaining a copy of the summary may e-mail, call, or mail in a request to Aundrea Ogushi, Nevada Central Cancer Registry Program Manager at the Division of Public and Behavioral Health at:

Division of Public and Behavioral Health
4126 Technology Way, Suite 200
Carson City, NV 89701
Aundrea Ogushi
Phone: 775-684-3221
Email: dpbhNCCR@health.nv.gov

CERTIFICATION BY PERSON RESPONSIBLE FOR THE AGENCY

I, Cody Phinney, 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.

DocuSigned by:

Signature _____ Date: 7/25/2023
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