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DEPARTMENT OF HUMAN SERVICES



NEVADA DIVISION of PUBLIC
and BEHAVIORAL HEALTH



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SMALL BUSINESS IMPACT STATEMENT 2026

PROPOSED AMENDMENTS TO NAC CHAPTER 459 IN LCB File No. R025-26

The Division of Public and Behavioral Health (DPBH) has determined that the proposed amendments should not have a significant 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

A REGULATION relating to radiation; establishing procedures for the registration of persons who install, perform services upon or repair radiation machines; requiring certain persons to obtain such registration; prescribing requirements governing the use of computed tomography X-ray systems and X-ray security systems; establishing certain requirements governing the registration and use of a stereotactic radiosurgery device; requiring the registration of a radiation machine that is disassembled or in storage; authorizing the termination of the registration of a radiation machine under certain circumstances; and providing other matters properly relating thereto.

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 DPBH has requested input from stakeholders, small businesses, registrants and licensees that are likely to be affected by the proposed regulations.

A small business impact questionnaire was sent to approximately 2,244 radioactive material licensees and radiation producing machine registrants along with a link to the proposed regulation changes, on July 23, 2026. 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 (16 responses were received out of 2,244 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- 4 No- 11 Unknown- 1	Yes- 3 No- 12 Unknown- 1	Yes- 2 No- 13 Unknown- 1	Yes- 2 No- 13 Unknown- 1

Number of Respondents out 2244	Adverse economic effect?	Beneficial effect?	Indirect adverse effects?	Indirect beneficial effects?
16	4	3	2	2

After approval, the small business impact statement will be posted on our web site to allow other interested persons to review the summary of the responses. The small business impact statement will be accessible at: <https://www.dpbh.nv.gov/regulatory/radiation-control-programs/radiation-producing-machines-program-rpm/radiation-control-program-regulations/>.

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

The DPBH prepared and distributed a small business impact questionnaire to all radioactive material licensees and radiation producing machine registrants. The responses received were analyzed using a spreadsheet formatted to quantify the total responses and comments. A public workshop will be held at a future date to allow for further input by the public and regulated community regarding the proposed regulations and how they will impact small businesses. These comments will be taken into consideration for possible revisions to the regulations to reduce the economic impact on facilities.

The regulation adds one new fee of \$50.00 to register stored radiation machines to cover the costs associated with registering, tracking, and inspecting stored radiation machines. The fee structure was discussed with LCB to be more consistent with future regulations. Modifications to the proposed regulations have been made in consideration of this input. The proposed regulations were reviewed through revisions with LCB to ensure the terminology and fee structure used is appropriate.

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.

The estimated economic effect on a small business would be \$50.00 per year for each stored radiation machine. The regulations would only affect a small business if it had a stored radiation machine. In Nevada, there are currently around 775 stored radiation machines and 2,200 businesses that register radiation machines. One registrant reported they would have an increased cost associated with writing procedures and providing training.

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 DPBH issued a small business impact questionnaire to 2,244 radioactive material licensees and radiation producing machine registrants to solicit input and comments on the impact of the proposed regulations, including the economic impact on small businesses. There were four adverse economic effects and two indirect adverse effects noted in the small business impact questionnaire responses.

For the four adverse economic effects, two were concerns that the new regulations for radiation service providers would increase the cost of services, one was costs associated with writing procedures and providing training, and one did not explain the impact. The new regulations provide clarification about who needs to register as a service provider and establish the training and education requirements for certain service providers who provide services that directly impact the safety of patients and workers. The requirements do not expand the scope of service providers and do not change the registration fee for service providers. Therefore, the cost of services is not expected to increase as a result of these regulations.

For the two indirect adverse effects, one was concerned that the new regulations for service providers would increase the cost of services and the other one stated it would result in reduced funding for other projects without an explanation. As stated above, the cost of services is not expected to increase as a result of these regulations.

The agency set the fee at a very low rate as compared to the other registration fees for radiation machines. Radiation machine registration fees range from \$140.00 to \$550.00 depending upon the type of radiation machine. The proposed fee for a stored radiation machine is \$50.00 and is necessary to cover the costs associated with the registration, tracking, and inspection of stored radiation machines. The DPBH is required to inspect all radiation producing machines, including those in storage, to ensure they are stored at the correct location, properly secured, inoperable, and that the machines have not been put back into service.

A public workshop will be held at a future date to allow further input by the public regarding the proposed regulations and how they will impact small businesses. Comments from 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.

The costs to enforce the regulations are difficult to estimate because the work performed for stored radiation machines is accomplished concurrently with the registration and inspection processes for operational radiation machines. If the costs to enforce the regulations is greater than the fee of \$50.00, then the registration fees from operational radiation machines will be used to cover the additional costs.

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.

The proposed regulations add a new annual fee to register a stored radiation producing machine in the amount of \$50.00. The program currently issues certificates, tracks, and inspects around 775 radiation producing machines that are in storage. The total annual amount expected to be collected is \$38,750.00. However, during inspections we find that some of these stored machines have been put back into service and many have been disposed of, but the registration has not been updated to terminate the registration. For this reason, the true estimated amount is difficult to determine. We anticipate the addition of the requirement to register stored machines, will motivate many registrants to update the status of their machines from stored to terminated, rather than leaving them in a perpetual stored status. The DPBH is required to inspect all radiation producing machines, including those in storage, to ensure they are stored at the correct location, properly secured, inoperable, and that the machines have not been put back into service. The fees will be used to issue registration certificates, and to track and inspect stored radiation producing machines until the registrations are terminated.

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

There are no duplicative or more stringent provisions than federal, state or local standards.

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. The regulation adds one new fee of \$50.00 for stored radiation machines. The fees will be used to cover the administrative cost of registering, tracking, and inspecting these machines and to improve the program's ability to track stored radiation machines and to get registrations terminated in a timelier manner.

There were four adverse economic effects and two indirect adverse effects noted in the small business impact questionnaire responses. For the four adverse economic effects, two were concerns that the new regulations for radiation service providers would increase the cost of services, one was costs associated with writing procedures and providing training, and one did not explain the impact. The new regulations provide clarification about who needs to register as a service provider and establish the training and education requirements for certain service providers who provide services that directly impact the safety of patients and workers. The requirements do not expand the scope of service providers and do not change the registration fee for service providers. Therefore, the cost of services is not expected to increase as a result of these regulations.

For the two indirect adverse effects, one was concerned that the new regulations for service providers would increase the cost of services and the other one stated it would result in reduced funding for other projects without an explanation. As stated above, the cost of services is not expected to increase as a result of these regulations.

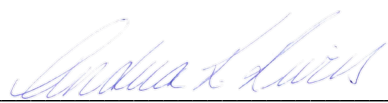
For the reasons mentioned above, the agency concludes the proposed regulations will produce a negligible impact on small businesses.

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

Division of Public and Behavioral Health
Bureau of Health Protection and Preparedness
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675 Fairview Drive, Suite 218
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Certification by Person Responsible for the Agency

I, Andrea R. Rivers, 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 and the information contained in this statement was prepared properly and is accurate.

Signature  Date: 09/28/2026