

**DIVISION OF PUBLIC & BEHAVIORAL HEALTH
BUREAU OF HEALTH CARE QUALITY AND COMPLIANCE
LCB File No. R121-24**

Informational Statement per NRS 233B.066

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

The main need for the adoption of the regulations is to establish fees to cover the costs to certify and regulate domestic violence treatment programs. Currently, programs for the treatment of domestic violence do not pay any fees; therefore, other entities licensed by the Division of Public and Behavioral Health's Bureau of Health Care Quality and Compliance subsidize the cost to certify and regulate these programs.

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.

Below is a summary of how public comment was solicited and a summary of the public's response. For full details on revisions made or not made to the proposed regulations based on input received below, please refer to number 5.

April 2, 2024 – Public Workshop

There were five (5) non-Division of Public and Behavioral Health participants who attended the public workshop virtually. Only Division of Public and Behavioral Health staff attended in-person. Two (2) of the five (5) participants provided public comment.

Neither of the two individuals that provided public comment noted whether they were in support or opposed to the proposed regulations. A summary of the comments follows:
One individual requested further information on the licensing fees (through the virtual chat function). The individual was directed to the section of the proposed regulations that outlines the fees. It was noted that the initial fee for certification would be \$598 but that would not apply to those who are currently certified. Those that are currently certified would pay a \$299 fee per year to renew their certificate. It was also noted that if a currently certified program wanted to add an additional location the fee would be \$245 and would not be the full initial fee of \$598.

July 31, 2024 – Public Workshop

There were five (5) non-Division of Public and Behavioral Health participants who attended the public workshop virtually. Only Division of Public and Behavioral Health staff attended in-person. Five (5) of the five (5) participants provided public comment during the public workshop which included a workshop on LCB File No. R121-24 and LCB File No. R073-24; both are related to programs for the treatment of domestic violence. Below is a recap of the testimony provided related to LCB File No. R121-24 and the assessment of fees on programs for the treatment of domestic violence.

One person wanted to know if the fees pertained to the fees that the facility can charge for people to attend. It was explained that the fees were not fees pertaining to what a facility can charge

people to attend but instead were fees that the Division of Public and Behavioral Health would assess on programs to become initially certified or to renew their certification. It was also clarified that currently no fees are assessed to certify programs for the treatment of domestic violence. He also wanted clarification to the types of fees being assessed and when the fees would take place. He also wanted to know how much the fee would be per program. It was explained that the fees would not go into place until the proposed regulations completed the regulatory process and become effective. It was explained that an exact timeframe could not be given but it is anticipated that it would occur within the next 6 months. It was explained that currently certified programs would not have to pay the initial fee but would be required to pay the \$299 annual renewal fee.

A second person wanted information on where the fees would go including how the money would be used. It was explained that the fees would be collected by the Division of Public and Behavioral Health (Division). It was noted that other licensees are subsidizing the work the Division does on programs for the treatment of domestic violence. It was noted that the fees would be used to cover the Division's costs to process applications, go out on inspections, and conduct complaint investigations. The fees cover the costs for the Division to run the domestic violence treatment program.

A third person asked if the fees are going to be charged per location or just per program. It was explained that the fees would be assessed per location. It was also explained that the fees would only be assessed on the programs and not on the providers or supervisors of treatment. It was noted that the fees include the costs associated with approving providers and supervisors of treatment.

In addition, notice was sent to all certified domestic violence treatment program providers, certified at the time of the notice distribution, and to one individual that has expressed interest in receiving this notice, requesting that all interested individuals complete the small business impact questionnaire. An email notice with a link to the small business impact questionnaire and proposed regulations was sent to those with an email address on file with DPBH and to the individual that expressed interest in receiving this information on January 30, 2024. The proposed regulations were also posted on DPBH's website.

One (1) response was received out of twenty-five (25) small business impact questionnaires distributed. The response was not related to the fees being assessed on programs for the treatment of domestic violence (LCB File No. R121-24) and instead was related to a topic addressed in LCB File No. R073-24.

September 6, 2024 – Board of Health Hearing

No written or oral testimony was provided at the public hearing.

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

April 2, 2024 – Public Workshop

There were five (5) non-Division of Public and Behavioral Health participants who attended the public workshop virtually. Only Division of Public and Behavioral Health staff attended in-person. Two (2) of the five (5) participants provided public comment.

The following names and information were provided by those providing testimony:

- Shawnnnyce (oral comments)
- Karla @ ABC Therapy (comments via chat)

July 31, 2024 – Public Workshop

There were five (5) non-Division of Public and Behavioral Health participants who attended the public workshop virtually. Only Division of Public and Behavioral Health staff attended in-person. Five (5) of the five (5) participants provided public comment during the public workshop which included a workshop on LCB File No. R121-24 and LCB File No. R073-24; both are related to programs for the treatment of domestic violence.

