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DEPARTMENT OF HEALTH AND HUMAN SERVICES

AGING AND DISABILITY SERVICES DIVISION
Helping people. It's who we are and what we do.



Dena Schmidt
Administrator

SMALL BUSINESS IMPACT STATEMENT FOR NAC 656A

The Aging and Disability Services Division has determined that the proposed Nevada Administrative Code change would not have a negative impact on small businesses in Nevada and may deliver positive impact.

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

Under existing law, the Aging and Disability Services Division is required to establish and maintain a statewide Interpreter / CART registry system and prescribe the requirements for engaging in the practice of interpreting or Communication Access Realtime Translation. To keep up with current changes in the interpreting industry, these proposed NAC regulation changes conform with current best practices and clarify language in the current regulations.

- 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 Aging and Disability Services Division made a concerted effort to determine whether the proposed Nevada Administrative Code is likely to impose an economic burden upon a small business. There is one interpreting service firm located in the State and three other firms that are based out of state but provide services throughout Nevada. On June 22, 2021, all four firms were provided the Small Business Impact Questionnaire, a copy of the proposed NAC changes, and a copy of the recent NRS change via SB179 from the 81st Legislative Session.

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

| Summary of Comments Received (3 responses were received) | | | |
|--|--|--|---|
| 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? |
| NO – 2 YES – 1 | NO – 2 YES – 1 | NO – 1 YES – 2 | NO – 3 YES – |
| Comments: 1. The change in classifications that will require a EIPA 4.0 for educational interpreters within 5 years, will create additional expense for interpreters in preparation and testing. This will likely result in interpreters raising the rate they charge agencies which will negatively impact our overhead costs. Additionally, there is already a limited bandwidth of interpreters in the state. This new requirement may result in an even greater strain to fill assignments. | Comments: 1. By requiring an eventual EIPA 4.0, we may have an increase in interpreters who can also accept community jobs. | Comments: 1. Limiting the number of years an interpreter can work classified provisionally, may result in interpreters feeling pressure to advance faster than they can resulting in their leaving the profession when Nevada is already in need of more interpreters. This decreases the pool of interpreters that agencies can rely on to meet the need. 2. To accept a community qualified interpreter to work in a legal setting is very dangerous without specific legal training. I strongly suggest that the section that states "community interpreter" have additional language which requires verification of some amount of legal training for any interpreter who accepts legal work (i.e. police, court, CPS, etc.) | Comments: 1. None |

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

ADSD reviewed the regulation for any impact on small businesses. Individuals who are nationally certified signed language interpreters and who are knowledgeable about the profession, national standards, and best

practices drafted the proposed concepts. Consideration was given to national standards and best practices, and the potential impact on practitioners as well as the best interest of consumers when proposing the regulation changes. Many of the proposed changes are conforming to be able to operationalize the recent NRS 656A changes. All of the comments were on changes that occurred in the last legislative session with SB179, not with our proposed changes to the NAC.

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.

Possible adverse economic effects are speculation and cannot be quantified. Direct beneficial effects include the potential that the regulatory framework may increase participation of interpreters coming into and staying in the field as well as an increase in service quality.

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.

ADSD considered the impact on small businesses when drafting the proposed changes and after receiving the comments from the survey. The primary goal of these regulations is to meet the needs of consumers utilizing signed language interpreting services and ensuring their access to communication.

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

These regulations will not add any additional costs to the agency.

6) If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the Aging and Disability Services Division expects to collect and the manner in which the money will be used.

There are no existing fees and this NAC does not impose any new fees.

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

The proposed NAC changes do not duplicate or create more stringent provisions than are currently in place.

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

The Division's conclusion regarding impact to small business is based on feedback provided by stakeholders. The conclusion is that the proposed regulations would have no negative impact, and that there is a potential for a positive impact as a result of increased number of interpreters entering or staying in the field.

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

Aging and Disability Services Division
3416 Goni Road, D-132

Carson City, NV 89706
Jenn Montoya
Phone: 775-434-0237
Email: JMontoya@adsd.nv.gov

Certification by Person Responsible for the Agency

I, Dena Schmidt, Administrator of Aging and Disability Services Division, 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.

Signature:  Date: 7/19/2021