

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS  
AS REQUIRED BY NRS 233B.066  
LCB File No. R091-14**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 641A.

**1. A clear and concise explanation of the need for the adopted regulation.**

The practice of clinical professional counseling is defined in existing law as including the assessment or treatment of couples or families, if the assessment or treatment is provided by a person, who through the completion of course work or supervised training or experience, has demonstrated competency in the assessment or treatment of couples or families as determined by the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors. LCB File No. R091-14 establishes an endorsement to the license of a clinical professional counselor or a clinical professional intern which authorizes the licensee to assess and treat couples or families.

**2. A description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.**

The Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors (Board) held three public workshops. The first workshop was held on September 5, 2014 and was connected by videoconference between the Nevada Legislature in Carson City and the Grant Sawyer Building in Las Vegas, Nevada. The second workshop was held on December 5, 2014 and was connected by videoconference between the Attorney General's offices in Carson City and Las Vegas, Nevada. The third workshop was held on April 10, 2015 was connected by videoconference between the Washoe County Commission Chambers in Reno and the Clark County Government Center in Las Vegas, Nevada. Notice of these workshops was posted at the University of Nevada Reno Getchell Library, Reno; Grant Sawyer Building, Las Vegas; Office of Attorney General, Carson City; University of Nevada Las Vegas Lied Library, Las Vegas; Clark County District Library, Las Vegas; and on the Board's website, [www.marriage.nv.gov](http://www.marriage.nv.gov), and at the Board's office, Las Vegas. Copies of the notice were sent to individuals on the Board's mailing list.

The Board held a public hearing to consider the regulation on April 29, 2016, which was connected by videoconference at the University of Nevada Reno and the University of Nevada Las Vegas. The notice of intent to act upon a regulation was posted at the State Library in Carson City, and at the Board's office in Las Vegas and on its website, [www.marriage.nv.gov](http://www.marriage.nv.gov). Copies of the proposed regulation and notice of intent to act upon a regulation were also made available to all county libraries in Nevada as well as to individuals on the Board's mailing list. The public hearing was part of a meeting agenda which was posted at Washoe County Library System, Reno; Grant Sawyer Building, Las Vegas; Office of Attorney General, Carson City; Clark County District Library, Las Vegas; and on the Board's website, [www.marriage.nv.gov](http://www.marriage.nv.gov), and at the Board's office, Las Vegas.

Summary of public response: Of the five people who testified at the hearing, one was fully supportive of the regulation, stating that it is necessary to ensure competence. The remaining four stated that it was too restrictive for clinical professional counselors who want to work with couples and families; and, suggested either easing restrictions or not passing the regulation. Those against the regulation stated that there is a crucial need for mental health providers in the rural areas of Nevada, and the regulations would restrict additional clinical professional counselors to fulfill the need of mental health providers.

Minutes of the workshops and hearing contain summaries of the public response to the proposed amendments. A copy of the minutes may be obtained from the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, 9436 W. Lake Mead Blvd., Suite 11-K, Las Vegas, NV 89134, 702-486-3688, e-mail to [nvmftbd@mftbd.nv.gov](mailto:nvmftbd@mftbd.nv.gov), or on its website at [www.marriage.nv.gov](http://www.marriage.nv.gov).

### **3. The number of persons who:**

- (a) **Attended each hearing:** September 5, 2014—11; *December 5, 2014*—[#]; April 10, 2015—23; April 29, 2016—15.
- (b) **Testified at each hearing:** September 5, 2014—2; December 5, 2014—[#]; April 10, 2015—11; April 29, 2016—5.
- (c) **Submitted to the agency written comments:** September 5, 2014—0; *December 5, 2014*—[#]; April 10, 2015—0; April 29, 2016—3.

### **4. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation of how other interested persons may obtain a copy of the summary.**

Comments were solicited from affected businesses in the same manner as they were solicited from the public. In addition, at the September 5, 2014 workshop, comments were received regarding the potential cost of adding the endorsement, which lead to a survey. The survey was sent to all licensed clinical professional counselors and clinical professional counselor interns to determine the impact on their small business if they chose to expand their clinical practice to work with couples and families through an endorsement. The results of the survey and a summary of responses received may be obtained as instructed in the response to question 1.

Summary of responses from businesses: There were no comments about the impact to small businesses.

### **5. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

The permanent regulation was adopted on April 29, 2016 and included the request to lower the number of hours of face-to-face couples or family counseling to 500 hours and the number of hours of supervision related to that counseling to 100 hours.

- 6. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:**
- (a) Both adverse and beneficial effects; and**
  - (b) Both immediate and long-term effects.**

**Business which it is to regulate**

- (a) The economic effect of the proposed regulation on business will be on only those clinical professional counselors and clinical professional counselor interns who choose to expand their scope of practice through the endorsement. The adverse effect would be the cost of meeting the endorsement requirements. The cost to obtain the endorsement will vary and could range from supervision in conjunction with the accrual of hours (\$30 to \$100 per hour in supervision visits), education credits (\$269-\$943 per credit hour), and the national examination sponsored by the Association of Marital and Family Therapy Regulatory Boards (\$350). The beneficial effect would include the expansion of scope of practice and additional professionals to provide services to members of the public.
- (b) This regulation will have immediate and long-term beneficial effects through the expansion of the scope of practice for clinical professional counselors and clinical professional counselor interns.

**Public**

- (a) There are no adverse economic effects on the public. The beneficial effect on the public is the additional number of professionals available to provide services to couples and families.
- (b) This regulation will have immediate and long-term beneficial effects by increasing the number of professionals available to provide services to couples and families.

**7. The estimated cost to the agency for enforcement of the adopted regulation.**

No new costs will be incurred by the Nevada Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, since existing staff will process applications, conduct academic review of required coursework, verify supervision hours and issue endorsements as part of their regular responsibilities.

**8. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

N/A

**9. If the regulation includes provisions which are more stringent than a federal regulation, which regulates the same activity, a summary of such provisions.**

N/A

**10. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

These regulations do not provide a new or increase of fees.

**11. Is the proposed regulation 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? What methods did the agency use in determining the impact of the regulation on a small business?**

The proposed regulation is not expected to impose an economic burden upon small businesses or restrict the formation, operation or expansion of small businesses. The regulation will likely allow for the expansion of small businesses since there is a strong demand for mental health practitioners, and a particular need in the rural areas of Nevada.

To determine the impact of the regulation, the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors sent a survey to all licensed clinical professional counselors and clinical professional counselor interns to determine the impact if they choose to expand their clinical practice to work with couples and families through an endorsement on their small business. As a result, the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors considered simplification of the proposed regulation to reduce the impact on a small business. It considered the current educational requirements for marriage and family therapists working with couples and families and determined what the minimal course requirements would be in order for clinical professional counselors and clinical professional counselor interns to demonstrate competency in working with couples and families. Rather than require all of the nine courses in the marriage and family therapist areas of study, the Board identified six courses that could be used to demonstrate competency. It also lowered the number of required hours for face-to-face couples or family counseling to 500 hours and the number of hours of supervision related to that counseling to 100 hours.