

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY
NRS 233B.066
LCB FILE R025-18**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 616B.770, *et seq.*

1. A clear and concise explanation of the need for the adopted regulation.

These new and amended regulations were necessary because of the requirement that regulations be periodically updated. *See*, NRS 233B.050(d). They were also necessary to plug gaps in and to clarify the regulations which Board experience revealed needed revision.

2. 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.

On July 18, 2018, Vice-Chairman Michele Berrington called to order the meeting of the Board for the Administration of the Subsequent Injury Account for Self-Insured Employers at 10:00 a.m. , for the purpose of conducting a workshop regarding the proposed amendments to the Board's regulations. As the Agenda for this meeting included a Workshop to address the effort of the Board to amend, repeal and adopt regulations governing the Board's procedure for addressing claims, this meeting was simulcast from the video conferencing room of the Division of Industrial Relations situated at 3360 West Sahara Avenue, Suite 250, Las Vegas, Nevada, 89102 to the Division of Industrial Relations, 400 West King Street, Suite 400, Conference room, Carson City, Nevada, 89703, and at the Nevada Occupational Safety and Health Review offices, 4600 Kietzke Land, Building F, Suite 153, Nevada OSHA Conference Room, Reno Nevada, 89502.

As this meeting included the regulations Workshop, this meeting was noticed at least 15 days before the Workshop was scheduled to take place. Notice of the Workshop was given or posted as follows:

All persons on the Board's meeting list and posted at the following locations:

- Division of Industrial Relations, 3360 West Sahara Avenue, Suite 250, Las Vegas, Nevada, 89102
- Division of Industrial Relations, 400 West King Street, Suite 400, Carson City, Nevada, 89703
- Division of Industrial Relations, Occupational Safety and Health Enforcement Section, 4600 Kietzke Lane, Building F, Suite 153, Reno, Nevada, 89502
- Nevada Business Center, 3300 W. Sahara Avenue, Suite 425, Las Vegas, Nevada

89102

It was also posted at the following web site addresses:

- State of Nevada, Department of Business and Industry, Industrial Relations (DIR), Workers' Compensation Section website at <http://dir.nv.gov/WCS/Hearings/>
- Nevada Public Notices at <https://notice.nv.gov/>
- Legislative Counsel Bureau at <https://www.leg.state.nv.us/App/Notice/A/>

An electronic copy of the Small Business Impact Statement was also sent to:

- akillian@lcb.state.nv.us

The meeting was duly noticed in compliance with the Nevada Open Meeting Law to take place at 3360 West Sahara Avenue, Suite 250, Las Vegas, Nevada 89102, in the Executive Video Conference Room, at the offices of the Division of Industrial Relations ("DIR"). Participating in person in Reno, at the Nevada OSHA Conference Room was Vice-Chairman Michele Berrington. Member Amy Wong participated in person in Las Vegas, at the Executive Video Conference Room, at the offices of the DIR. Participating by phone was member Cecilia Meyer. A quorum was, therefore, present to conduct the workshop.

Acting Chairman Berrington called the workshop to be heard. She explained that this was the date, time and place for the Noticed Workshop, simultaneously being video-conferenced to Reno and Carson City. Acting Chairman Berrington was present in Carson City. She called out for any participants who might desire to comment upon the effort to repeal, amend or draft new Regulations. No one appeared at any of the three sites where the video-conference was being conducted. There was, thus, no public participation despite ample notice of the meeting. Acting Chairman Berrington reminded the public that members of the public may submit written comments on the regulations up to and including, August 16, 2018 by transmitting the comments to the Board Counsel at the addresses laid out in the notice of the workshop. The Workshop was, therefore, closed as there was no public participation.

On August 20, 2018, the hearing was held on the Notice of Intent to Adopt Regulations. Michele Berrington, Acting Chairman, called the meeting to order of the Board for the Administration of Subsequent Injury Account of Self-Insured Employers at approximately 10:00 a.m. There were no witnesses in attendance, no testimony and there were no written comments submitted.

This meeting was video conferenced from Division of Industrial Relations, video Conference Room, situated at 3360 West Sahara Avenue, Suite 250, Las Vegas, Nevada, 89102 to the Division of Industrial Relations, 400 West King Street, Suite 400, Conference Room, Carson City, Nevada, 89703, and at the Nevada Occupational Safety and Health Administration offices, 4600 Kietzke Lane, Building F, Suite 153, Nevada OSHA Conference Room, Reno Nevada, 89502.

