

**Division of Public and Behavioral Health  
Substance Abuse Prevention and Treatment Agency (SAPTA)  
LCB File No. R104-14**

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

1. 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.

Public comment was solicited in accordance with NRS 241.020. The Notice of Public Workshop, Proposed Amendments to NAC 458, and Small Business Impact Statement were posted at nine physical locations throughout the State. In addition, these documents were posted on the Division of Public and Behavioral Health, Nevada Public Notices, and Legislative Counsel Bureau (LCB) websites.

In accordance with NRS 233B.066, subsection 1, paragraph (a), the need for the Adopted Regulation is to comply with NRS 458.025. In addition, the Adopted Regulation clarifies the role of SAPTA in the certification process of detoxification technicians and provides specific information pertaining to required training for detoxification technicians. This will result in a stronger and better skilled workforce in the State's detoxification programs.

On March 24, 2015, a Small Business Impact Questionnaire was distributed via the United States Postal Service (USPS) to 118 entities and via the SAPTA LISTSERV to 19 subscribers. Of the questionnaires distributed, 9 responses were received and 13 questionnaires were returned for various reasons by the USPS. In addition, the questionnaire was posted on the SAPTA website at: [http://mh.nv.gov/Meetings/SAPTA\\_Program\\_Page/](http://mh.nv.gov/Meetings/SAPTA_Program_Page/)

A summary of public response to the Small Business Impact Questionnaire is as follows:

1. How many employees are currently employed by your business?

**Summary:** Of the 9 responses received, the number of employees reported ranged from 0 to greater than 150. Note that the respondent with greater than 150 employees did not respond to any further questions on the questionnaire.

2. Will a specific regulation have an adverse economic effect upon your business?

**Summary:** Of the 9 responses received, all indicated there would be no adverse economic effect upon their business.

3. Will the regulation(s) have any beneficial effect upon your business?

**Summary:** Of the 9 responses received, all indicated there would be no beneficial effect upon their business. One respondent stated, "We receive very few referrals from the State of Nevada for outpatient services and no referrals for teenagers [sic] residential services."

4. Do you anticipate any indirect adverse effects upon your business?

**Summary:** Of the 9 responses received, 7 indicated they did not anticipate indirect adverse effects on their business; 2 indicated they did anticipate indirect adverse effects and respondents stated, “Change is sometimes uncomfortable,” and “If or when our organization looks at detoxification, sec 6 #3f [sic] could be a problem.”

5. Do you anticipate any indirect beneficial effects upon your business?

**Summary:** Of the 9 responses received, 8 indicated they did not anticipate indirect beneficial effects on their business; 1 indicated they did anticipate indirect beneficial effects on their business and this respondent stated, “To further identify clients [with] co-occurring substance-related and mental health disorders.”

On April 28, 2015, the Small Business Impact Statement including the summary of responses was made available to the public by posting it on the SAPTA website.

On May 13, 2015, SAPTA held its second Public Workshop.

2. The number of persons who:
- (a) Attended the hearing;
  - (b) Testified at each hearing; and
  - (c) Submitted to the agency written statements.

There was one attendee of the May 13, 2015, Public Workshop. No attendees testified. No attendees submitted written statements to SAPTA.

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

On March 24, 2015, a Small Business Impact Questionnaire was distributed via the United States Postal Service (USPS) to 118 entities and via the SAPTA LISTSERV to 19 subscribers. Of the questionnaires distributed, 9 responses were received and 13 questionnaires were returned for various reasons by the USPS. In addition, the questionnaire was posted on the SAPTA website at: [http://mh.nv.gov/Meetings/SAPTA\\_Program\\_Page/](http://mh.nv.gov/Meetings/SAPTA_Program_Page/)

4. If 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.

An erratum to make technical revisions and the Proposed Amendments were submitted to the LCB on June 26, 2015. The LCB revised the Proposed Amendments and posted the revision, LCB File No. R104-14RP1, on the Nevada Register, August 4, 2015. In addition, during the September 11, 2015, State Board of Health Public Hearing, a member of the public advised the Board that the website cited in the Proposed Amendments was incorrect. SAPTA staff relayed this information via email to the LCB for correction. This change will result in no impact on small businesses.

5. 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.

The proposed regulation will have no direct or indirect economic effects, nor any adverse or beneficial effects on small businesses as evidenced by the Small Business Impact Statement. There will be no immediate and/or long-term effects.

SAPTA has conducted detoxification technician certifications for years. This regulation is essentially an administrative change that moves provisions pertaining to detoxification technician certifications from NAC 641C to NAC 458.

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

There are costs associated with the Division conducting detoxification technician certifications; however, those costs are defrayed by existing non-refundable fees charged and collected by the Division for initial certification and recertification services. There is no increase or decrease of existing fees for services in the proposed regulations.

7. 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 regulation does not overlap or duplicate other regulations.

8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

Not applicable.

9. If the 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.

There are costs associated with the Division conducting detoxification technician certifications; however, those costs are defrayed by existing non-refundable fees charged and collected by the Division for initial certification and recertification services. There is no increase or decrease of existing fees for services in the proposed regulations.

10. If the proposed regulation is likely to impose a direct and significant economic burden upon a small business or directly restrict the formulation, operation or expansion of a small business. What methods did the agency use in determining the impact of the regulation on a small business?

Please see paragraph 3 of the Small Business Impact Statement.