

**ADOPTED REGULATION OF THE
BOARD OF PSYCHOLOGICAL EXAMINERS**

LCB File No. R127-14

Effective June 28, 2016

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §1, NRS 641.100 and 641.190; §2, NRS 641.100, as amended by section 2 of Assembly Bill No. 6, chapter 156, Statutes of Nevada 2015, at page 668, 641.110, as amended by section 3 of Assembly Bill No. 6, chapter 156, Statutes of Nevada 2015, at page 668, and 641.395, as amended by section 11 of Assembly Bill No. 6, chapter 156, Statutes of Nevada 2015, at page 671; §3, NRS 641.100, 641.110, and 641.180; §§4 and 7, NRS 641.100, as amended by section 2 of Assembly Bill No. 6, chapter 156, Statutes of Nevada 2015, at page 668, 641.110, as amended by section 3 of Assembly Bill No. 6, chapter 156, Statutes of Nevada 2015, at page 668 and 641.170; §5, NRS 641.100 and 641.180; §6, NRS 641.100, as amended by section 2 of Assembly Bill No. 6, chapter 156, Statutes of Nevada 2015, at page 668, 641.110, as amended by section 3 of Assembly Bill No. 6, chapter 156, Statutes of Nevada 2015, at page 668 and 641.370, as amended by section 10 of Assembly Bill No. 6, chapter 156, Statutes of Nevada 2015, at page 671; §§8-10 and 12-20, NRS 641.100, as amended by section 2 of Assembly Bill No. 6, chapter 156, Statutes of Nevada 2015, at page 668, and 641.232; §11, NRS 641.100 and 641.112.

A REGULATION relating to the Board of Psychological Examiners; revising provisions relating to certain requirements for licensure as a psychologist; repealing provisions relating to the certification and supervision by the Board of certified autism behavior interventionists; revising provisions relating to the supervision of an autism behavior interventionist; revising provisions relating to the national and state examinations required for licensure as a psychologist, licensed behavior analyst or licensed assistant behavior analyst; revising provisions relating to certain fees charged by the Board for certain services; revising the scope of practice for a psychologist; repealing certain provisions relating to areas of acceptable practice of psychology and specialization; repealing certain provisions relating to certification, continuing education and scope of practice for certified autism behavior interventionists; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Board of Psychological Examiners to license as a psychologist a person who is certified or licensed in another state if the Board determines that the

requirements in that state are at least equivalent to the requirements of chapter 641 of NRS. (NRS 641.190) Existing regulations provide various other requirements before such a person is granted licensure in this State, including practicing in the other jurisdiction for at least 5 years, passing an examination, providing letters of professional reference and submitting fingerprints for a background check. (NAC 641.028) **Section 1** of this regulation newly provides that such a person seeking licensure as a psychologist must: (1) have been issued a Certificate of Professional Qualification in Psychology by the Association of State and Provincial Psychology Boards; or (2) hold a National Register of Health Service Psychologist credential from the National Register of Health Service Psychologists.

Assembly Bill No. 6 of the 78th Session of the Nevada Legislature deleted the term “certified autism behavior interventionist” and removed the requirement for certification and supervision of such persons by the Board, requiring instead a person who wishes to become an autism behavior interventionist to be registered as a Registered Behavior Technician or hold an equivalent credential by the Behavior Analyst Certification Board, Inc., or its successor organization. **Sections 2, 4, 6-10 and 12-19** of this regulation make conforming changes. **Section 20** of this regulation repeals five existing sections of the Nevada Administrative Code that deal exclusively with the certification of autism behavior interventionists by the Board.

Under existing regulations, the supervisor of a licensed assistant behavior analyst or a certified autism behavior interventionist may not spend more than 30 percent of his or her work time or more than 12 hours in a week, whichever is greater, providing supervision. (NAC 641.083) **Section 2** removes that requirement.

Existing law requires certain applicants for licensure as a psychologist to pass the Examination for Professional Practice in Psychology, administered by the Association of State and Provincial Psychology Boards, as well as a state examination. (NRS 641.180) **Sections 3 and 5** of this regulation newly provide that an applicant for licensure as a psychologist who fails either examination: (1) may, after a first or second failure, retake the examination; (2) may, after a third failure, retake the examination upon submission by the applicant to the Board of a request for permission to retake the examination and a plan explaining the steps the applicant will take to pass the examination, provided that the Board determines that the plan is likely to result in the applicant passing the exam; and (3) may not immediately retake the examination after a fourth or subsequent failure, and his or her application is deemed denied. Such a person must wait at least 18 months before he or she may request permission from the Board to reapply for licensure as a psychologist and retake examination. The Board will approve the request for good cause shown. **Section 4** makes the same change as to the state examination required of each applicant for licensure as a licensed behavior analyst or a licensed assistant behavior analyst.

