

Joe Lombardo  
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 2023  
PROPOSED AMENDMENTS TO NAC CHAPTER 458**

The Division of Public and Behavioral Health (DPBH) has determined that the proposed amendments should not have a negative economic impact upon a small business or inhibit 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 regulations are being moved forward to increase efficiencies by reducing redundant regulations. The Division doesn't currently have the statutory authority to obtain criminal background checks. The intent is to honor the background check that the agency completed for the detoxification technician, with a statement certifying that the individual does not have a disqualifying conviction on their record. This will allow for a more streamlined process for certifying detoxification technicians.

- 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 small businesses that may be impacted by this proposed regulation change.

A Small Business Impact Questionnaire was sent to various listservs through the Division along with a copy of the proposed regulation changes, on March 22, 2023. 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> <b>(One (1) response was received out of 9,053 small business impact questionnaires distributed)</b>			
<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>
Yes - 1 No - 0	Yes - 0 No - 1	Yes - 1 No - 0	Yes - 0 No - 1
Comments: None	Comments: None	Comments: None	Comments: None

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

The Division dispersed the small business impact questionnaire to 9,053 individuals through listservs maintained by the Division. Only one questionnaire was returned.

**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.**

The Division believes the removal of this language will assist with streamlining the requirements for an agency to utilize the background check for a detoxification technician that was already completed upon hire of the individual, while also certifying that the person does not have a disqualifying conviction. Although this language is outlined in regulation, the Division doesn't have the authority in Statutes to obtain background checks, so this language isn't enforceable.

**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 small businesses and the public to provide input and comments regarding the proposed regulations, including the economic impact the proposed regulations may have on their business. Modifications to the proposed regulations have been made as a result of this input. Workshops will be held on April 21, 2023 allowing for further input by the community regarding the proposed regulations and how they will impact them. 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.**

None.

- 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.**

No new fees are proposed in this regulation.

- 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 known duplicative or more stringent 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 Division believes this clean-up language is needed to streamline the certification process for Detoxification Technicians.

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

Division of Public and Behavioral Health  
4150 Technology Way, Suite 300  
Carson City, NV 89701  
Stephanie Cook  
Phone: (775) 431-7057  
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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 and is accurate.

Signature  Date: 04/05/2023