

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

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**SMALL BUSINESS IMPACT STATEMENT 2022**

**PROPOSED AMENDMENTS TO NAC 433**

The Division of Public and Behavioral Health (DPBH) has determined that the proposed amendments to the Nevada Administrative Code (NAC), specifically Chapter 433, will not have a financial impact 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 proposed regulation related to NRS 433 as amended by LCB File No. R012-20, which authorizes a practitioner responsible for treatment of a patient admitted to a public or private mental health facility to submit a request to involuntarily administer psychotropic medication under certain circumstances. The proposed regulation will remove the request for involuntary administration of a psychotropic medication for a patient who is admitted under an emergency admission. The proposed regulations will also replace current language with updated terminology of a patient is at serious risk of incurring serious injury or illness resulting from complete neglect of his or her basic need for food, clothing, shelter or personal safety.

The reasons for bringing forth these changes include requiring a patient to be court committed to a public or private mental health facility before the ability to involuntarily medicate can be requested.

The language changes give definition to former terminology "unable to care for himself or herself" by setting criteria and needs of client before administration of medication can be determined.

- 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 Hospitals, Licensing Boards of Nursing, Pharmacy, Social Work, Psychiatry, advocacy and civil rights organizations and their members.

A Small Business Impact Questionnaire was sent along with a copy of the proposed regulation changes, on Tuesday, May 31, 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**

<b>Summary Of Comments Received</b> Out of the small-business impact questionnaires sent out when the questionnaire was distributed, two (2) responses were recorded as received.			
<b>Will a specific regulation have an adverse economic effect upon your business?</b>	<b>Will the regulation (s) have any beneficial effect upon your business?</b>	<b>Do you anticipate any indirect adverse effects upon your business?</b>	<b>Do you anticipate any indirect beneficial effects upon your business?</b>
1-149	No	n/a	yes
1-150 or more	No	n/a	no

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

An online small business impact questionnaire was disseminated via email on Tuesday, May 31, 2022 and responses were received and reviewed. All questionnaire responses were conducted via the web, and none were received via email or mail. The proposed regulations, as well as existing regulations, were reviewed. The Agency Manager and Hospital Administrator and the Quality Assurance Psychiatric Nurse II of Southern Nevada Adult Mental Health Services analyzed the information from the questionnaire to determine if the proposed regulation had an impact on small businesses or if it was existing regulations having an effect and was used to develop this small business impact statement.

**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.**

- Direct Beneficial effects:
  - No direct beneficial effects are anticipated.
- Indirect beneficial effects:
  - No indirect beneficial effects are anticipated.
- Direct adverse effects:
  - No direct adverse effects are anticipated.

**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 has held several opportunities for businesses to provide input and comments regarding the proposed NAC 433 regulations, including the economic impact the proposed regulations may have on their business. A public workshop will be held at 10:00 a.m. on Friday, August 5, 2022 allowing for further input by small businesses regarding the proposed regulations and how they will impact their business. 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.**

These proposed regulations will not add any costs to the current regulatory enforcement activities from Southern Nevada Adult Mental Health Services.

**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 proposed regulations do not provide for a new fee or increase of any existing fee.

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

The proposed regulations are no duplicative or more stringent than any 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.**


In summary the proposed regulations to NAC 433 will not cause an adverse financial impact on the small businesses in Nevada. Furthermore, the terminology enhances the definition and assists to identify those who may receive involuntary psychotropic medication once court ordered for admission to a public or private mental health facility.

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

Jo Malay  
Division of Public and Behavioral Health  
6161 W. Charleston Blvd.  
Las Vegas, NV 89456  
(702) 486-4400  
Email: [jmalay@health.nv.gov](mailto:jmalay@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 businesses and the information contained in this statement was prepared properly and is accurate.

Signature  Date: 07/5/2022