

## **LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY**

### **NRS 233b.066 LCB FILE R128-14**

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

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

This regulation makes certain provisions of existing law relating to the investigation and discipline of psychologists applicable to Licensed Behavior Analysts and Licensed Assistant Behavior Analysts, since existing law requires the Board to adopt regulations that establish the grounds for disciplinary action against Licensed Behavior Analysts and Licensed Assistant Behavior Analysts. This regulation also provides immunity from civil liability for a person who initiates or assists in any proceeding involving a complaint against a Licensed Behavior Analysts and Licensed Assistant Behavior Analysts. Existing law allows for the filing of a petition with the Board for a declaratory order or an advisory opinion, and this regulation provides procedures for how the Board is to consider and respond to such petitions. Further, the change provides that the Board may hold hearings and conduct investigations relating to its duties in a manner that is consistent with existing law. Additionally, the language change defines and clarifies the purpose of Non-Resident Consultant listed in NRS 641.410

Finally, the suggested change repeals two existing sections of NAC which contain various administrative procedures that are superseded by provisions of existing law.

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

Notices of workshop and notices of intent to act upon the regulation were sent by US. Mail and email to persons who were known to have interest in the licensure requirements of Psychologists and Behavior Analysts in the state of Nevada, as well as any specific person who requested notification regarding regulation changes. Each mailing included further information on how to receive a free copy of the proposed regulation. These documents were also made available through the website of the Board of Psychological Examiners, [psyexam.nv.gov](http://psyexam.nv.gov) or by directly emailing the Board office [NBOP@govmail.state.nv.us](mailto:NBOP@govmail.state.nv.us), mailed to all county libraries in Nevada and posted at the following locations:

Board of Psychological Examiners  
4600 Kietzke Lane B-116 (E141)  
Reno, Nevada 89502

Office of the Attorney General Grant Sawyer Building  
555 E. Washington Ave., Suite 3900  
Las Vegas, Nevada 89101

Office of the Attorney General  
100 N. Carson St.  
Carson City, Nevada 89701

Carson City City Manager  
Carson City City Hall  
201 N. Carson St., Suite 2  
Carson City, Nevada 89701

A workshop was held to discuss language changes to the current NAC 641 on September 12, 2014, and the minutes of the meeting, attached hereto, contain a summary of the discussion held regarding the proposed language change. Thereafter, on or about March 29, 2016, the Board of Psychological Examiners issued a Notice of Intent to Act Upon a Regulation which incorporated in the proposed amendment that was discussed at the above workshop. On April 29, 2016, a public hearing was held, where the Board of psychological Examiners received no testimony. The Board of Psychological Examiners approved to adopt proposed regulations R128-14. No public spoke for or against the language change at any of the above dates.

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

- (a) Attended each hearing:** September 12, 2014- 27; April 29, 2016- 21
- (b) Testified at each hearing:** September 12, 2014 -0; April 29, 2016- 0;
- (c) Submitted to the agency written comments:** 0

**4. A list of names and contact information, including telephone number, business address, business telephone number, e-mail address, and name of entity or organization represented for each person identified above in #3, as provided to the agency, is attached as Exhibit A**

**5. A description of how comment was solicited from affected business, a summary of their response, and an explanation 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. The summary of the discussion by the Board may be obtained through the attached minutes, however no member of the public spoke in support or opposition of the language.

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

A rewrite was requested after the August 14, 2015 Board meeting, to mirror changes made during the legislative session.

**7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be state separately, and each case must be included:**

\*Economic effects on regulated businesses:

- a) Adverse, immediate: There are no intended adverse effects from this regulation. Adverse, long-term: There are no intended adverse effects from this regulation.
- b) Beneficial, immediate: There are no intended economic effects in this regulation. Beneficial, long-term: There are no intended economic effects in this regulation.

\*Economic effects on public:

- a) Adverse, immediate: There are no intended economic effects in this regulation. Adverse, long-term: There are no intended economic effects in this regulation.
- b) Beneficial, immediate: There are no intended economic effects in this regulation. Beneficial, long-term: There are no intended economic effects in this regulation.

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

There will be no increased cost of enforcement.

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

The Board is not aware of any overlapping or duplicating of federal or state regulations.

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

There are no federal regulations that apply.

**11. 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.**

Not applicable.

**Regulation adopted on April 29, 2016.**