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DIVISION OF PUBLIC AND BEHAVIORAL HEALTH

Office of State Epidemiology

Nevada Central Cancer Registry

LCB File No. R066-23

INFORMATIONAL STATEMENT PER NRS 233B.066

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

The proposed regulations necessitate the implementation of an annual renewal and licensure issuance fee of 6% for radiation machines. This fee serves a dual purpose: first, to sustain the Nevada Central Cancer Registry, which is responsible for gathering data on cancer and other neoplasms, and second, to expand the registry's workforce to ensure efficient operations. The allocated funds will further support enhancements in data collection, analysis, and reporting capabilities, thus strengthening statewide cancer surveillance efforts. Moreover, these regulations are in alignment with Assembly Bill (AB) 471 of the 2021 Legislative Session, which mandates fees for radiation machine registration, thereby ensuring consistency and compliance with legislative directives.

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 comment was solicited through various channels. First, a Small Business Impact Questionnaire was electronically distributed to 4,450 recipients on May 23, 2023 along with the proposed regulation changes. Additionally, a Public Workshop was conducted on August 30, 2023, providing an opportunity for the public to voice their opinions and concerns regarding the proposed changes.

For those interested in obtaining a copy of the summary, they can contact the registry directly at 4126 Technology Way, Suite 200, Carson City, NV 89701, by phone at (775) 684-5968, or via email at dpbhNCCR@health.nv.gov. Additionally, copies of the regulations and small business impact statement can be accessed on the Division of Public and Behavioral Health's website:

https://dpbh.nv.gov/Programs/NCCR/Nevada_Central_Cancer_Registry_Regulation_Public_Workshops_and_Public_Hearings/.

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 public workshop was held on May 23, 2023. Ten callers called into the virtual meeting, and no verbal comments were made during the open comment portion of the meeting. No written statements were submitted for the public workshop held on May 23, 2023. For a summary of the May 23, 2023, public workshop minutes you may visit, [Nevada Central Cancer Registry Regulation Public Workshops and Public Hearings \(nv.gov\)](https://dphh.nv.gov/Programs/NCCR/Nevada_Central_Cancer_Registry_Regulation_Public_Workshops_and_Public_Hearings/) or by emailing dphhNCCR@health.nv.gov.

A public hearing was held on March 1, 2024. No public comment was made during this public hearing meeting and no written testimonies were received prior to the public hearing. For a summary of the March 1, 2024 public hearing you may visit [https://dphh.nv.gov/Boards/BOH/Meetings/2024/2024 Nevada State Board of Health/](https://dphh.nv.gov/Boards/BOH/Meetings/2024/2024_Nevada_State_Board_of_Health/) or by emailing StateBOH@health.nv.gov.

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.

A Small Business Impact Questionnaire was sent electronically to 4,450 recipients along with a copy of the proposed regulation changes, on May 23, 2023. The questions on the questionnaire were as listed on the Summary of Response Table. A copy of Small Business Impact Statement is available at [https://dphh.nv.gov/Programs/NCCR/Nevada Central Cancer Registry Regulation Public Workshops and Public Hearings/](https://dphh.nv.gov/Programs/NCCR/Nevada_Central_Cancer_Registry_Regulation_Public_Workshops_and_Public_Hearings/).

SUMMARY OF RESPONSE

Summary of Comments Received			
There were 55 responses received out of 4,450 small business impact questionnaires distributed			
(Q#1) Will a specific regulation have an adverse economic effect upon your business?	(Q#2) Will the regulation(s) have any beneficial effect upon your business?	(Q#3) Do you anticipate any indirect adverse effects upon your business?	(Q#4) Do you anticipate any indirect beneficial effects upon your business?
31 “Yes” Responses	2 “Yes” Responses	18 “Yes” Responses	1 “Yes” Responses
24 “No” Responses	53 “No” Responses	37 “No” Responses	54 “No” Responses
<p><u>Comments (Q#1):</u></p> <ul style="list-style-type: none"> • “The fee should impact all businesses; including hospitals and large imaging centers- not just small business.” • “The increase previously to charge a single dr with a single xray unit 500\$ was enough now I am going to have to pay.” • “We are already over taxed. And more taxes will not decrease the cases of cancer.” • “6% of \$140.00 each x-ray machine is only \$8.40 but if you have more than one machine it adds up. Also, prices never stay the same. I imagine rates will raise again.” 			