Members Amy Wong and Cecilia Meyer participated by telephone in Las Vegas. Acting Chairman Michele Berrington appeared by video conference from the Nevada Occupational Safety and Health Administration offices in Reno, Nevada. Members of the public could appear at these three sites and participate live in the hearing, should members of the public desire. As there were two vacancies on the Board, the three members of the Board who were present constituted a quorum of the Board to conduct the hearing on the Notice of Intent to Adopt Regulations. Acting Chairman Berrington then called to order the hearing on the notice of intent to adopt regulations.

Acting Chairman Berrington asked Board Counsel to advise upon the status of these proceedings. Board counsel said that this was the time noticed in conformance with the Nevada Open Meeting law for the Board to decide whether or not to adopt in whole or in part, the draft regulations before the Board which the Board had previously vetted over several meetings as a draft in the best interests of the Board, public and the State. Board counsel reminded that previously, the public had been invited to submit written comments to the Board about the draft regulations by submitting them to Board counsel by August 16, 2018. Board counsel advised that no written comments had been received in his office prior to this meeting. Board counsel also advised, however, that the public was invited to appear at this meeting to offer comments, suggestions, support or opposition to the draft regulations.

Board counsel advised that for more than 30 days prior to the date of this meeting, the Notice of Intent to Adopt Regulations (Notice) had been posted, published and served upon the public, to give the public notice of the proceedings on this date. The notice of intent included a copy of the draft regulations. Amongst other places, the Notice with a copy of the draft regulations was provided to the main library in every county in the State. The Notice also included the time, date and place of the meeting. The notice explained that copies of the draft regulations could be obtained from Board counsel at Board counsel's address which was also published in the Notice. The Notice also invited oral and written comment, with written comments to be submitted to the Board through the office of Board counsel by August 16, 2018. Finally, Board counsel informed the Board that the Notice had been published at various State websites, a copy of the Notice was provided the State Archivist, with a copy of the draft regulations and a copy of the Notice with draft regulations attached electronically was sent to the Legislative Counsel Bureau.

More specifically, the Notice was posted or sent as follows:

§ Division of Industrial Relations, 3360 West Sahara Avenue, Suite 250, Las

- Vegas, Nevada, 89102
- § Division of Industrial Relations, 400 West King Street, Suite 400, Carson City, Nevada, 89703
- § Division of Industrial Relations, Occupational Safety and Health Administration, 4600 Kietzke Lane, Building F, Suite 153, Reno, Nevada, 89502
- § Nevada Business Center, 3300 W. Sahara Avenue, Suite 425, Las Vegas, Nevada 89102

The Notice was also been posted at the following web site addresses:

- § State of Nevada, Department of Business and Industry, Division of Industrial Relations (DIR), Workers' Compensation Section website at <http://dir.nv.gov/WCS/Hearings/>
- § Nevada Public Notices at <https://notice.nv.gov/>

The Notice was also served as follows:

- § Placing an original or true copy thereof in a sealed envelope, postage prepaid, placed for collection and mailing in the United States Mail, at Reno, Nevada:

Robert Vogel
 ProGroup Management, Inc.
 575 South Saliman Road
 Carson City, Nevada 89701

Battle Mountain Branch Library
 (Lander County)
 625 South Broad Street
 Battle Mountain, Nevada 89820

Richard S. Staub
 Attorney at Law
 Post Office Box 392
 Carson City, NV 89702

Lincoln County Library
 63 Main Street
 Pioche, Nevada 89043

White Pine County Library
 950 Campton Street
 Ely, NV 89301

Lyon County Library System
 20 Nevin Way
 Yerington, Nevada 89447-2399

Mineral County Library
 Post Office Box 1390
 Hawthorne, NV 89415

Eureka County Library
 10190 Monroe Street
 Eureka, Nevada 89316

- § Telephonic Facsimile at the following numbers:

775.847.0921: Storey County Community Library, Virginia City
 775.623.6438: Humboldt County Library, Winnemucca
 775.273.0421: Pershing County Library, Lovelock
 775.738.8262: Elko Library

- § By e-mail at the following addresses:

jrobins@clan.lib.nv.us: Lincoln County Library
kemacdon@clan.lib.nv.us: Esmerelda County Library
dfwargo@churchillcountylibrary.org: Churchill County Library
dcpl-postings@douglas.lib.nv.us: Douglas County Library
library-postinggroup@washoecounty.us Washoe County Library
allisona@lvccld.org: Las Vegas-Clark County Library District
Headquarters
tonopahlibrary@hotmail.com: Tonopah Public Library
jkintop@admin.nv.gov: State Library and Archives Administrator
posting@carsoncitylibrary.org: Carson City Library

