

**DIVISION OF PUBLIC & BEHAVIORAL HEALTH
BUREAU OF HEALTH CARE QUALITY AND COMPLIANCE
DIETITIAN LICENSING UNIT
LCB File No. R157-17**

Informational Statement per NRS 233B.066

1. A clear and concise explanation of the need for the adopted regulation.

The adopted regulations are needed for the following reasons.

- 1) Reduces the burden to industry by reducing licensing fees.
 - 2) Brings the dietitian regulations into compliance with Senate Bill (SB) 69 of the 2017 legislative session as it relates to issuing dietitians a license by endorsement. Senate Bill 69 requires the regulatory body, in this case the Board of Health, to adopt regulations for the issuance of a license by endorsement for any natural person who hold a corresponding valid and unrestricted license in any state or territory of the United States, possess qualifications that are substantially similar to the qualifications required for issuance of a license to engage in that occupation in Nevada and satisfies other requirements outlined in the bill.
2. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Public Workshop

Public comment was solicited via a public workshop which was held on December 20, 2017 on the proposed regulations at the Division of Public and Behavioral Health located at 727 Fairview Drive, Suite E, Carson City and video conferenced to the Division's office located at 4220 South Maryland Parkway, Suite 810 in Las Vegas.

Three individuals not representing the Bureau of Health Care Quality and Compliance signed in at our Carson City office and all three individuals signed in as supporting the proposed regulations.

Support for the proposed regulations expressed during the public workshop included support for the proposed regulations, noting there was nothing the individual was opposed to, and one individual noting they did not believe competition would be an issue because of the proposed regulations.

How other interested persons may obtain a copy of the summary

Any other persons interested in obtaining a copy of the summary may e-mail, call, or mail in a request to Leticia Metherell, RN, CPM, HPM III at the Division of Public and Behavioral Health at:

Division of Public and Behavioral Health
Bureau of Health Care Quality and Compliance
727 Fairview Drive, Suite E
Carson City, NV 89701
Leticia Metherell
Phone: 775-684-1045
Email: lmetherell@health.nv.gov

3. A statement indicating the number of persons who attended each hearing, testified at each hearing, and submitted written statements regarding the proposed regulation. This statement should include for each person identified pursuant to this section that testified and/or provided written statements at each hearing regarding the proposed regulation, the following information, if provided to the agency conducting the hearing:
 - (a) Name
 - (b) Telephone Number
 - (c) Business Address
 - (d) Business telephone number
 - (e) Electronic mail address; and
 - (f) Name of entity or organization represented

A public hearing was held on June 8, 2018. Although 11 individuals signed in at the Carson City location and 15 individuals signed in at the Las Vegas location, there were other items on the Board of Health agenda, for which individuals may have been attending. No members of the public testified at the public hearing. No written testimony was submitted for presentation at the hearing. For the list of attendees, please refer to the Carson City and Las Vegas public hearing attendance sign in sheets included with this informational statement.

One member of the Board noted that he felt a late renewal of a license fee of \$5 was too low and that \$100 (current fee in regulations) was too high but the Board made no recommendation to change the fee.

4. A description of how comment was solicited (i.e., notices) from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

For all licensed dietitians with an email on file, an email notification was sent on October 5, 2017, requesting that all interested individuals complete the small business impact questionnaire. A link to the small business impact questionnaire and proposed regulations was provided. In addition, a phone number was provided which an individual could call to obtain a copy of both documents. If no email was on file, the questionnaire and proposed regulations were mailed to

the individual. The proposed regulations were also posted on the Division’s website. 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 (2 responses were received out of 511 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- 0 No - 2	Yes - 2 No- 0	Yes - 1 No - 1	Yes - 1 No – 1
Comments:	Comments: “If the fee is reduced to \$100 every two years I will see a savings of \$50 each year for those two years. I did, however paid my \$200 fee earlier this year and it WAS a burden.” “It will lower my expenses.”	Comments: “If this change makes it easier to practice as a registered dietitian in Nevada I may be impacted by increased competition for jobs. Jobs are few and far between, especially consulting jobs, as I do. Loss of a contract to a competitor would cost a lot more than the \$50/year savings.”	Comments: “Improve my bottom line.”

5. If, after consideration of public comment, the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change. The statement should also explain the reasons for making any changes to the regulation as proposed.

The regulations were adopted without changing any part of the proposed regulations because no one suggested any changes to the proposed regulations at the public workshop or public hearing. The Board of Health adopted the proposed regulations with no changes.

6. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and in each case must include:
 - (a) Both adverse and beneficial effects; and
 - (b) Both immediate and long-term effects.

(a) Beneficial effects on the industry the Division regulates includes cost savings from reduced dietitian licensing fees. Although no direct adverse effects were noted, one respondent noted that if the changes make it easier for someone to practice as a dietitian in Nevada, it may increase competition for jobs and that a loss of a contract to a competitor would cost a lot more than a \$50 a year savings gained by the reduced licensing fees. Currently, out-of-state applicants can and do apply for licensure, so it is not anticipated this will significantly increase the number of dietitians practicing in Nevada and therefore significantly increase competition among currently licensed Nevada dietitians. During the public workshop one individual noted they did not believe competition would be an issue because of the proposed regulations.

Beneficial effects to the public may include increasing the availability of dietitians in Nevada. No adverse effects to the public are anticipated.

(b) Immediate beneficial effects on the industry include immediate cost savings for currently licensed dietitians as well as applicants applying for an initial, provisional or reinstatement of a license and long-term effects include long-term cost savings as renewal fees are included in the fee reduction.

No immediate or long-term effects on the public are anticipated.

7. The estimated cost to the agency for enforcement of the proposed regulation.
The cost to the agency for enforcement of the proposed regulations would be the fees established in the adopted regulations. Senate Bill 69 of the 2017 legislative session requires applicants for license by endorsement to pay applicable fees for the issuance of a license that are otherwise required for a person to obtain a license; therefore, the Division would collect fees as outlined in the adopted regulations to pay for the enforcement of the regulations.

8. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, name the regulating federal agency.

The proposed regulations do not overlap or duplicate any other federal or Nevada state regulations.

9. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions;

There are no other state or federal regulations addressing the same activity.

10. If the regulation establishes a new fee or increases an existing fee, a statement indicating the total annual amount the agency expects to collect and the manner in which the money will be used.

The proposed regulations do not establish a new fee and do not increase fees but instead decreases fees.