

Joe Lombardo
Governor

Richard Whitley, MS
Director



DEPARTMENT OF HEALTH AND HUMAN SERVICES

DIVISION OF HEALTH CARE FINANCING AND POLICY

Helping people. It's who we are and what we do.



Stacie Weeks,
JD, MPH
Administrator

REVISED SMALL BUSINESS IMPACT STATEMENT

PROPOSED DRAFT REGULATIONS FOR NRS 439B.800 THROUGH 439B.875

Background

The regulation is mandated by NRS 439B.800 through 439B.875 (SB 40 (2021)) to establish an All Payers Claim Database (APCD)) and allows Nevada to collect data in an effort to improve health care transparency by permitting the examination of costs, quality, and utilization. Access to APCD data will assist the State in assessing the impact of programs, demonstrations, and initiatives as well as assist with health policy decisions that support health care and payment reform initiatives.

The Primary goals of the APCD include:

- 1) Promote health care price transparency, particularly for prescription drugs
- 2) Promote consumer engagement and informed decision making
- 3) Understand regional cost variation and the driving factors
- 4) Quality improvement
- 5) Facilitate data driven policy decision and legislative actions

Does the proposed regulation impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business? (NRS 233B.0608(1))

On behalf of the Department of Health and Human Services (DHHS), the Division of Health Care Financing and Policy (DHCFP) has determined that the proposed regulation 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."

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 as stated below.

Description of Solicitation

As part of DHCFP's due diligence, a small business impact survey was distributed on 5/17/23, 6/12/23, and a final reminder on 7/12/23. The survey, sent to 223 subscribers via the DHCFP Listserv, garnered only five responses. It was also posted on the DHCFP website and shared with the Division of Insurance and the Department of Business and Industry for broader distribution to small businesses. The purpose was to assess whether any small businesses might be impacted by the APCD, focusing on factors such as employee count (150 or fewer), financial impacts, and potential direct or indirect adverse effects or benefits.

Businesses and entities were also invited to provide public comments during a workshop held on 8/30/2024 and a public hearing on 10/01/2024. Among the five responses we received, two came from small businesses, though neither provided

feedback on whether the installation of the APCD would affect their operations. The other three responses were from entities with more than 151 employees, which do not meet the criteria for small businesses. One of these respondents raised concerns about standardized formatting, an issue already addressed in the regulation. Another highlighted potential difficulties with payment details and rates among various providers, suggesting this could complicate contract rate negotiations. The final concern was that insurers might refuse to pay rates higher than those in larger urban areas with bigger populations. While DHCFP values this feedback, none of the comments impact the definition of a small business.

How was the conclusion reached?

Based on the survey responses, it was determined that the APCD would not affect small businesses as defined by NRS 233B. This is because given ample opportunity to provide feedback, only two small businesses responded to DHCFP’s survey, and further, neither of them noted any financial impact of the regulations. The Division concludes that there is no impact on small businesses in Nevada. Additionally, DHCFP held two public workshops to gather further input, which was considered in assessing the impact of these regulations on data submitters.

Certification by person responsible for the Department

I, Richard Whitley, Director of the Department of Health and Human Services, 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 above is accurate. (NRS 233B.0608(3))

Signature: Richard Whitley

Date: 10/31/2024