The following names and information were provided by those providing testimony:

- Karla
- Dereck Hibbler
- Islena M. Giron
- Jacquie Norman Email: jnorman@LasVegasNevada.GOV
- Craig Merrill

September 6, 2024 – Board of Health Public Hearing

Although 67 participants participated virtually, and 11 individuals participated at the Southern Nevada Health District location and 14 individuals participated at the Division of Public and Behavioral Health location at 4150 Technology Way in Carson City, these individuals may have been attending to hear other agenda items and may have not been attending to hear LCB File No. R121-24. The number of individuals attending to hear LCB File No. R121-24, if any, is unknown.

No written or oral testimony was provided at the public hearing.

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.

Pursuant to NRS 233B.0608 (2)(a), the Division of Public and Behavioral Health (DPBH) has requested input from small businesses that may be affected by the proposed regulations. Notice was sent to all certified domestic violence treatment program providers, certified at the time of the notice distribution, and to one individual that has expressed interest in receiving this notice, requesting that all interested individuals complete the small business impact questionnaire. An email notice with a link to the small business impact questionnaire and proposed regulations was sent to those with an email address on file with DPBH and to the individual that expressed interest in receiving this information on January 30, 2024. The proposed regulations were also posted on DPBH’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

(1 response was received out of 25 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 - 0	Yes - 0 No- 0	Yes - 0 No - 0	Yes - 0 No – 0
Comments:	Comments:	Comments:	Comments:

There was one response to the questionnaire that was received via email but it was not related to the establishment of fees in LCB File No. R121-24 but instead was related to LCB File No. R073-24 related to the director of a program attesting in writing that a person meets the requirements to be a supervisor or provider of treatment upon hire or for the purpose of retaining such persons.

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 consideration of public comment, the regulations were adopted without changing any part of the proposed regulation. The reason for adopting the regulation without change is because industry did not testify that the proposed fees would result in a financial hardship to industry. Although there were questions requesting clarification on the fee structure, no one testified that the proposed fees would result in a significant financial burden.

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.

Anticipated effects on the business which NAC 228 regulates:

- A. *Adverse effects*: The direct adverse economic effect includes going from not paying any fees to become and maintain certification as a program for the treatment of domestic violence to paying the fees outlined in the proposed regulations.
- B. *Beneficial*: No direct beneficial economic effects are anticipated on programs for the treatment of domestic violence.
- C. *Immediate*: The immediate effect is that a program for the treatment of domestic violence will be required to pay any applicable fees upon the proposed regulations becoming effective.
- D. *Long-term*: The long-term effect is that a program for the treatment of domestic violence will be required to continue to pay any applicable fees, for example renewal fees, for the long-term.

Anticipated effects on the public:

- A. *Adverse*: There are no anticipated adverse effects on the public. There was no testimony provided indicating that the proposed fees would result in an increase in fees to their clients. In addition, current regulations require programs to offer a sliding scale payment structure based on the ability of an offender to pay for a program, that a program accept at least 5 percent of offenders that are indigent and that the program does not deny an offender participation in the program solely because of the offender's inability to pay for the program.
- B. *Beneficial*: There is the possibility of a small indirect beneficial impact to health care facilities licensed by the Division of Public and Behavioral Health because currently their licensure fees are subsidizing the costs related to the certification and regulation of programs for the treatment of domestic violence. By collecting fees from programs for the treatment of domestic violence to cover the cost to certify and regulate these programs, health care facility licensure fees will no longer subsidize this cost.
- C. *Immediate*: There are no anticipated immediate adverse or beneficial effects on the public.
- D. *Long-term*: There are no anticipated long-term adverse or beneficial effects on the public.

Note: The small business impact statement for proposed amendments to Nevada Administrative Code (NAC) 228 reflect the impact due to the establishment of fees pursuant to LCB File No. R121-24 and the policy changes addressed in LCB File No. R073-24. The above comments are specific to LCB File No. R121-24 and the establishment of fees on programs for the treatment of domestic violence.

7. The estimated cost to the agency for enforcement of the proposed regulation. The estimated cost to the agency for the enforcement of the proposed regulations is the amount of fees collected pursuant to number 10. It is anticipated that the Division would collect an estimated amount of \$10,166 per year to certify and regulate domestic violence treatment

programs. This is only an estimate, as existing programs may close and new programs may open, which would impact the amount of revenue collected.

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 total annual amount the Division expects to collect from renewal application is \$7,176 (24 actively certified programs X \$299). There are currently no out-of-state certified programs; therefore, no renewal fees are expected to be collected at this time for the renewal of a program located in another state.

It is unknown how many new applicants will apply, how many certified programs will submit an application to operate an additional location, or how many certified programs will notify the Division of a change to their certificate; therefore, the revenue generated from these sources is unknown. Based on a three-year average of 5 new programs a year it is estimated to bring in \$2,990.

It is anticipated that the Division would collect an estimated amount of \$10,166 per year to certify and regulate domestic violence treatment programs. This is only an estimate, as existing programs may close and new programs may open, which would impact the amount of revenue collected.