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SMALL BUSINESS IMPACT STATEMENT (2025)

PROPOSED AMENDMENTS TO NAC 441A

The Division of Public and Behavioral Health (DPBH) has determined that the proposed amendments should not act upon a small business or 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 revisions are intended to:

- Establish a process to control tuberculosis in an educational institution.
- Revise the procedure for screening and testing of tuberculosis for health care personnel and in certain facilities.
- Revise requirements governing the reporting and investigation of coronavirus disease 2019 (COVID-19) cases.
- Revise the terminology used to refer to mpox.
- Establish reporting of wastewater surveillance test results related to infectious pathogens and other biological substances.

- 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 private schools, licensed health care facilities, and local water reclamation facilities throughout the State.

A Small Business Impact Questionnaire (SBIQ) was sent out on June 30, 2025, and July 16, 2025. The SBIQ was distributed to licensed health care facilities, private schools and local water reclamation facilities, along with a link to 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 RESPONSES:

| Summary Of Comments Received (2 responses were received out of 3,215 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 | Yes = 0 | Yes = 1 <u>Comments:</u> This has been in place since we started doing business, since employees are caring for clients then its beneficial so that they are not getting clients sick | Yes = 0 | Yes = 0 |
| No | No = 2 <u>Comments:</u> TB's are already part of employees annual requirement. | No = 1 | No = 2 | No = 2 |

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

A small business impact questionnaire was disseminated to licensed health care facilities through the Divisions Listserv, along with private schools utilizing the private school list available through the Nevada Department of Education, and the local water reclamation facilities throughout the State. The data collected from the questionnaire was reviewed, along with a review of the proposed regulations, and applicable statutes. This information was then analyzed by the Medical Epidemiologist within the Office of State Epidemiology to determine the impact of the proposed regulations on small business. A

public workshop will be scheduled at a future date to continue to obtain feedback on the proposed regulations during the regulatory development process.

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.

Adverse effects: There are no anticipated adverse effects on small businesses.

Beneficial effects: It was noted that some of the health care personnel and facilities tuberculosis screening and testing that is proposed in the regulations already occurs and the benefit of this is ensuring transmission to clients does not occur.

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 sought input from potentially affected small businesses, including the economic impact the proposed regulations may. No impact has been noted, so further modifications to the proposed regulations have not been made as a result of this input. A public workshop will be held on August 27, 2025, allowing for further input regarding the proposed regulations. Comments received at the public workshop will be taken into consideration for possible further revisions to the regulations to reduce any economic impact on small businesses.

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

There is no expected 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 fees associated with these proposed regulations.

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

Tuberculosis (TB) is an airborne transmissible bacteria. Congregate settings present greater opportunity for TB transmission through shared air spaces. Educational settings are not specifically identified by the Centers for Disease Control and Prevention (CDC) as setting at higher risk for TB transmission, unlike other congregate settings like correctional facilities or health care facilities which do have specific guidance from the CDC. However, to reduce the potential for transmission, the CDC recommends that state and local tuberculosis (TB) programs use local epidemiologic data to identify individuals or populations at greater risk for TB and TB infection. The Division of Public and Behavioral Health (DPBH) evaluated state and county data after an alarming number of TB exposures within primary and secondary school settings occurred in 2023. Infectious TB exposures occurred in five school settings in 2023 which led to post-exposure TB evaluation and testing of 1171 persons within these five school settings. The testing outcome from these five school settings was 48 persons experienced transmission which resulted in TB infection, however, no TB disease occurred among those that were exposed. The impact of post-exposure TB testing in large settings like schools is two-

fold. For the health department and school district, it is monetarily costly and requires large-scale, onsite mini clinics providing examination and venipuncture. More importantly, post-exposure TB testing and the potential for TB infection are emotionally challenging for staff, students, and parents. Implementing a non-invasive individual TB risk screening questionnaire for staff and volunteers within schools increases earlier identification of TB risks and allows for preventative treatment thereby decreasing unnecessary TB transmission and anxiety in school settings.

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

The reasons for the conclusions regarding the impact of these regulation on small business is based on an interpretation of the proposed regulations and how they impact a small business, the feedback provided by small business regarding the impact to their businesses and looking at the different components of the proposed regulations and their individual impact on a small business. The overall conclusion is that the proposed regulation may have a beneficial effect by reducing disease transmission and there is no adverse effect which would impact small businesses.

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

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