With that, Acting Chairman Berrington opened the hearing and asked for participation. There were five present, two testified and there were no written comments. Of those members of the public attending in person, Mari Schaan, Esq., c/o Hooks Meng & Clement, PLLC, 2820 W. Charleston Blvd., Ste C-23, Las Vegas, NV 89102, telephone (702) 766-4672, e-mail dalton@hmc.law, spoke first. Her concern was with Section 16, paragraph 5, on page 17, which stated: “The Administrator may refuse to process a claim that is incomplete or does not conform to the requirements of Form D-31[sic]....” Her concern was that as written, the Administrator would have total authority over whether an application was complete and, therefore, total authority over whether a claim might ever move forward to reach the Board. Consequently, she wanted an appeal process added, nonspecific, whereby her clients could appeal to the Board the decision of the Administrator that the claim was incomplete and that, therefore, it would not be submitted to the Board until it was completed in the Administrator’s opinion.

Dalton Hooks, Esq., of Hooks Meng & Clement, PLLC, 2820 W. Charleston Blvd., Ste C-23, Las Vegas, NV 89102, telephone (702) 766-4672, e-mail dalton@hmc.law, then spoke and stated he was of the same opinion, that the Administrator had complete control over the application process without any appeal to the Board to get an application out of limbo from the clutches of incompleteness as deemed by the Administrator and brought before the Board, despite the Administrator’s belief the claim was incomplete.

Board counsel then questioned the request. Specifically, he asked what the issue, then, before the Board would be on appeal, if this appellate process were tacked onto Section 16, paragraph 5. He advised that in his opinion, Hooks and Schaan were asking for an appeal where the Board would be deciding whether the Administrator was correct, that an application was incomplete and, therefore, one that should not go on to the Board for disposition on the merits, or that the applicant/claimant was correct, that the application was complete or complete enough and one that should, therefore, be passed along to the Board for disposition on the merits.

Board counsel advised that such an inquiry was untenable and also would be asking the Board to involve itself in the process of making a determination by the Board, which, the Board counsel believed, was a place the Board should not go as the Board engages in

decision making on the merits, and the Administrator engages in the recommendation process, which is its exclusive province. The Board's involvement arises once the recommendation on the merits of the claim is made by the Administrator to the Board, when the Board decides whether the Administrator's recommendation on "claim acceptance" is correct. The process by which the Administrator arrives at its recommendation falls within the Administrator's jurisdiction.

Board counsel queried both Mr. Hooks and Ms. Schaan on this assessment and they did not disagree. They did not dispute the Board counsel's assessment that the appeal Mr. Hooks and Ms. Schaan were requesting would require the Board to decide whether the Administrator had correctly decided an application was incomplete and unworthy of Board review.

Board counsel then suggested that if this was going to be the issue of the appellate process being requested, some other approach needed to be suggested as the gist of this regulation was not to give the Administrator some sort of veto power over whether a case could go forward. Rather, it was drafted to protect the Administrator from the spate of incomplete applications that were being submitted and where the Administrator essentially, was completing the application for the offending applicant. Board counsel long ago pointed out that it was neither the function nor the responsibility of the Administrator to essentially complete the application for a self-insured employer.

Marisa Mayfield, c/o Hooks Meng & Clement, PLLC, 2820 W. Charleston Blvd., Ste C-23, Las Vegas, NV 89102, telephone (702) 766-4672, e-mail dalton@hmc.law, was then asked if she had anything to add. She indicated she had no dog in this hunt, that she had a question, but then, she answered her own question. She had, therefore, nothing to add.

A discussion amongst the Hooks/Schaan contingent, the Administrator's liaison, and the Board then ensued. The Administrator's liaison, Jacque Everhart pointed out that she had never in all her years as the Administrator's liaison, ever prevented a claim from being submitted because it was incomplete. She said, the application process is interactive, where the Administrator's liaison indicates to the self-insured that information is incomplete, advises as to where the information is missing and then, either the self-insured retrieves the information and the application is submitted, or indicates the information is lacking, cannot ever be retrieved, and the application then goes forward without the missing information. The Administrator advised, further, however, that when an applicant materially ignores Form D-37, the Administrator has, on occasion, sent an application back to cure this defect, as the Administrator is not going to perform the function of a clerk for the self-insured applicant.

