

SMALL BUSINESS IMPACT STATEMENT 2014

PROPOSED AMENDMENTS TO NAC 439 LCB FILE NUMBER R104-12

The Division of Public and Behavioral Health (DPBH) has determined that the proposed amendments should not have an adverse or indirect adverse economic effect upon a small business or have a direct or indirect adverse effect on 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 complies with the requirements of NRS 233B.0609.

Background

Senate Bill (SB) 338 of the 76th session requires the Nevada Division of Public and Behavioral Health (NDPBH) to collect and publish data from skilled nursing facilities (SNFs) reported through the National Healthcare Safety Network (NHSN) as soon as the module became available. Currently only hospitals and ambulatory surgery centers with a specified number of patients per day are required to report to the Division through NHSN. The data collected through NHSN must be compiled into a report that lists facility-specific data by rate and total number and provided to the Center for Health Information Analysis (CHIA) to display on their website (NRS 439A.270) as required by the bill.

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 all licensed hospitals and skilled nursing facilities.

A Small Business Impact Questionnaire was sent to all licensed hospitals and skilled nursing facilities along with a copy of the proposed regulation changes, on 11/8/12. 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 (Fourteen responses were received out of 100 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?
NO	NO	NO	NO

Number of Respondents out ____	Adverse economic effect?	Beneficial effect?	Indirect adverse effects?	Indirect beneficial effects?
14 out of 100	0 out of 100	0 out of 100	0 out of 100	0 out of 100

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

Small business questionnaires and notices of the public workshop were mailed to all licensed hospitals and skilled nursing facilities. There were a total of 14 responses faxed/mailed back with none indicating that the regulation would have an effect on their business.

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.

(a) There are no anticipated adverse effects. The beneficial effects are greater surveillance and data surrounding the NSHN. This will allow more data-driven decision making by

facilities to address issues that may arise, the public to make health care decisions about providers based on data, and the Health Division by directing program intervention.

(b) The immediate effects will be greater transparency in health facility data, in particular for Skilled Nursing Facilities. The long term effects will hopefully show more data-driven decision making to address issues for an overall reduction in healthcare associated infections.

4) A description of the methods that DPBH considered to reduce the impact of the proposed regulation on small businesses and statement regarding whether the agency actually used those methods.

The Division of Public and Behavioral Health has held several opportunities for all licensed hospitals and skilled nursing facilities to provide input and comments regarding the proposed addition to the regulations, including the economic impact the proposed regulations may have on their facility type. No modifications to the proposed regulations have been made as a result of this input stating there would be no adverse effect on their business. Workshops were held on December 5, 2012 in Carson City and Las Vegas allowing for further input by all licensed hospitals and skilled nursing facilities regarding the proposed regulations and how they will impact them.

5) The estimated cost to the agency for enforcement of the proposed regulation.

No cost is expected to enforce this regulation. The only estimated costs are related to the regulation mailings and LCB expenses, in total estimated at \$8,500.00

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.

This question is not applicable in regard to LCB file number R104-12.

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

No duplication is present and these standards are not more stringent than 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.

Based upon the Division of Public and Behavioral Health providing several opportunities for all licensed hospitals and skilled nursing facilities to submit their input and comments regarding the proposed addition to the regulations, including the economic impact the proposed regulations may have on their facility type, and their reply that there would be no adverse effect on their business, DPBH recommends that the regulations be adopted as proposed.

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

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I, Richard Whitley, 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 this proposed regulation on small businesses and that the information contained in this statement was prepared properly and accurately

Signature Richard Whitley Date: August 29, 2014