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## SMALL BUSINESS IMPACT STATEMENT 2020

### PROPOSED AMENDMENTS TO NAC Chapters 392, 394, 432A, and 441A

#### (LCB File Number R046-20)

The Division of Public and Behavioral Health (DPBH) has determined 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 followed by the certification by the person responsible for the agency.

#### **Background**

- This regulation requires a written statement indicating that the religious beliefs of the parents or guardian of a child prohibit immunization be submitted to the school district or charter school: (1) annually according to the enrollment schedule of the school; and (2) on a form provided by the Division of Public and Behavioral Health of the Department of Health and Human Services. Sections 7, 13 and 16 of this regulation impose similar requirements for children enrolled in private schools, children admitted to child care facilities and accommodation facilities and students admitted to attend a university, respectively.
- This regulation requires that a written statement indicating that the medical condition of a child prohibits immunization be submitted to the respective school district or governing body of the respective charter school on a form provided by the Division. Sections 8, 14 and 16 of this regulation impose similar requirements for children enrolled in private schools, children admitted to child care facilities and accommodation facilities and students admitted to attend a university, respectively.
- This regulation authorizes a local health officer to audit medical exemptions granted by a public school in certain circumstances. Sections 9 and 15 of this regulation also authorize an audit of medical exemptions granted by a private school or child care facility or accommodation facility, respectively, in certain circumstances.
- This regulation prohibits a child from enrolling in grade 12 in a public or private school, respectively, after June 30, 2022, unless the child has received a dose of vaccine for *Neisseria meningitidis* after reaching 16 years of age. Section 17 of this regulation makes all other provisions of this regulation effective July 1, 2021.

- 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 Division of Public and Behavioral Health has requested input from stakeholders, small businesses, registrants and licensees that are likely to be affected by the proposed regulations.

On July 9, 2020, a Small Business Impact Questionnaire was sent to 985 child care facilities and private school contacts along with a copy of the proposed regulation changes. 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<br/>(19 responses received out of 985 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> |
| Yes- 1                                                                                                | Yes- 2                                                                       | Yes- 4                                                                    | Yes- 1                                                                       |
| No- 18                                                                                                | No- 17                                                                       | No- 15                                                                    | No- 18                                                                       |

| <b>Number of Respondents out 985</b> | <b>Adverse economic effect?</b> | <b>Beneficial effect?</b> | <b>Indirect adverse effects?</b> | <b>Indirect beneficial effects?</b> |
|--------------------------------------|---------------------------------|---------------------------|----------------------------------|-------------------------------------|
| 19                                   | 1                               | 2                         | 4                                | 1                                   |

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

The Division of Public and Behavioral Health prepared and distributed a Small Business Impact Questionnaire to 1) all licensees and registrants of the state's child care licensing program and 2) private schools through the Nevada Department of Education. The Nevada State Immunization Program (NSIP) considered the impact on small business through a review of the proposed regulations. Results from the Small Business Impact Questionnaire were entered into Survey Monkey which created a spreadsheet for analysis. NSIP reached out to several respondents to answer questions/concerns. A Public Workshop will be held to allow for further

input by the public and regulated community regarding the proposed regulations and how they will impact Small Businesses. Any comments will be taken into consideration for possible revisions to the regulations to reduce the economic impact on facilities.

**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. One respondent was concerned about the challenges of immunizing students who are  $\geq 17$  years old and no longer living with their parents; if those students were unable to attend school, the school would experience a profit loss. If this challenge was encountered in practice, NSIP and/or the local health authority would work closely with the school to get them the necessary resources to ensure the child could be appropriately vaccinated.

**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 Division of Public and Behavioral Health has held several opportunities for child care facilities and private schools to provide input and comments regarding the proposed immunization regulations, including the economic impact the proposed regulations may have on the businesses. Modifications to the proposed regulations have been made as a result of this input. Workshops will be held on September 18, 2020 allowing for further input by child care facilities and private schools regarding the proposed regulations and how they will impact the small businesses. 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 minimal 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.**

Not applicable.

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

These regulations are necessary to streamline the religious and medical vaccine exemption process in Nevada to ensure the appropriate vaccination status of children enrolled in child care facilities public, private schools. Additionally, the regulations ensure proper use of the medical exemption for immunizations to protect Nevada's medically vulnerable children.

**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 a negligible impact on small businesses. 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 a request to Shannon Bennett at the Division of Public and Behavioral Health:

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**Certification by Person Responsible for the Agency**

I, Lisa Sherych, 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 in this statement was prepared properly and is accurate.

Signature



\_\_\_\_ Date: \_\_\_\_9/2/2020\_\_\_\_