After considerable back and forth in a general way about the process, especially focusing on the explanation provided by the Administrator's liaison about how the process works in the real world, Acting Chairman Berrington suggested the following language:

The administrator will issue notification to the self-insured employer addressing why the

submission is incomplete and request amendment. If the self-insured employer does not submit additional information, the Administrator shall submit the claim to the Board based upon the information previously submitted.

This language was considered by the Board, Ms. Schaan, and Mr. Hooks. Mr. Hooks and Ms. Schaan both indicated that this language was an acceptable addition to Section 16, paragraph 5 on page 17, inserting this wording after the first sentence of this Section and paragraph, and the second sentence, *i.e.*, after “Check list” and before “The Board....”

Acting Chairman Berrington then asked the Hooks contingent if they had any other objections to the draft regulations in addition to the discussion of Section 16, paragraph 5 of the draft regulations. Mr. Hooks said, he had none. Ms. Schaan said, she had none. Ms. Mayfield said she had none. Board counsel also polled the remaining participants on the telephone. Kim Price, Esq., Lewis Brisbois Bisgaard & Smith LLP, 2300 West Sahara Avenue, Suite 300, Las Vegas, NV 89102, telephone (702) 893-3383, e-mail Kim.Price@lewisbrisbois.com, said he had nothing further to add. Similarly, Kasey McCourtney, CCMSI, Post Office Box 35340, Las Vegas, NV 89133, telephone (702) 933-4800, e-mail KMcCourtney@ccmsi.com, said, she had nothing further to add. There were no other members of the public on the telephone.

The Acting Chairman then called for a motion on the draft regulations. It was moved by Amy Wong, seconded by Cecilia Meyers, to approve the draft regulations, with the addition of the aforementioned amended language for Section 16, paragraph 5 on page 17 of the draft regulations. The vote was then taken. The motion was adopted and the regulations adopted by the Board as further amended by the motion as made.

The testimony summary may be obtained by requesting a copy of the minutes of the meeting, by contacting the Administrator's Liaison to the Board, 3360 West Sahara Ave., Ste. 250, Las Vegas, NV 89102, telephone (702) 486-9098.

Dalton Hooks, Esq., Marisa Mayfield and Mari Schaan, Esq., of Hooks Meng & Clement, PLLC, can be reached care of the Hooks law firm whose address is 2820 W. Charleston Blvd., Ste C-23, Las Vegas, NV 89102, telephone (702) 766-4672, e-mail dalton@hmc.law.

Kim Price, Esq., Lewis Brisbois Bisgaard & Smith LLP, address is 2300 W. Sahara Avenue, Suite 300, Box 28, Las Vegas, NV 89102, telephone (702) 893-3383 and e-mail address Kim.Price@lewisbrisbois.com.

Kasey McCourtney can be reached at CCMSI, whose address is Post Office Box 35340, Las Vegas, NV 89133, telephone (702) 933-4800, e-mail KMcCourtney@ccmsi.com.

On December 10, 2018, Chairman Berrington called yet another meeting to order pursuant to another Notice of Intent to Adopt Regulations for the Self-Insured Board. There were no witnesses attending, no testimony was given or were there no written

comments given to Board counsel.

The Notice was posted at the following locations at least 30 days in advance of the meeting:

- § Division of Industrial Relations, 3360 West Sahara Avenue, Suite 250, Las Vegas, Nevada, 89102
- § Division of Industrial Relations, 400 West King Street, Suite 400, Carson City, Nevada, 89703
- § Division of Industrial Relations, Occupational Safety and Health Administration, Section, 4600 Kietzke Lane, Building F, Suite 153, Reno, Nevada, 89502
- § Nevada Business Center, 3300 W. Sahara Ave., Suite 425, Las Vegas, Nevada, 89502

The Notice was also served as follows:

- § Placing an original or true copy thereof in a sealed envelope, postage prepaid, placed for collection and mailing in the United States Mail, at Reno, Nevada to the following:

Robert Vogel
ProGroup Management, Inc.
575 South Saliman Road
Carson City, NV 89701

Richard S. Staub
Attorney at Law
Post Office Box 392
Carson City, NV 89702

White Pine County Library
950 Campton Street
Ely, NV 89301

Mineral County Library
Post Office Box 1390
Hawthorne, NV 89415

Eureka County Library
10190 Monroe Street
Eureka, NV 89316

Battle Mountain Branch
Library (Lander County)
625 South Broad Street
Battle Mountain, NV
89820

