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**DEPARTMENT OF
HEALTH AND HUMAN SERVICES**
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH
Helping people. It's who we are and what we do.



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SMALL BUSINESS IMPACT STATEMENT 2022

**LCB File No. R010-22
PROPOSED AMENDMENTS TO NAC 457, 459, 449, 652**

The Division of Public and Behavioral Health (DPBH) has determined that the proposed amendments may have an adverse effect upon Nevada-Licensed Healthcare Facilities and impact, operation, or expansion of a small business in Nevada.

A small business is defined in Nevada Revised Statutes (NRS) Chapter 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 Department of Health and Human Services (DHHS) has drafted revisions to Nevada Administrative Code (NAC) Chapters 457, 459, 449, and 652 in accordance with Assembly Bill 471 (AB 471) of the 2021 legislative session. AB 471 provides that a fee not to exceed 8% of the renewal fee for the Nevada Central Cancer Registry (NCCR) will be included with the licensure renewal or an initial application in some situations, effective July 1, 2021; as such this fee will be included with the renewal application for 2022.

Additionally, AB 471 removes existing exemptions, thereby requiring providers of health care who diagnose or provide treatment for cancer or other neoplasms to report information to the system by the Chief Medical Officer regardless of whether the case was referred or previously admitted to a hospital, medical laboratory, or other facility.

- 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 (DPBH) has requested input from all Nevada-licensed health facilities.

A Small Business Impact Questionnaire was sent to all Nevada-licensed health facilities along with a copy of the proposed regulation changes, on January 24, 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) 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 (11 responses were received out of 2,600 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- 5	Yes-0	Yes-4	Yes-1
No-3	No-7	No-3	No-6
No Response- 3	No Response- 4	No Response-3	No Response-4

Number of Respondents out 2,600	Adverse economic effect?	Beneficial effect?	Indirect adverse effects?	Indirect beneficial effects?
11	5	0	4	1

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

The DPBH prepared and distributed electronically a Small Business Impact Questionnaire to all of the Nevada-licensed health facilities, the Division distributed the survey electronically on January 24, 2022, and it was available through February 18, 2022. The 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 Survey Monkey which created a spreadsheet for analysis. A Public Workshop will be held on Friday, April 22, 2022, to allow further input by the public regarding the proposed regulations and how they will impact the

Nevada- licensed health facilities. Any comments will be taken into consideration for the possible revisions to the regulations to reduce the economic impact on facilities.

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 survey 5 of the 11 respondents (45%) believe the proposed regulations will have an estimated economic effect on the on their business. While not many respondents provided an explanation of their primary concerns, 2 out of 5 respondents did describe briefly their concerns are financial ones and they are concerned cancer registry fees will add to an already strained financial situation. Please note that of 2,600 small business impact questionnaires distributed, only 5 responded and noted an adverse financial impact.

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.

In addition to the small business impact statement, prior to the formal public workshops, The DPBH has held working group meetings for stakeholders to provide input and comments regarding the proposed regulations, including the economic impact the proposed regulations may have on Nevada- licensed health care facilities. Modifications to the proposed regulations have been made as a result of this input. Public workshops will be held on Thursday, May 12, 2022 allowing for further input by the public regarding the proposed regulations and how they will impact Nevada health care facilities. These comments will be taken into consideration for possible further revisions to the regulations to reduce the economic impact on facilities.

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 renewal amounts are based on an annual renewal fee except for medical laboratories in which the amounts will be collected every 2 years. Language in LCB File No R010-22 states up to 8%, but the intent is only to charge the amount needed to cover the cost to support the cancer registry, therefore, projected fees are calculated based on a 6% increase in fees paid to the Radiation Control Program and HCQC. Based on the FY22/23 Agency's Requested Budget, this includes two Health Program Specialist I FTEs in FY23.

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

Cancer reporting is regulated by federal and state laws. Together these laws establish the requirements for reporting. In the past traditional cancer data collection has been primarily from hospitals. As medical advances have occurred, diagnosis and treatment of certain cancers has moved from the acute care hospital setting to physician/medical office. Nevada statute needs to update and clarify reporting mandates. This will ensure all

incidences of cancers and treatment information is captured and data can be used to plan for prevention and cancer control activities.

Additionally, through the fee structure these regulations will also help support the increasing operational cost of the cancer registry, which is currently funded primarily through federal grant funding which has been diminishing yearly.

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

The reason for the conclusion of the agency to remove existing exemptions, thereby requiring providers of health care who diagnose or provide treatment for cancer or other neoplasms to report information to the system established by the Chief Medical Officer regardless of whether the case was referred or previously admitted to a hospital, medical laboratory, or other facility. The effective diagnosis, care, treatment, and cure of persons suffering from cancer is affected with the public interest. It is established that accurate and early diagnosis of many forms of cancer, followed by prompt application of methods of treatment which are scientifically proven, either materially reduces the likelihood of death from cancer or may materially prolong the useful life of individuals suffering therefrom. It is, therefore, in the interest of members of the public that they be afforded full and accurate knowledge of the facilities and methods used for the diagnosis, treatment and cure of cancer which are available in this state and, to that end, that there be provided means for testing and investigating cancer devices, drugs, compounds and other agents, and that the members of the public be informed of facts for their protection from misrepresentation in such matters.

Based on the survey responses the proposed regulations will have some impact on Nevada-Licensed Healthcare Facilities.

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

Division of Public and Behavioral Health
4126 Technology Way, Suite 200
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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: 04/07/2022