Proposed amendments to regulations relating to complaint investigations and disciplinary actions

Small Business Impact Statement

D R A F T
Small Business Impact Statement for proposed amendments to regulations relating to Complaint Investigations and Disciplinary Actions:

Disciplinary Actions – NAC 625.640; NAC 625.642; and NAC 625.645

Complaint Investigations – NAC 646; NAC 6465; NAC 625.647; NAC 6475; and NAC 625.648

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 –

Disciplinary Actions

NAC 625.640
→ Proposed edits to regulation are to codify the revised Rules of Practice approved by the board 11.21.2019.

NAC 625.642
→ Edit proposed to section 3 because 30 days is often insufficient time for disciplined licensees to get signed disciplinary action from another state to the board.

NAC 625.645
→ Revision to limit board to probationary conditions, as legislators have had concerns of over-broad impositions on licensees.

Complaint Investigations

NAC 625.646; NAC 625.6465; NAC 625.647; and NAC 625.6475
→ Edits to regulations are to codify the revised Rules of Practice approved by the board 11.21.2019 and to enable the use of advisory committees during the investigation process.
NAC 625.648
→ Regulation is not necessary; language is included in other regulations related to complaints and advisory committees.

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 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 the survey results, there are no adverse economic impacts related to updating disciplinary actions and complaint investigations.

4 – Considerations were made to reduce impact of proposed regulation

Consideration was to reduce regulatory burden and to retain confidentiality of complaints during investigation process. Currently advisory committees used to aid investigation are a public process which could violate a professional’s right to due process.

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.
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.

8 – Summary of conclusions

The proposed amendments to disciplinary action and complaint investigations for professional engineers and land surveyors will have no adverse impacts on small businesses.