

SMALL BUSINESS IMPACT STATEMENT 2020
LCB File No. R043-20.

PROPOSED AMENDMENTS to NAC Chapter 457 and Chapter 459 of the Nevada Administrative Code, and regulations in LCB File No. R074-19.

The Division of Public and Behavioral Health (DPBH) has determined that the proposed amendments should not have any adverse effect upon a small business or negatively impact 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 proposed addition /change of regulations will provide for:

- Consideration of late fee under 457.295 (Section 1. R074-19). Establishes a \$56 late fee for renewal of an expired mammography machine registration and a mammographers certificate of operation.
- Radiation Producing Machines (RPM). Clarify the conditions of a late registration. Eliminate regulation regarding the use of Gonadal shielding. Address the licensing and regulations of persons who engage in radiation therapy and radiologic imaging.
- Radioactive Materials (RAM). To address deliberate misconduct of individuals involved with RAM or RPM in accordance with the regulations.

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 stakeholders, small businesses, registrants and licensees that are likely to be affected by the proposed regulations.

A Small Business Impact Questionnaire was sent to approximately 3146 licensees and registrants of the Radiation Control Program along with a website link to the proposed regulation changes, on March 23, 2020. 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
(54 responses were received out of 3146
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 – 13 No – 41 Unknown – 0	Yes – 1 No – 53 Unknown – 0	Yes – 11 No – 43 Unknown – 0	Yes – 1 No – 53 Unknown – 0

Number of Respondents out of 3146	Adverse economic effect?	Beneficial effect?	Indirect adverse effects?	Indirect beneficial effects?
54	13	1	11	1

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

The Division of Public and Behavioral Health prepared and distributed a Small Business Impact Questionnaire to all licensee’s and registrants of the Radiation Control Program (RCP). The RCP staff considered the impact on small business through a review of the proposed regulations. Results from the Small business Impact Questionnaire were entered into a spreadsheet for analysis. RCP reached out to several respondents to answer any questions or concerns. A Public Workshop will be held to allow for further input by the public and regulated community regarding the proposed regulations and how they will impact Small Businesses. Any comments will be taken into consideration for 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.**

There is no estimated economic effect of the proposed regulations on small business.

- 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 proposed \$56 late registration fee was carefully calculated to cover the costs to DPBH and closely tailored to program expenses. The fee is not meant to provide a hardship to small business and can be avoided by timely renewals. DPBH kept the fees at a minimal level by using program integration and efficiencies in the administration of the program.

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

There is minimal 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.**

The total annual amount of fees expected can only be calculated by counting the number of late renewal applications received. As this is a new regulation, there is no preexisting database which lists the number of late registration renewals for mammography machines or mammographers. Additionally, the questionnaires were only distributed to small businesses, larger businesses employ many individuals that may be charged the late fee.

As of this date, the Division has 86 registered mammography machines and 260 registered mammographers. Any funds will be used to provide services for the administrative staff involved in the registration processes and provide for computer application upgrades.

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

There are no duplicative or more stringent provisions than federal, state or local 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 concludes the proposed regulations will produce a negligible impact on small businesses. The fees charged cover the costs associated with issuing and renewing registrations, processing corrections, tracking expiration and enforcement as required. Any late fees charged may be avoided by timely renewal of registration. Overall, small businesses in the State of Nevada appear not to be impacted by the proposed regulations.

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

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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.

Signature



Date: 8/3/2020