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**DIVISION OF PUBLIC & BEHAVIORAL HEALTH**

**Primary Care Office**

**LCB File No. R017-20**

**Informational Statement per NRS 233B.066**

1. The proposed regulations amend and modify the existing language to make regulations more clear, current, and compatible with the intent and scope of the Conrad 30/J-1 Visa Waiver Program (J-1). The introduction of new language which aids the J-1 to carry out its regulatory role more effectively and repeals redundant / or outdated regulations.
2. A **public workshop** was conducted to solicit feedback from stakeholders in the community on January 27, 2020 at 4150 Technology Way, Carson City, NV 89706 with videoconference to 4220 S. Maryland Parkway in Las Vegas. One person signed in and testified verbally against the application fee increase. Additionally, the proposed regulations were reviewed by the Primary Care Advisory Council (PCAC) during their public meetings on December 03, 2019 and March 04, 2020. Members of the PCAC expressed concern about the fee increase negatively affecting nonprofits. A small business survey was also sent to stakeholders and community partners.

**Public Hearing**

A public hearing was held on June 05, 2020. One person testified in opposition against the application fee increase stating that percent increased was greater for nonprofits than for for-profit businesses

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 Joseph Tucker at the Division of Public and Behavioral Health at:

Division of Public and Behavioral Health  
Primary Care Office  
4150 Technology Way Suite 300  
Carson City, NV 89706

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

**Public Hearing**

A public hearing was held on June 05, 2020. A total of sixty-five individuals attended the teleconference meeting. Due to Section 37 of the Governor’s Directive 21, the Board of Health meeting on June 5<sup>th</sup> was conducted by phone conference without a physical location for attendees. Public participated in the hearing and gave public comment when requested by the Chair. For this regulation, one person provided testimony against the regulation changes stating that the fee percent increase for nonprofits should not be as high as the percent increase for for-profits. As there were other items on the agenda, not all those that phoned in were in attendance for LCB File No R017-20. The name and contact information of the individual who testified at the June 05, 2020 hearing is listed below:

Steve Messinger  
 775-283-5724  
 smessinger@nvpca.org  
 Nevada Primary Care Association

4. Pursuant to NRS 233B.0608 (2)(a), the Division of Public and Behavioral Health (DPBH) has requested input from Nevada Rural Hospital Partners, medical facilities licensed throughout the state, the State Office of Rural Health, National Health Service Corps sites, 3RNET Referral list, J-1 participants, and law firms and has made a concerted effort to determine whether the proposed regulations are likely to impose an economic burden upon a small business.

Notice was sent to all entities by the Division on October 30, 2019, 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 provided to those with an email address. The proposed regulations were 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**

<b>Summary of Comments Received</b>
<b>(There were { 11 } responses received out of { 926 } small business impact questionnaires distributed)</b>

<b>(Q#1) Will a specific regulation have an adverse economic effect upon your business?</b>	<b>(Q#2) Will the regulation(s) have any beneficial effect upon your business?</b>	<b>(Q#3) Do you anticipate any indirect adverse effects upon your business?</b>	<b>(Q#4) Do you anticipate any indirect beneficial effects upon your business?</b>
{ 1 } "Yes" Responses	{ 1 } "Yes" Responses	{ 1 } "Yes" Responses	{ 1 } "Yes" Responses
{ 9 } "No" Responses	{ 10 } "No" Responses	{ 10 } "No" Responses	{ 10 } "No" Responses
<p><u>Comments (Q#1):</u></p> <p>1 respondent did not answer the question.</p> <p>1 respondent noted \$50,000 – one fulltime salary of one office nurse.</p> <p><u>Comments (Q#2):</u></p> <p>1 respondent noted \$15,000</p> <p><u>Comments (Q#3):</u></p> <p>1 respondent noted that it will be difficult to recruit if the fees are increased.</p> <p><u>Comments (Q#4):</u></p>			

Additional responses were collected from two participants who completed the survey but indicated that their business does not meet the small business definition defined above.

One participant answered yes to question 2 and question 5 but provided no further information. The second participant answered no to questions 2-5 and did not provide any additional comments.

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5. A cost analysis was conducted to determine a reasonable price based on costs to administer the program. Similarly, a survey was issued to other J-1 programs across the nation and it was determined that the proposed fee schedule was on par with other states. Finally, to address the concerns about nonprofits, staff conducted a longitudinal study of participation in the program by nonprofits. Staff created an erratum reducing the fee for nonprofits to \$1,000 based on the results of the analysis.

6. Anticipated effects on the businesses which NAC 439.220 and 439A regulates:

*Adverse effects:*

- A. The proposed changes include a modest application fee increases for a J-1 visa waiver application to cover increased costs for program administration and monitoring. The current fee schedule ranges from \$500 to \$1400. The cap was increased to \$1,000 for nonprofits, and \$2,000 for all other businesses under NRS 439A.170.
- B. *Beneficial:* Any business regulated by the Division will be able to apply for a variance without any associated costs.
- C. *Immediate:* ability to apply for variance if experiencing a hardship. The simplified fee schedule for the J-1 Visa Waiver program helps increase the efficiency of the application process for J-1 physicians and businesses.
- D. *Long-term:* The same as the immediate effect.

Anticipated effects on the public:

- E. A. *Adverse:* There are no adverse anticipated effects on the public.
- F. B. *Beneficial:* There are no beneficial anticipated effects on the public.
- G. C. *Immediate:* There are no immediate anticipated effects on the public.
- H. D. *Long-term:* There are no long-term anticipated effects on the public.

7. No new cost is anticipated to the agency for enforcement of the proposed regulation.

8. There are no known regulations of other state or government agencies which overlap or duplicate the proposed regulation changes.

9. The proposed regulations do not include more stringent provisions than the Nevada Revised Statutes or federal regulations.

10. The agency expects to collect about \$20,000 per year which will be used to administer the program, conduct site visits, provide education and training to J-1 physicians and businesses.

**NOTE: The Informational statement is essential. If this statement is not included with the final regulations or is incomplete or inaccurate, LCB will return the regulation to the agency. Unless a statement is supplied, the LCB will not submit the regulation to the Legislative Commission, and the regulation never becomes effective (NRS 233B.0665).**