The Board is authorized to charge fees for various services that are provided by the Board. (NRS 641.370, as amended by section 10 of Assembly Bill No. 6, chapter 156, Statutes of Nevada 2015, at page 671) **Section 6** removes all fees associated with certified autism behavior interventionists and the fees for providing a set of mailing labels, for the review of a failed examination, for providing a list of practicing psychologists, licensed behavior analysts or licensed assistant behavior analysts and for providing a list of persons granted a license in any year.

Existing law requires the Board to ensure that licensed psychologists limit their practice of psychology to their areas of competence. (NRS 641.112) Existing regulations provide certain limits to the scope of practice for a psychologist along with certain duties of a psychologist. (NAC 641.208) **Section 11** of this regulation newly provides that a psychologist may, within the scope of his or her license and competence: (1) provide a patient with consultation and intervention regarding behavioral health and associated factors; (2) provide a patient with referrals to appropriate health care providers; and (3) discuss medications with a patient or consult with a physician regarding medication for a patient.

Existing law requires a licensed psychologist to limit his or her practice of psychology to his or her areas of competence, as documented by education, training and experience. (NRS 641.112) Existing regulations require the Board, at the time of granting a license to a psychologist, to specify in writing the areas of acceptable practice for that psychologist, and provide a list of areas of specialization recognized by the Board. (NAC 641.140) **Section 20** repeals these provisions.

Section 1. NAC 641.028 is hereby amended to read as follows:

641.028 1. The Board will issue a license to practice as a psychologist to an applicant if the applicant:

(a) Has been licensed to practice psychology based on a doctoral degree that relates primarily to psychology and has been practicing psychology continuously for 5 years in a jurisdiction whose requirements have been determined by the Board to be at least equivalent to the requirements of chapter 641 of NRS;

(b) *Has been issued a Certificate of Professional Qualification in Psychology by the Association of State and Provincial Psychology Boards or holds a National Register of Health Service Psychologist credential from the National Register of Health Service Psychologists;*

(c) Successfully completes an examination prescribed by the Board to test the applicant's knowledge of the statutes and regulations of the State of Nevada governing the practice of psychology;

~~(e)~~ (d) Has not previously been convicted of a felony;

~~(d)~~ (e) Has not been subject to disciplinary action in another jurisdiction;

~~(e)~~ (f) Does not have any outstanding complaints or charges pending against him or her in another jurisdiction;

~~(f)~~ (g) Has not previously been denied licensure by the Board;

~~(g)~~ (h) Submits to the Board the appropriate application and fees and three letters of professional reference that attest without reservation to the professional competence, moral character and current fitness to practice of the applicant; and

~~(h)~~ (i) Complies with subsection 1 of NRS 641.160 by submitting:

(1) A complete set of the applicant's fingerprints to the Board with written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation; or

(2) Verification to the Board that the applicant's fingerprints were so forwarded by the law enforcement agency or other authorized entity taking the fingerprints.

2. The Board may require the applicant to appear before the Board to demonstrate the applicant's:

(a) Moral character;

(b) Current fitness to practice psychology; and

(c) Intent to practice psychology in a manner consistent with his or her education, training and experience.

Sec. 2. NAC 641.083 is hereby amended to read as follows:

641.083 1. A licensed assistant behavior analyst must be supervised by a psychologist or a licensed behavior analyst during at least 5 percent of the hours he or she works each month.

2. A ~~certified autism behavior interventionist must be supervised by a~~ psychologist, a licensed behavior analyst or a licensed assistant behavior analyst *who supervises an autism*

behavior interventionist must supervise the autism behavior interventionist during at least 10 percent of the hours ~~he or she~~ *the autism behavior interventionist* works each month.

3. The supervision required by subsections 1 and 2 must include, without limitation:

(a) At least 1 hour each month of one-on-one supervision; and

(b) At least 4 hours each month of additional direct supervision, which may include, without limitation:

(1) Videoconferencing, except that this must not constitute more than one-half of the time supervised each month; and

(2) Group meetings of not more than 10 persons, including each licensed assistant behavior analyst or ~~certified~~ autism behavior interventionist who is being supervised by the supervisor.