Lyon County Library System
20 Nevin Way
Yerington, NV 89447-2399

Carson City Library
900 North Roop Street
Carson City, NV

Robert Balkenbush, Esq.
Thorndal, Armstrong, Delk,
Balkenbush & Sisinger
6590 S. McCarran Blvd., Ste B
Reno, NV 89101

Dalton Hooks, Esq., et al.
Hooks Meng Schaan Clement, PLLC
2820 West Charleston Blvd., Ste C-23
Las Vegas, NV 89102

- § Telephonic Facsimile at the following numbers:

775.847.0921: Storey County Community Library, Virginia City
775.623.6438: Humbolt County Library, Winnemucca
775.273.0421: Pershing County Library, Lovelock
775.738.8262: Elko Library

§ By e-mail at the following addresses:

jcrobins@clan.lib.nv.us: Lincoln County Library
kemacon@clan.lib.nv.us: Esmerelda County Library
dfwargo@churchillcountylibrary.org: Churchill County Library
dcpl-postings@douglas.lib.nv.us: Douglas County Library
library-postinggroup@washoecounty.us Washoe County Library
allisona@lvccld.org: Las Vegas-Clark County Library District Headquarters
tonopahlibrary@hotmail.com: Tonopah Public Library
jkintop@admin.nv.gov: State Library and Archives Administrator

The Notice was also been posted at the following web site addresses:

§ State of Nevada, Department of Business and Industry, Division of Industrial Relations (DIR), Workers' Compensation Section website at <http://dir.nv.gov/WCS/Hearings/>
§ Nevada Public Notices at <https://notice.nv.gov/>
§ Legislative Counsel Bureau at <https://www.leg.state.nv.us/App/Notice/A/>

An electronic copy of the Notice was sent to the following:

§ Legislative Counsel Bureau at ahartzler@lcb.state.nv.us

In addition, a copy of this Notice of Intent to Act Upon a Regulation has been mailed to all persons who have requested in writing that they be informed of proposed regulations.

Also, one copy of this notice and the text of the proposed regulations has been deposited with the State Library and Archives Administrator.

These draft regulations were previously approved, with one *de minimis* revision, namely, the insertion of a new Section 16, paragraph 5 at page 17. Subsequently, it was determined that this revision was untenable. The Board decided to revisit the Regulations previously approved as amended at Section 16, paragraph 5. This hearing was held in part to consider deletion of the amended Section 16, paragraph 5. The Board Chairman asked Board legal counsel to set the table for the discussion of this draft set of Regulations. Board legal counsel explained that the draft regulations were given the broadest possible publication to the public, including posting with the main public library of every county in the State, and a mailing of the draft regulations to all those who had expressed an interest as members of the public in the contents of the draft regulations. The hearing to adopt the regulations was simulcast in Reno, Carson City, and Las Vegas. No member of the public, however, showed up at any of the locations where the meeting was simulcast. Board counsel also pointed out that no comments or revisions had been offered in writing by the public, either.

The Board then proceeded to deliberate on the proposed revision, namely, the deletion of

Section 16, paragraph 5 of the previously adopted Regulations. This is the only change under consideration from the draft Regulations previously approved on August 20, 2018. No other revisions were under consideration. If the proposed revision to Section 16, paragraph 5 is approved, it will be removed from the Regulations that were approved on August 20, 2018, aforementioned. The Board favored this last revision. During the discussion, however, it was noted that there was a typographical error about the pagination of the Regulations. There were two page 17s in the draft regulations. The first page 17 should have been numbered page 16, and the second page 17 was correctly numbered, as were the rest of the pages.

Accordingly, it was moved by Amy Wong, seconded by Cecilia Meyer, to approve the draft regulations and to correct all typographical errors, if any, including the renumbering of the first page 17 as page 16. **The motion was approved.**

Vote: 3-0.

The draft Regulations are now approved and with this revision of Section 16, paragraph 5 into the Regulations, they are ready for submission to the Legislative Commission for final approval.

3. The number persons who:

§	Attended each hearing: July 18, 2018 - 0; August 20, 2018 - 5 December 10, 2018 - 0
§	Testified at each hearing: July 18, 2018 - 0; August 20, 2018 - 2 December 10, 2018 - 0
§	Submitted to the agency written comments: No written comments were submitted.

