

SMALL BUSINESS IMPACT STATEMENT

Proposed Regulation: Amendment to NAC Chapter 630 Nevada State Board of Medical Examiners LCB File Number R008-17

Pursuant to NRS 233B.0608(1), the Nevada State Board of Medical Examiners (Board) must determine whether various regulations (additions and amendments to NAC Chapter 630) impose (1) a direct and significant burden on small business or (2) directly restrict the formation, operation or expansion of small business. The Board must prepare a statement identifying the methods used in determining the impact of a proposed regulation on a small business and the reasons for the Board's conclusions.

1. A description of the manner in which comment was solicited from affected small businesses, a summary of the responses and an explanation of the manner in which interested persons may obtain a copy of the summary.

Prior to the workshop, the Board solicited potentially impacted businesses by reaching out to various business chambers and associations. Correspondence was sent to the following organizations requesting their input regarding the potential impacts of this proposed regulation on small businesses:

- Las Vegas Metro Chamber of Commerce
- Las Vegas Latin Chamber of Commerce
- Las Vegas Asian Chamber of Commerce
- Better Business Bureau of Southern Nevada, Inc.
- Better Business Bureau of Northern Nevada, Inc.
- Reno/Sparks Chamber of Commerce
- City of Winnemucca
- Elko Great Basin College
- Pahrump Rural Nevada Development Corp.
- Ely Rural Nevada Development Corp.
- Churchill County Economic Development Authority
- Nevada State Medical Association
- Clark County Medical Society

No comments were received.

Next, the Board solicited comments from the public through a workshop and a regulatory adoption hearing. Copies of the proposed regulation, notice of workshop and notice of intent to act upon the regulation were sent by U.S. mail and emailed to persons who were known to have an interest in the subject of medical regulation, as well as any persons who

had specifically requested such notice. These documents were also made available on the website of the Nevada State Board of Medical Examiners (www.medboard.nv.gov), website of the Legislative Counsel Bureau, the Department of Administration website, and mailed to all county libraries in Nevada.

In the notice of intent to act upon regulation, the public was notified that a copy of the proposed regulation was on file at the Nevada State Library, 100 N. Stewart St., Carson City, Nevada; available at the offices of the Board at 9600 Gateway Drive, Reno, Nevada; in all counties in the state of Nevada in which the Board does not maintain an office, at the main public library; in the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653; and on the Internet at <http://www.leg.state.nv.us>, as well as posted at the following locations:

Washoe County Courthouse	Reno, Nevada
Carson City Library	Carson City, Nevada
Clark County District Library	Las Vegas, Nevada
Churchill County Library	Fallon, Nevada
Douglas County Library	Minden, Nevada
Elko County Library	Elko, Nevada
Esmeralda County Library	Goldfield, Nevada
Humboldt County Library	Winnemucca, Nevada
Lander County Library	Battle Mountain, Nevada
Lincoln County Library	Pioche, Nevada
Lyon County Library	Yerington, Nevada
Mineral County Library	Hawthorne, Nevada
Pershing County Library	Lovelock, Nevada
Tonopah Library	Tonopah, Nevada
Storey County Commissioners Office	Virginia City, Nevada
White Pine County Library	Ely, Nevada

2. The manner in which the analysis was conducted.

On March 3, 2017, at a regularly scheduled Board Meeting, staff requested the repeal of NAC 630.205. At the March 3, 2017, Board Meeting, the Board received public comment from Weldon Havins, M.D., J.D., then-President of the Nevada State Medical Association, who stated he supported the repeal of NAC 630.205.

The approved language from the Legislative Counsel Bureau of the proposed regulatory repeal was received April 9, 2018. The approved language also removed reference to the Dietary Guidelines in NAC 630.187.

