

SMALL BUSINESS IMPACT STATEMENT 2016
PROPOSED AMENDMENTS TO NACs 392.105, 394.250 and 441A.755

LCB FILE NO. R052-16

The Division of Public and Behavioral Health (DPBH) has determined that the proposed amendments should not impose an undue economic burden upon a small business or have a negative impact on 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.

Background

Existing law authorizes the State Board of Health to adopt regulations to define and control dangerous communicable diseases. Existing law generally requires that a child be immunized against certain diseases, including, without limitation, such diseases as the Board of Health may determine, before enrollment in a public or private school. The key items the proposed regulation includes are as follows:

- Categorizes *Neisseria meningitidis* as a communicable disease;
- Prohibits a child from being enrolled in grade 7 in a public or private school unless immunized against *N. meningitidis* after he or she obtained 10 years or age;
- Prohibits certain persons from attending a university until the person submits to the university proof of immunity to *N. meningitidis*;
- Requires the Division of Public and Behavioral Health to establish the immunization schedule required for admission to a university; and
- Provides exceptions to such prohibitions.

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 each public school district, private school and university in Nevada.

On May 9, 2016 a Small Business Impact Questionnaire, along with a copy of the proposed regulation changes, was sent to each public school district, private school and university statewide. 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 Small Business Impact Questionnaire Responses 9 responses (5 private schools, 1 university, 3 public school districts) were received out of 171 small business impact questionnaires distributed					
How many employees are currently employed by your business?	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?	Comments
> 4,000	N/A	N/A	N/A	N/A	None
> 1,000	N/A	N/A	N/A	N/A	None
892	N/A	N/A	N/A	N/A	None
1,100	N/A	N/A	N/A	N/A	None
321	N/A	N/A	N/A	N/A	None
8	Yes	No	Yes	No	<u>Adverse Economic Effect:</u> Estimate we would lose or fail to gain 2 students in the Fall. Estimated loss per year of \$30,195 which is the amount of tuition we would have received.
40	No	No	No	No	None
133	No	No	No	No	None
25	Yes	No	Yes	No	<u>Adverse Economic Effect:</u> Estimate this will cost upwards of \$1,000 to completely be compliant with new mandated vaccine. We have a very

				<p>small staff; we will have to go into each student folder and make sure their parents understand and are willing to comply. We also have many Spanish-speaking parents and almost no Spanish-speaking staff who can work extra hours calling parents and explaining the new mandated vaccine.</p> <p><u>Indirect Adverse Effect:</u> I have studied vaccines extensively. I have found that the number of vaccines in the U.S. has increased over time, and so has the number of childhood diseases we cannot vaccinate against. Children's cancer and autism are at their highest levels. I see a correlation between the amount of vaccines and the problems with these diseases. The preservatives in vaccines are carcinogenic and there is a strong link to the preservative found in the vaccines and the autism rate. I know very well that pharmaceutical companies and the CDC have not found a link. I do not believe they are trying. They are merely doing what they are told: sell the vaccine, make a profit, regardless of how the results will harm the population.</p>
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Number of respondents out of 171	Adverse Economic Effect?	Beneficial Economic Effect?	Indirect Adverse Effects?	Indirect Beneficial Effects?
Public School District: 3 Private School: 5 University: 1	Not Applicable: 5 Yes: 2 No: 2	Not Applicable: 5 Yes: 0 No: 4	Not Applicable: 5 Yes: 2 No: 2	Not Applicable: 5 Yes: 0 No: 4

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

Division of Public and Behavioral Health
4150 Technology Way, Suite 211
Carson City, NV 89706

Karissa Loper, MPH
Immunization Program Manager
Phone: (775) 684-3209
E-mail: kloper@health.nv.gov

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

An analysis of the input collected from stakeholders conducted by Karissa Loper, Nevada State Immunization Program Manager. The analysis involved analyzing feedback obtained from the small business impact questionnaires as well as information gathered from communications with various immunization and school health stakeholders, including pediatricians, community members, and local health district staff among others. The analysis considered the questionnaire answers and comments, comments and suggestions from related focus groups, as well as the fiscal impacts of requiring an additional vaccination for school/college entry.

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.

The beneficial effect of these regulations is to reduce vaccine-preventable disease in school-age and college-age populations. The adverse effects include additional staff time to check for the newly required immunization and possible increased record-keeping requirements for universities.

4) Provide a description of the methods that DPBH 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 used methods to reduce the impact of proposed regulations on small business including discussions with stakeholders, parent and provider focus groups, and distribution of the small business impact questionnaire to gather input from stakeholders on how the proposed regulation(s) may impact their business. Nevada public school districts, private schools and universities/colleges were given the opportunity to discuss the economic impact the proposed regulations may have. No modifications to the proposed regulations have been made as a

result of this input. The Division of Public and Behavioral Health has reviewed the regulations and has been unable to identify any adverse impacts on small businesses.

The Division of Public and Behavioral Health will hold a Public Workshop on Thursday, June 30, 2016 in Carson City and will be broadcast via videoconference in Las Vegas for the public and the regulated community to provide comments regarding the proposed regulations. Further input by the public, regulated community or other interested parties regarding the proposed regulations and their impact may be solicited at the Public Workshop. These comments will be taken into consideration for possible further revisions to the regulations to reduce the economic impact on facilities. The Notice of Public Workshop is being mailed to interested parties and posted in public locations statewide on Wednesday, June 15, 2016.

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

There is no estimated cost to the agency for enforcement of the proposed regulation(s).

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.

There is no fee or increased fee associated with the proposed regulation(s).

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

The regulations do not represent duplication of local, state or federal standards.

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

The agency has concluded there is little to no impact of regulation NACs 392.105, 394.250 and 441A.755 on small businesses as the response from the Small Business Impact Questionnaires did not offer any specific evidence to the perceived impact on the business model. There are no fees associated with requiring a school-entry immunization.

Certification by Person Responsible for the Agency

I, Cody L. Phinney, Administrator of the Division of Public and Behavioral Health, certify to the best of my knowledge or belief that 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: _____