

## SMALL BUSINESS IMPACT STATEMENT 2016

### PROPOSED AMENDMENTS TO NAC 440

The Division of Public and Behavioral Health (DPBH) has determined that the proposed amendments should not have any adverse effect upon a small business or negatively impact the formation, operation or expansion of a small business in Nevada.

A small business is defined in Nevada Revised Statutes (NRS) 233B as a "business conducted for profit which employs fewer than 150 full-time or part-time employees."

This small business impact statement is made pursuant to NRS 233B.0608 (3) and complies with the requirements of NRS 233B.0609. As required by NRS 233B.0608(3), this statement identifies the methods used by the agency in determining the impact of the proposed regulation on a small business in sections 1, 2, 3, and 4 below and provides the reasons for the conclusions of the agency in section 8 below followed by the certification by the person responsible for the agency.

#### **Background**

The DPBH determined that existing Nevada Administrative Code (NAC) 440 needed to be reviewed and regulation additions and changes proposed. The industry has changed dramatically in the past several years where some NAC regulations have been existing for nearly 40 years. The Office of Vital Records can be the gateway to identity theft and fraud and the regulations required additions and updates to help reduce the risks. Due to electronic records now being required, regulations had to be updated, since some were centered around paper records. Current industry standards, practices and requirements required regulations to be reviewed and changed to ensure the Office of Vital Records could adhere to those standards, practices and requirements.

- 1) A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.**

Pursuant to NRS 233B.0608 (2)(a), DPBH has requested input from stakeholders, small businesses, and users of the Vital Records System.

A Small Business Impact Questionnaire was sent to users of the Vital Records System, Funeral Homes, County Coroners / Medical Examiners, Clark County Health District, Washoe County Health District, the Nevada Board of Medical Examiners, Nevada Funeral and Cemetery Services Board, Nevada Nursing Board, Nevada State Medical Association, Clark County Medical Society, Clark County Vital Records Office, Washoe County Vital Records Office, Catholic Charities Adoption Services, The Church of Jesus Christ of Latter-Day Saints Family Services, US Adult Adoption Services, Gender Justice Nevada, Transgender Allies Group, American Civil Liberties Union, Surratt Law, and The Harvey Law Group along with a copy of the proposed regulation changes, on May 25, 2016. 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?
- 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**

<b>Summary of Comments Received</b> <b>(5 responses were received out of 146 small business impact questionnaires distributed)</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>
4 - No 1 - Unknown	4 - No 1 - Unknown	4 - No 1 - Yes *	5 - No

\*Respondent indicated government organizations dislikes, but it wasn't specific to the regulations.

### **2) Describe the manner in which the analysis was conducted.**

Analysis was conducted using an Excel spreadsheet to quantify responses.

### **3) The estimated economic effect of the proposed regulation on the small business which it is to regulate including, without limitation both adverse and beneficial effects and both direct and indirect effects.**

There is no estimated economic effect of the proposed regulations on small business.

### **4) Provide a description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.**

The DPBH has held several opportunities for vital records offices and the Clark County Coroner/Medical Examiner to provide input and comments regarding the proposed NAC 440 regulations, including the economic impact the proposed regulations may have. Modifications to the proposed regulations have been made as a result of this input. A Public Workshop will be held on July 7, 2016, allowing for further input by the public and regulated community regarding the proposed regulations and the impact. These comments will be taken into consideration for possible further revisions to the regulations to reduce the economic impact on facilities.

### **5) The estimated cost to the agency for enforcement of the proposed regulation.**

There is no anticipated cost to the agency for enforcement of the proposed regulations.



- 6) **If the proposed regulation provides a new fee or increases an existing fee, the total annual amount DPBH expects to collect and the manner in which the money will be used.**

There are no existing fee increases. Any new fees are to clarify and lower existing fees due to program changes.

- 7) **An explanation of why any duplicative or more stringent provisions than federal, state or local standards regulating the same activity are necessary.**

At this time, there are no duplicative or more stringent provisions than federal, state or local standards.

- 8) **Provide a summary of the reasons for the conclusions of the agency regarding the impact of a regulation on small businesses.**

The agency concludes the proposed regulations will produce negligible impact on small businesses. Most of NAC 440 had proposed regulation changes, but didn't appear to have economic impact on small business. Most of the proposed changes were to provide additional clarification to existing regulations while adding or updating others to current industry standards and practices. The DPBH developed regulations that would not be unduly burdensome on small business, such as midwives, funeral homes and medical offices. Overall, small businesses in the State of Nevada appear not to be impacted by the proposed regulations.

Any other persons interested in obtaining a copy of the summary may e-mail, call, or mail in a request to Jason Lewis at the Division of Public and Behavioral Health at:

Division of Public and Behavioral Health  
Office of Vital Records  
Attn: Jason Lewis, Program Officer III  
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Carson City, NV 89701  
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**Certification by Person Responsible for the Agency**

I, Cody L. Phinney, Administrator of the Division of Public and Behavioral Health certify 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 the information contained in this statement was prepared properly and is accurate.

Signature Cody L. Phinney Date: 6/22/16