Because the Board was simultaneously proceeding through the regulatory adoption process to update NAC 630.187 regarding the reference to opioid prescribing guidelines, Board staff requested that both be combined into one regulatory amendment. Thus, on June 1, 2018, at a regularly scheduled Board Meeting, Board staff requested authorization

to proceed with the regulatory adoption process for amending Nevada Administrative Code Chapter 630 to both repeal NAC 630.205 and to update NAC 630.187. The Board unanimously approved this request. There was no public comment at the Board Meeting relative to this proposed regulation. The regulation was assigned Legislative Counsel Bureau No. R008-17.

Before noticing a workshop and regulatory hearing, the Board solicited public comments regarding the potential impact of this proposed regulation by soliciting input from the public by reaching out to various business chambers and associations. Next, the Board solicited public input by sending notices of the workshop and hearing to the above listed libraries and court houses.

No responses were received.

3. The estimated economic effect of the proposed regulation on small businesses which it is to regulate including, without limitation: (a) both adverse and beneficial effects; and (b) both direct and indirect effects.

Based on the lack of responses to the Board's inquiry to business chambers and associations, prior comments favoring the repeal of NAC 630.205, and because the repeal of the regulation relieves both small businesses and patients from having to engage in unnecessary medical visits, the Board determined that the repeal of the regulation would not have any reasonably foreseeable or anticipated adverse economic effect on small businesses or the general public.

(a) Beneficial effects

It is anticipated that the repeal of NAC 630.205 will relieve licensees from having to schedule patient visits that may not be necessary in order to prescribe appetite suppressants to those patients, thereby avoiding the expense associated with such visit. The adoption by reference of updated guidelines for prescribing opioid analgesics will better align the standard of care in regulation with the standard of care in practice so that opioids are not unnecessarily or indiscriminately prescribed, which protects both licensees and patients from the unintended consequences of opioid prescriptions, including addiction by the patient and disciplinary action against the licensee.

(b) Adverse effects

The repeal of NAC 630.205 and revision of NAC 630.187 present no reasonably foreseeable or anticipated adverse economic effects on small businesses or the general public.

(c) Direct and indirect effects

The direct effect of the proposed regulation will likely reduce expenses associated with office visits. It is anticipated that the repeal of NAC 630.205 will relieve licensees from having to schedule patient visits that may not be necessary in order to prescribe appetite

suppressants to those patients, thereby avoiding the expense associated with such visit. Indirectly, the adoption by reference of updated guidelines for prescribing opioid analgesics will better align the standard of care in regulation with the standard of care in practice so that opioids are not unnecessarily or indiscriminately prescribed, which protects both licensees and patients from the unintended consequences of opioid prescriptions, including addiction by the patient and disciplinary action against the licensee.

4. A description of the methods that the Board considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the Board actually used any of those methods.

As mentioned above, the Board does not anticipate any adverse economic effects by this potential regulation, and as such, the Board did not use any methods to reduce the impact. The Board is sensitive to adding or amending regulations that would increase the expenses for small medical practices. The Board does not anticipate any negative economic impact related to R008-17.

5. The estimated cost to the Board for enforcement of the proposed regulation.

There is no additional cost to the Nevada State Board of Medical Examiners for the enforcement of the proposed regulation.

6. If the proposed 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.

The proposed regulation does not require a new or increased fee.

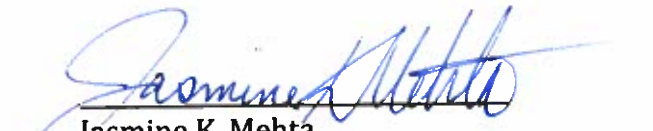
7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.

The change in this regulation does not overlap or duplicate any federal, state or local regulations.

8. The reasons for the conclusions of the agency regarding the impact of the regulation on small businesses.

There was no evidence or information found that would indicate that the proposed regulation is likely to impose a direct and significant economic burden upon a small business or impact the expansion of a small business.

I, Jasmine K. Mehta, Deputy Executive Director, certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in this statement is accurate.


Jasmine K. Mehta
Deputy Executive Director
Nevada State Board of Medical Examiners

7/17/19
Date