



DIVISION OF PUBLIC & BEHAVIORAL HEALTH

Primary Care Office

LCB File No. R022-20

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 Certificate of Need program (CON). The introduction of new language which aids the Department of Health and Human Services (DHHS) to carry out its regulatory role more effectively and repeals redundant or outdated regulations.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 February 11, 2020 at 4150 Technology Way, Carson City, NV 89706 with videoconference to 4220 S. Maryland Parkway in Las Vegas. No one signed-in to the workshop.

Public Hearing

A public hearing was held on July 23, 2020. No public comments were received.

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 jtucker@health.nv.gov, call 775-684-2232, 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 Workshop

A public workshop was held on February 11, 2020. No one attended the workshop to make public comments.

Public Hearing

A public hearing was held on July 23, 2020. A total of seven individuals attended the teleconference meeting. Due to Section 37 of the Governor's Directive 21, the hearing was conducted by phone conference without a physical location for attendees. The public participated in the hearing and no public comments were made.

4. Pursuant to NRS 233B.0608 (2)(a), the Division of Public and Behavioral Health (DPBH) has requested input from Nevada Rural Hospital Partners, Nevada Hospital Association, medical facilities licensed throughout the state, the State Office of Rural Health, radiation producing machine facilities 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 December 31, 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 listed 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

Summary of Comments Received			
(There were { 09 } responses received out of { 2,887 } small business impact questionnaires distributed)			
(Q#1) Will a specific regulation have an adverse economic effect upon your business?	(Q#2) Will the regulation(s) have any beneficial effect upon your business?	(Q#3) Do you anticipate any indirect adverse effects upon your business?	(Q#4) Do you anticipate any indirect beneficial effects upon your business?
{ 4 } "Yes" Responses	{ 2 } "Yes" Responses	{ 2 } "Yes" Responses	{ 2 } "Yes" Responses
{ 5 } "No" Responses	{ 7 } "No" Responses	{ 7 } "No" Responses	{ 7 } "No" Responses

Comments (Q#1):

Comments (Q#2):

1 respondent noted \$65,000

Comments (Q#3):

2 respondents noted that the fees required could be an impediment

Comments (Q#4):

Additional responses were collected from one respondent who stated that the fees create an indirect adverse effect that could reduce the ability for a small business to hire staff or cause them to reduce staff benefits. The same respondent noted that the changes would bring indirect beneficial effects to their business but did not elaborate how.

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5. No further changes to the regulations were proposed after considering the public comment. The proposed changes do not affect the current application fee structure and the changes are not expected to have a negative impact on health care facilities or the public.

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

Adverse effects:

- A. *Adverse:* There are no adverse anticipated effects on businesses.
- B. *Beneficial:* There are no beneficial anticipated effects on businesses.
- C. *Immediate:* The application processing time will be reduced and more efficient allowing health care facilities to receive their letter of determination more quickly.
- D. *Long-term:* The same as the immediate effect.

Anticipated effects on the public:

- E. *Adverse:* There are no adverse anticipated effects on the public.

- F. *Beneficial*: There are no beneficial anticipated effects on the public.
- G. *Immediate*: There are no immediate anticipated effects on the public.
- H. *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 regulation does not increase the existing fee.

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).