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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.



Suzanne Bierman,
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Administrator

SMALL BUSINESS IMPACT STATEMENT 2022

PROPOSED AMENDMENTS TO NAC 439A

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."

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 proposed regulation will revise Chapter 439A of the NAC and are being proposed in accordance with Senate Bill (SB) 379 of the 2021 81st Legislative Session. The proposed regulation provides provisions for the following:

- 1) Certain data elements are required under SB 379, Section 5, to meet requirements for Health Professional Shortage Area (HPSA) designations through the federal Health Resources Services Administration which supports recruitment and retention of health care professionals in Nevada.
- 2) The proposed regulation in NAC 439A adds additional data elements to the required database under SB 379, Section 5 (m). These additional data elements under SB 379 are also needed for HPSA designation that supports federal and state resources for recruitment and retention of health care providers.
- 3) SB 379 specifies requirements for affected health authorities and applicants for renewal of license or certificate. This proposed regulation will not create any additional requirements.
- 4) To collect these data elements, SB 379 requires the Department of Health and Human Services to develop data requests and make them electronically available to certain health professional licensing boards, which shall provide links to their respective applicants. Health care professionals renewing their licenses are encouraged, but not required, to complete the data request as part of the renewal process.
- 5) Applicants are not subject to disciplinary action, including, without limitation, refusal to issue the biennial registration or renew the license, for refusal or failure to complete a data request.
- 6) There are no fees associated with this proposed regulation.

The proposed regulation in NAC 439A will provide for:

- Additional questions for the data request allowed by Senate Bill (SB) 379, Section 5 (m) of the 81st Legislative Session, to support the health professional shortage area designation to leverage federal resources for recruitment and retention of health professionals.
- These questions will be added to the data request developed by DHCFP with the link provided to health care professional licensing boards for access through licensure renewal.
- Health care professionals renewing their licenses are encouraged, but not required, to complete the data request as part of the renewal process.

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), the DHCFP has requested input from small businesses, health care licensees, and stakeholders that are likely to be affected by the proposed regulation.

A Small Business Impact Questionnaire was sent to approximately eight licensing boards, four health professional associations, four managed care organizations, and thousands of enrolled Nevada Medicaid providers, along with a copy of the proposed regulation changes on May 4, 2022. 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 Responses

Summary Of Comments Received (69 responses were received out of unknown* small business impact questionnaires distributed)			
Will a specific regulation have an adverse economic effect upon your business?	Will the regulation (s) have any beneficial effect upon your business?	Do you anticipate any indirect adverse effects upon your business?	Do you anticipate any indirect beneficial effects upon your business?
Yes - 27 No - 36 Unknown - 6	Yes - 0 No - 60 Unknown - 9	Yes - 24 No - 38 Unknown - 7	Yes - 3 No - 58 Unknown - 8

Number of Respondents out of Unknown*	Adverse economic effect?	Beneficial effect?	Indirect adverse effects?	Indirect beneficial effects?
69	27	0	24	3

*Estimated several thousand Nevada health care licensees received the questionnaire via licensing boards, professional associations, Medicaid listserv, Medicaid web announcement, and Managed Care Organizations.

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

The DHCFP prepared and distributed a Small Business Impact Questionnaire to eight health professional licensing boards, four health professional associations, five Managed Care Associations, and thousands of enrolled Nevada Medicaid providers. A Public Workshop will be held on May 26, 2022 to allow for further input by the public and regulated community regarding the proposed regulation and how it will impact Small Businesses. Any comments will be taken into consideration for possible revisions to the regulation to reduce any impact.

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 regulation 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 proposed regulation to add questions to the data request under SB 379 should not present a significant impact on small businesses because they are not required to complete the data request. The DHCFP will develop the data request and provide a link to health professional licensing boards, as required under SB 379. In addition, input and comments from small businesses, health care licensees, and stakeholders regarding the proposed regulation, including the economic impact the proposed regulation may have, will be taken into consideration for possible further revisions to the regulation to reduce any possible impact.

Feedback from the Small Business Impact Questionnaire reflected concerns from many respondents regarding the cost of tracking the data needed to answer these questions. The DHCFP will post a Question and Answer document, with notice to respondents and stakeholders, to provide clarification that there is no penalty for declining to complete the data request. In addition, for the purposes of the Health Professional Shortage Area designations, the federal administrative authority – Health Resources Services Administration – allows respondents to estimate these numbers and percentages. Consequently, data systems are not required for the providers to respond to the data request if they choose to do so.

A small number of respondents expressed privacy concerns regarding information about their businesses or their patients. In accordance with SB 379, data will only be published in aggregate form. No identifying information of businesses or clients will be published. All data will be secured on the Medicaid database.

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

There is minimal cost to the agency for enforcement of the proposed regulation.

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.

This proposed regulation does not include a new fee or increase of an existing fee.

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

The questions proposed for addition are part of the Health Professional Shortage Area designation process required to access federal resources for recruitment and retention of health professionals, and are allowed under SB 379, Section 5, Subsection (m), *Any other information prescribed by regulation of the Director.*

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

The DHCFP concludes the proposed regulation will produce a limited impact on small businesses. The impacted licensing boards are required to post a link for the data request that will reside on the DHCFP website, regardless of the proposed additional questions. The impacted health professionals are encouraged, but not required, to complete the data request upon renewal of licensure.

Although many respondents to the small business impact questionnaire identified labor and electronic health record system costs to track data to answer these questions, any potential costs will be minimized because there is no penalty for not completing the data request. Further, as noted above, estimates are allowable by the federal authority for Health Professional Shortage Area designations.

Any other persons interested in obtaining a copy of the summary may e-mail, call, or mail in a request to:

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Certification by Person Responsible for the Agency

I, Suzanne Bierman, Administrator of the Division of Health Care Financing and Policy 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.

Suzanne Bierman

Signature: [Suzanne Bierman \(May 11, 2022 11:55 PDT\)](#)

05/11/2022

Date: _____