4. A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3, as provided to the agency.

Dalton Hooks, Esq., Marisa Mayfield and Mari Schaan, Esq., of Hooks Meng & Clement, PLLC, can be reached care of the Hooks law firm whose address is 2820 W. Charleston Blvd., Ste. C-23, Las Vegas, NV 89102, telephone (702) 766-4672, e-mail dalton@hmc.law.

Kim Price, Esq., Lewis Brisbois Bisgaard & Smith LLP, 2300 West Sahara Avenue,

Suite 300, Las Vegas, NV 89102, telephone (702) 893-3383, e-mail Kim.Price@lewisbrisbois.com.

Kasey McCourtney can be reached at CCMSI, whose address is Post Office Box 35340, Las Vegas, NV 89133, telephone (702) 933-4800, e-mail KMcCourtney@ccmsi.com.

5. 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.

Aside from notice given generally to the public, no comment was solicited from affected small businesses because the Board determined that there will be no adverse impact from the proposed changes to the regulations upon small businesses or restrict the formation, operation or expansion of a small business. Solicitation of comment from small businesses is only mandated if the Board determines that the proposed changes in the regulations would impose a direct and significant economic burden upon a small business or would directly restrict the formation, operation or expansion of a small business. *See*, NRS 233B.0608(1) and (2).

Comments from other than small businesses were solicited in the same manner as they were solicited from the general public. No comments were received from affected businesses and, therefore, there is no summary of comments to pursue or request originating from this source, either.

6. 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 permanent regulations were finally adopted on December 10, 2018. No one appeared at the hearing and, therefore, only the changes proposed by the Board were considered. Also, no written comments were ever received.

7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:

- a. Both adverse and beneficial effects; and**
- b. Both immediate and long-term effects.**

a. Both adverse and beneficial effects: The Board determined that there will be no adverse impact visited by the amended regulations. The Board also concluded that the amendments will have a positive, immediate and long term beneficial effect because the proposed amendments will, *inter-alia*, add provisions for declaratory relief from the Board, and the opportunity for the public to propose the repeal, modification or addition of regulations governing the disposition of matters before the Board, clarify the process by which requests for

continuances of hearing are to be processed, clarify the procedure for conducting hearings before the Board, provide for the disposition of annuities and the handling of commuted payments, address the standards for considering written records, address the question of retention in employment in light of recent Nevada Supreme Court decisions and clarify "permanent physical impairment."

To reach the Board's conclusion of no adverse impact, the Board drew upon the experience and expertise of the Board members, themselves. They are risk management persons, with broad and long-term experience in the assessment of workers' compensation claims. They are appointed to the Board by the Governor and have had considerable experience, also deciding claims as Board members. The Board considered recent case law when deciding whether to adopt changes to the regulatory scheme, reviewed in great detail, the existing regulatory scheme, and also considered how the existing regulatory scheme could be changed to more readily dispose of the cases which have come before the Board. The Board, then, after drafting the proposed regulatory changes, took a step back and assessed the impact of the process for resolving claims, if the proposed regulatory changes were enacted. The result of this analysis was the recognition that the proposed regulatory changes would clarify, simplify and add to the regulatory framework provisions that were lacking but were mandated to be in place. Because all of these revisions inure to the benefit of applicants for reimbursement before the Board, the Board does not anticipate that adopting these regulations will have any adverse, negative economic effect, either immediate or long term on small businesses.

No fees are being added by these draft regulations, though the Board is adding that applicants have the option at their cost, of employing a court reporter to report upon and to secure a transcript of the hearing before the Board. As this is an expense incurred at the applicant's election, it is neither a fee, nor a source of revenue for the Board. It simply gives the applicant one more option for assessing a record of the proceedings before the Board.

Finally, these findings and determinations were reached by consensus of the Board after a public hearing. Upon a motion made by Cecilia Meyer, seconded by Amy Wong, the Board voted to affirm the findings and conclusions set out herein. The motion was adopted by a vote of 3, in favor and 0, against the motion, with a quorum of the Board being present to conduct this Board business, as reflected in the minutes of the meeting of the Board held on June 27, 2018.

b. Both immediate and long-term effects: See, Item # 7(a).

§ The estimated cost to the agency for enforcement of the adopted amendments to the regulations.

There is no additional cost to the Board for enforcement of these amendments to

the regulations. *See also*, the answer to question 7, above.

§ 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, the name of the regulating federal agency.

There are no other state or government agency regulations that the proposed regulation duplicates.

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

There are no federal regulations that apply.

§ 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.

This regulation does not provide a new fee or increase an existing fee.