Proposed amendments to regulations relating to continuing education

Small Business Impact Statement

DRAFT
Small Business Impact Statement for proposed amendments to regulations relating to Continuing Education:

NAC 625.430 and NAC 625.470

Summary

The State Board of Professional Engineers and Land Surveyors has determined that the proposed amendments should not have a negative financial impact on a small business and in some circumstances may have a beneficial impact. The proposed regulations are not expected to negatively impact the formation, operation, or expansion of a small business in Nevada.

A small business in Nevada is defined in Nevada Revised Statute (NRS) 233B as a, “business conducted for profit which employs fewer than 150 full-time or part-time employees.”

This small business impact statement was created 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 regulations on a small business and provides the reasons for the conclusions of the agency followed by certification by the agency’s responsible person.

Background

The proposed amendments to the regulation include the following:

NAC 625.430
→ Retains 30 total hours of professional development hours (PDH) requirement for biennial renewal but adds 3 specific PDH hours—2 in ethics, and 1 in Nevada laws and rules, chapter 625 of Nevada Revised Statutes and Nevada Administrative Code. Also removes specificity in PDH requirement for dual licensees.

NAC 625.470
→ Broadens what licensees can do to fulfill continuing education requirements, eases the limitations on continuing education activities.
1 – Manner in which comments were solicited, response summary, and explanation of how interested parties may obtain a copy of summary

Referencing the requirements of NRS 233B.0608, the Nevada Board of Professional Engineers and Land Surveyors requested input via a survey link sent to all Nevada licensed engineers and land surveyors, 15,848 professionals.

The survey asked for input on adverse/beneficial economic effects on small businesses, and indirect adverse/beneficial effects – with space to elaborate on responses.

A summary of the survey results is available for viewing on the Nevada Board of Professional Engineers and Land Surveyors website at https://nvbpels.org/business-impact-survey-2020

2 – Manner in which the analysis was conducted

Survey results were initially reviewed for general comments to gauge if the intent of the proposed regulation changes were adequately conveyed. The general comments provided a basis for refining revisions to the proposed amendments prior to holding public workshops.

Survey analysis then focused on “YES” responses – in the direct adverse economic effect and indirect adverse effect, and the associated comments and explanations to determine the individual concerns. The same was done with survey results for the direct and indirect beneficial impacts.

3 – Estimated economic impacts of the proposed regulation on small businesses

Based on feedback from comments in the survey, there was a concern of adverse direct and indirect effects from increased costs related to added specificity of continuing education hours, requiring 2 hours in ethics and 1 hour in Nevada laws and rules. However, the proposed changes will have no cost impact and likely will reduce costs to professionals. The quantity of continuing education is not changing, so the cost remains the same, only content of the required hours changes. This coupled with broadening to allow self-study, which has little to no cost, can reduce costs for meeting requirements of continuing education. Also, it is the board's intent to offer virtual no-cost alternatives to meet the proposed specificity.

4 – Considerations were made to reduce impact of proposed regulation

The consideration was to address specific areas related to public complaints, while balancing the regulatory burden on professionals. The board is of the opinion that this change adds emphasis to continuing education to better protect the public but also broadens opportunities to fulfill the continuing education requirements, ultimately reducing costs and regulatory burden.

5 – Cost estimate for agency enforcement

At this time there would be no additional cost to the regulatory board to enforce the proposed amendments. Any issues relation to compliance would be absorbed into the existing workload of the current staffing levels

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6 – New fees or increases in existing fees

The proposed amendments do not involve an increase to existing fees or create any new fees.

7 – Are any duplicative or more stringent provisions involved

There are no federal regulations associated with professional engineers and land surveyors. However, every state and US territory regulates the professions of engineering and land surveying. All states, except eight, have continuing education requirements that are like Nevada.

8 – Summary of conclusions

The proposed regulation amendments reduce regulatory burdens on small businesses.