- "\$15.00"
- "\$33.60 would be 6% of \$140 x 4 Tube Heads or X-ray machines we have in the office."
- "This will increase my fee of about \$58 a year."
- "\$75.60/year. Nine x-ray units X \$140 per year each. 6% of that is \$75.60."

Comments (Q#2):

- "Yes, Cancer Registry has been underfunded and needs to be address- yet, getting funds from small business and not the larger ones is not fair."

Comments (Q#3):

- "Less money less operating capital"
- "These are additional funds that could be used to keep or retain employees, pay for supplies or to keep costs to patients down. Take your pick."
- "More fees added, will affect how we direct out money to."

Comments (Q#4):

- "Cancer registry in Nevada needs a complete overhaul- fontology providers are extremely frustrated -funds may improve the situation. "

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.

After carefully considering the valuable feedback received from the public through both the Small Business Questionnaire and the Public Workshop, the Division proceeded with adopting the regulation without any changes. While a few concerns were expressed in the Small Business Questionnaire, it's important to note that these concerns were among a relatively small portion of the responses received. There were concerns expressed in only 14 comments, out of the over 4,000 recipients who received the survey. The Division thoroughly reviewed each comment and determined that the proposed regulations remained the most effective and efficient means of achieving the objectives. The Division remains committed to transparency and responsiveness to public input, and in this case, the feedback received did not necessitate alterations to the proposed regulations.

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) Adverse Effects:

- While some businesses expressed concerns about potential adverse effects, including fee increases and associated uncertainties, it's important to note that these concerns were not universal. Among the 55 respondents to the Small Business Survey, 31 believed that the regulations would have an economic impact on their business. Of the 31 responses that stated this regulation will have an economic effect, the fee increases ranges from an increase of \$8.40 to \$30 per machine. With the primary respondents experiencing an \$8.40 fee increase. Which is ultimately no significant enough to require an adjustment to these regulations.
- Furthermore, after careful consideration and analysis, it is determined that there will be no adverse effects on the general public stemming from the implementation of this regulation. Contrary to concerns raised by some small businesses, there is no evidence to suggest that the public will experience any negative impact. On the contrary, the regulation will serve to fulfill the growing public demand for readily available cancer data, thereby enhancing public health initiatives and supporting informed decision-making processes."

b) Beneficial Effects:

- Despite the majority of responses indicating potential adverse effects, it's noteworthy that a small portion of respondents (2 out of 55) identified potential beneficial effects stemming from the regulations. Although not explicitly detailed, these perceived benefits suggest opportunities for businesses to adapt and innovate in response to regulatory changes.

- This regulation stands to substantially benefit the public by meeting the escalating demand for easily accessible cancer data. By doing so, it will empower public health initiatives, facilitate informed decision-making, and greatly enhance overall health outcomes for the people of Nevada.

c) Immediate and Long-term Effects:

- In the short term, businesses may experience adjustments in response to fee increases and administrative changes. However, these immediate effects are likely to be outweighed by the long-term benefits of supporting vital cancer registry operations. By investing in cancer surveillance efforts, the regulation aims to enhance public health outcomes in the long term, leading to improved treatment options, early detection, and overall community well-being. For small businesses, this means more readily available data that affect their patients and clients and potentially affects funding into their business by way of grants or other state or federal funding.
- For the general public in Nevada, this strategic allocation of resources has the potential to result in improved treatment options for those suffering from cancer, earlier detection of cancer cases for themselves or loved ones, and overall enhanced well-being for the residents of Nevada.

7. 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.

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.

LCB File No. R066-23 is not duplicative or overlap of existing regulations of other state, federal or other governmental agencies.

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

The amended regulations are not more stringent than the current federal regulations.

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.

Based on the Agency's projected fees an annual amount of \$104,006.82 will be collected. This number can vary depending on the number of and type of facilities that renew their licensure or receive a new license. The money will be used to fund two (2) Health Program Specialist 1 positions for the Nevada Central Cancer Registry.