

## Q13. Small-Business Impact Questionnaire: Nevada Administrative Code for Arbitration-Related Issues

The Nevada Department of Health and Human Services is putting forth proposed changes to Nevada Administrative Code Ch. 439B as a result of [AB 469 from the 80th session of the Nevada Legislature](#). A Small Business Impact Survey was completed in December 2019 based on Proposed Regulations LCB file No. R101-19 Revised 12-9-19. Since December 2019 further revisions were made and submitted to LCB for review. Due to these revisions and receipt of the LCB Revised Proposed Regulation LCB File No. R101-19 September 9, 2021 another Small Business Impact Survey is requested.

The following questions pertain to how the changes in the Nevada Administrative Code presented in the proposed changes will affect your business. These revised proposed regulations provide a process for Sec. 17, submission, contents and review of requests for arbitration for claims of less than \$5,000 for medically necessary emergency services, list of arbitrators and information requested by the arbitrator. The draft regulations also include requests for arbitration for claims of \$5,000 or more for medically necessary emergency services. Regulations for Sec. 18.1 include the process for third party election to participate in AB 469. Sec. 19. 2. (a) (b) regulations cover additional reporting for third parties.

If it is determined that the proposed regulation is likely to impose a direct and significant economic burden upon a small business, or directly restrict the formation, operation or expansion of a small business, then the agency will take any or all of the following actions:

1. Insofar as practicable, consult with owners and officers of affected small businesses,
2. Consider methods to reduce the impact of the proposed regulation, and
3. Prepare a small business impact statement and make copies of the statement available to the public at the workshop conducted and the public hearing held pursuant to NRS 233B.061.

[To review the proposed regulations, visit the Office for Consumer Health Assistance website and click "NEW! Draft of Proposed Regulation R101-19 \(Rev. 9/9/2021\)."](#)

You also can call the Office for Consumer Health Assistance at (702) 486-3587.

Please answer each of the questions that apply and add any qualifying remarks that may help us to understand your position. *We request your response on or prior to Oct. 15, 2021.*

Q2. Please provide the following information:

Name:

David Strull MD

Organization:

Carson-Tahoe Emergency Physicians

Q3. [NRS 233B.0382 "Small Business defined."](#) "Small business" means a business conducted for profit, which employs fewer than 150 full-time or part-time employees.

Q4. 1. How many employees are currently employed by your business?

151 or more

Q5. 2. Will a specific regulation have an adverse economic effect upon your business?

Yes

No

Q6. Please list each regulation and explain the impact.

The entire arbitration process has had an adverse economic impact on our business. We are unable to clearly identify ERISA plans that are not covered by arbitration until far too late in the billing process. The process is cumbersome and the awards have been clearly slanted towards the insurers. As we continue to soldier on in the front lines of the pandemic it is disheartening to have to deal with this system. It was passed by the legislature in 2019 and is still not functioning well.

Q7. 3. Will the regulation(s) have any beneficial effect upon your business?

Yes

No

Q8. Please explain.

Q9. 4. Do you anticipate any indirect adverse effects upon your business?

Yes

No

Q10. Please explain.

I can't see anything in these regulations that fixes the primary problems with the arbitration system. These include being unable to determine if a patient is covered under AB 469 upfront. A costly and time consuming process. A system that seems slanted towards the insurer (look at the numbers decided in favor of the insurers in 2020)

Q11. 5. Do you anticipate any indirect beneficial effects upon your business?

Yes

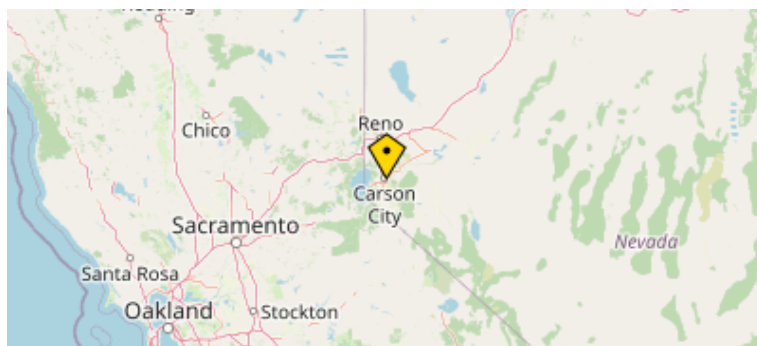
No

Q12. Please explain.

### Location Data

**Location:** ([39.150695800781, -119.74589538574](#))

**Source:** GeolIP Estimation



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Please answer each of the questions that apply and add any qualifying remarks that may help us to understand your position. We request your response on or prior to Oct. 15, 2021.

Pursuant to NRS 233.B.0608 (3), the Administrator of the Aging and Disability Services Division has reviewed this Small Business Impact Study and is certifying that, to the best of her 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 the statement is accurate.



Dena Schmidt  
Administrator, Aging and Disability Services Division

6/29/2022

Date

Q2. Please provide the following information:

Name:

David Strull MD

Organization:

Carson-Tahoe Emergency Physicians