

**DIVISION OF PUBLIC & BEHAVIORAL HEALTH**  
**LCB File No. R053-18**

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

1. Assembly Bill 474 of the 2017 Legislative Session required the Board of Health to adopt regulations establishing requirements and procedures for certain health providers to report overdose information in order to assist with combating the current opioid crisis;
2. Public comment was solicited through a public workshop, public hearing, small business impact questionnaire, a press release, website visibility, and outreach to known stakeholders. Comments from the public were generally positive with some confused about the difference between the overdose regulations and those regulations being promulgated by professional boards. The main topics relevant to these regulations include the type and amount of information needing reporting and the timeframe in which providers are required to make the report. Individuals interested in obtaining copies of the input may email [dpbh@health.nv.gov](mailto:dpbh@health.nv.gov)
3. There were seven (7) public members who attended the workshop in the North and four (4) public members who attend the workshop in the South. All documentation, including sign in sheets, written statements, etc. is attached.
4. A Small Business Impact Questionnaire was sent to 1,093 licensed medical facilities along with a copy of the proposed regulation changes on January 4, 2018 with a deadline of January 24, 2018 to complete. In addition, access to the small business impact statement questionnaire was available online from January 4, 2018 through January 24, 2018. The survey was emailed to numerous professional medical licensing boards for them to forward to licensed medical professionals, and a press release went out to the general public with information for small businesses to access the small business impact survey. 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? Please list each regulation and explain the impact.
  - 3) Will the regulation(s) have any beneficial effect upon your business? Please explain.
  - 4) Do you anticipate any indirect adverse effects upon your business? Please explain.
  - 5) Do you anticipate any indirect beneficial effects upon your business? Please explain.

**Summary of Response**

It should be noted that many the respondents used this small business impact survey to comment on elements of AB474 that are unrelated to these specific overdose regulations. Only those relevant to the Overdose Reporting regulations being considered will be in the summary below although the number counts include those responding to other AB474 issues.

<b>Summary Of Comments Received</b>
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<b>(36 responses were received out of 1,093 small business impact questionnaires distributed; of the 38 responses submitted only 30 qualified as small businesses)</b>			
<b>Will a specific regulation have an adverse economic effect upon your business?</b>	<b>Will the regulation (s) have any beneficial effect upon your business?</b>	<b>Do you anticipate any indirect adverse effects upon your business?</b>	<b>Do you anticipate any indirect beneficial effects upon your business?</b>
Those answering yes to this question indicated the increased time to complete the reporting paperwork including online research and coding. One respondent was concerned about the broad definition of overdose.	The one relevant yes comment indicated the result may be a decrease in opioid abuse of patients.	Those answering yes to this question focused on patients not seeking needed care out of fear of the report being made, longer patient wait times as providers complete the reporting paperwork. The same respondent who was concerned about the broad definition of overdose is concerned about unfair enforcement of the regulation.	There were no relevant comments to this question.
Those answering no to this question did not comment.	Those answering no to this question did not comment.	Those answering no to this question did not comment.	Those answering no to this question did not comment.

<b>Number of Respondents out 30</b>	<b>Adverse economic effect?</b>	<b>Beneficial effect?</b>	<b>Indirect adverse effects?</b>	<b>Indirect beneficial effects?</b>
Yes	20	4	17	3
No	7	17	4	18

A copy of feedback may be obtained by emailing the Division at (email address)

- If, after consideration of public comment, 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.

6. a. Adverse to business – Immediately and long-term, providers of health care will need to incorporate any time and expense associated with reporting. The reporting mechanism is a single sheet report for now with hope to allow for automatic electronic reporting in the future. As the reporting becomes more automated the long-term adverse economic effect will be reduced. This results in minimal adverse impact to small businesses.  
  
b. Beneficial to business – Both immediately and in the long-term, businesses, specifically providers of health care, will have access to real time and long-term trends of overdose instances which should enhance their ability to protect their health of their clients.
7. The estimated cost to the agency for enforcement is de minimis and will be incorporated to the normal operating expenses of the Chief Medical Officer and support staff.
8. The regulation does not overlap with any other state or governmental reporting requirements except for in cases of death where the same provider of health may be completing a death record and indicated an overdose as the cause of death. These proposed regulations provide for more real-time reporting and covers non-lethal overdose instances.
9. The regulation does not include provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions; and
10. There is no proposed new fee or increase to an existing fee proposed.

**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).**