

**SMALL BUSINESS IMPACT STATEMENT REGARDING A
REGULATION PROPOSED BY THE
NEVADA STATE BOARD OF EXAMINERS FOR LONG TERM CARE ADMINISTRATORS**

LCB FILE NO. R105-24

Pursuant to NRS 233B.0608(1), the Nevada State Board of Examiners for Long Term Care Administrators is required to make a determination whether its proposed regulation, will: (a) impose a direct and significant economic burden upon small business, and (b) directly restrict the formation, operation, or expansion of small business. NRS 233B.0382 defines a small business to be any business that employees 150 or fewer employees. All of Nevada's chiropractic practices would be considered small businesses.

Pursuant to NRS 233B.0609, the Board provides the following information:

(1) A Description of the Manner in Which Comment Was Solicited from Affected Small Businesses, a Summary of Their Responses, and an Explanation of the Manner in Which Other Interested Persons May Obtain a Copy of the Summary.

The proposed revisions were discussed in an open and public meeting on September 27, 2023, December 6, 2023, January 24, 2024, and May 15, 2024. Between the January 24, 2024 meeting and the May 15, 2024 meeting, Board staff and legal counsel met with and extensively negotiated with affected small businesses and their legal counsel. Board staff and legal counsel and affected small businesses and their legal counsel produced and worked through seven drafts of the regulation language to reach compromise language agreeable to all involved. On June 12, 2024, the Board held a workshop on the consensus language of the regulation.

(2) The Manner in Which the Analysis Was Conducted.

As stated in #1, Board staff and legal counsel worked with affected small businesses and their legal counsel to reach consensus text for the regulation. Additionally, the Board advertised its January 24, 2024, May 15, 2024, and June 12, 2024 considerations of the regulation language to its licensees by e-mail and to its mailing list of interested persons maintained pursuant to the Nevada Open Meeting Law.

(3) The Estimated Economic Effect of the Proposed Regulation on the Small Businesses Which It Is to Regulate, Including, Without Limitation:

(a) Both the Adverse and Beneficial Effects; and

- (1) Adverse: This regulation will have minimal adverse effects on Nevada small businesses, which effect will be the gathering and storing of some paperwork to facilitate the referrals that will be made incident to the regulation.
- (2) Beneficial: This regulation will be beneficial to small businesses that make referrals to Nevada's long term care facilities by authorizing payment for such referrals enabled by SB 260 (2023 Session) where the previous regulations prohibited such paid referrals.

(b) Both Direct and Indirect Effects

- (1) Direct: These regulations will be a direct effect on referral businesses and long-term care facilities when the proposed regulations are removed and/or revised.
- (2) Indirect: The indirect effect is unknowable at this time.

(4) 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.

As stated in #1, Board staff and legal counsel worked directly and effectively with affected small businesses and their legal counsel to reach consensus text for the regulation.

(5) The Estimated Cost to the Agency for Enforcement of the Proposed Regulation.

The regulation will not create any additional requirements or costs.

(6) If the Proposed Regulation Provides a New Fee or Increases an Existing Fee, the Total Annual Amount the Agency Expects to Collect and the Manner in Which the Money Will Be Used.

The regulation does not propose a new fee and does not increase an existing fee.

(7) If the Proposed Regulation Includes Provisions Which Duplicate or Are More Stringent Than Federal, State or Local Standards Regulating the Same Activity, an Explanation of Why Such Duplicative or More Stringent Provisions Are Necessary.

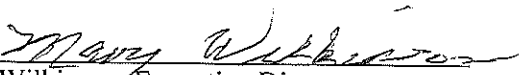
None of the proposed regulations changes duplicate or are more stringent than any federal, state, or local standards. Rather, the proposed regulations facilitate the effective operation of SB 260 (2023 Session).

(8) The Reasons For the Conclusions of the Agency Regarding the Impact of a Regulation on Small Businesses.

The Board is confident that its proposed regulations will not have only a positive impact on small businesses, namely referral agencies, because the regulations will authorize, under certain terms and conditions, paid referrals of residents and patients to Nevada's long term care facilities that were prohibited by the previous version of the regulation. Because the language of the regulations was the result of many discussions between Board staff and legal counsel and representatives of the affected small businesses and their legal counsel, the Board is confident that the regulations will work to the benefit of the affected small businesses while minimizing the burden to the administrators of Nevada's long term care facilities.

Pursuant to NRS 233B.0608(3) and 233B.0309(2), I hereby certify that to the best of my knowledge or belief, the Board conducted a concerted effort as described above to determine the impact of the proposed regulation on small businesses and that the information contained in this statement was prepared properly and contains accurate information regarding all such efforts and the Board's determination based thereon.

Signed and effective this 20th day of August, 2024.



Mary Wilkinson, Executive Director
Nevada State Board of Examiners for Long Term Care
Administrators