~~{4. The supervisor of a licensed assistant behavior analyst or certified autism behavior interventionist may not spend more than 30 percent of his or her work time or more than 12 hours in a week, whichever is greater, providing supervision.}~~

Sec. 3. NAC 641.112 is hereby amended to read as follows:

641.112 1. The Board will administer a state examination to each applicant for a license as a psychologist.

2. The state examination will consist of questions addressing the practice of professional psychology, including, without limitation, federal and state laws, ethical principles and codes of professional conduct relevant to the practice of psychology in this State. At least 30 days before the state examination, the Board will furnish a description of the content to be covered in the state examination to each applicant.

3. An applicant who fails the state examination may review his or her state examination upon written request submitted to the Board. The written request must be submitted within 10 days after receiving written notice of the failure.

4. An applicant who fails the state examination ~~may submit a written request to the Board for one reevaluation of his or her state examination within 10 days after receiving written notice of the failure. The Board or its designee may grant or deny an applicant's request for reevaluation. The Board or its designee will give written notice of its decision within 20 days after receiving the written request for reevaluation. If the request for reevaluation is granted, the Board or its designee will issue a final evaluation of the applicant's state examination within 60 days after notifying the applicant of its decision to undertake the reevaluation.~~

~~5.1~~ :

(a) Once or twice may retake the state examination.

(b) Three times may not retake the state examination unless the applicant requests permission and obtains approval from the Board to retake the state examination for a fourth time. The applicant must submit to the Board a written request to retake the state examination and a written plan explaining the steps the applicant will take to pass the state examination. The Board will approve the request to retake the state examination if the Board determines that the written plan submitted by the applicant is likely to result in the applicant passing the state examination.

(c) Four or more times may not retake the state examination except as otherwise provided in this paragraph, and his or her application for licensure pursuant to NRS 641.160 is deemed denied. A person whose application is deemed denied pursuant to this paragraph may, not earlier than 18 months after the date on which he or she is notified by the Board that he or she

failed that state examination for the immediately preceding time, request permission in writing from the Board to reapply for licensure and retake the state examination. The Board will, if good cause is shown, approve the request.

5. The fee for the state examination must be paid before the state examination is administered. A fee must be paid each time the applicant takes the state examination.

6. An applicant shall not:

(a) Remove any notes taken during the state examination;

(b) Record the state examination by electronic or other means; or

(c) Engage in any other conduct that results in the disclosure of the contents of the state examination.

Sec. 4. NAC 641.113 is hereby amended to read as follows:

641.113 1. The Board will administer a state examination to each applicant for a license as a licensed behavior analyst or a licensed assistant behavior analyst. ~~and to each applicant for a certificate as a certified autism behavior interventionist.~~

2. The state examination will consist of questions addressing the practice of applied behavior analysis, including, without limitation, federal and state laws, ethical principles and codes of professional conduct relevant to the practice of applied behavior analysis in this State. At least 30 days before the state examination is administered, the Board will furnish a description of the content to be covered in the examination to each applicant.

3. An applicant who fails the state examination ~~may review his or her examination upon written request submitted to the Board. The written request must be submitted within 10 days after receiving written notice of the failure.~~

~~—4.— An applicant who fails the state examination may submit a written request to the Board for one reevaluation of the state examination within 10 days after receiving written notice of the failure. The Board may grant or deny an applicant's request for reevaluation. The Board will give written notice of its decision within 20 days after receiving the written request for reevaluation. If the request for reevaluation is granted, the Board will issue a final evaluation of the applicant's state examination within 60 days after notifying the applicant of its decision to undertake the reevaluation.~~

~~—5.1 :~~

(a) Once or twice may retake the state examination.

(b) Three times may not retake the state examination unless the applicant requests permission and obtains approval from the Board to retake the state examination for a fourth time. The applicant must submit to the Board a written request to retake the state examination and a written plan explaining the steps the applicant will take to pass the state examination. The Board will approve the request to retake the state examination if the Board determines that the written plan submitted by the applicant is likely to result in the applicant passing the state examination.

(c) Four or more times may not retake the state examination except as otherwise provided in this paragraph, and his or her application for licensure pursuant to NRS 641.160 is deemed denied. A person whose application is deemed denied pursuant to this paragraph may, not earlier than 18 months after the date on which he or she is notified by the Board that he or she failed that state examination for the immediately preceding time, request permission in writing from the Board to reapply for licensure and retake the state examination. The Board will, if good cause is shown, approve the request.

4. The fee for the state examination must be paid before the examination is administered.

A fee must be paid each time the applicant takes the state examination.

~~16.1~~ 5. An applicant shall not:

- (a) Remove any notes taken during the state examination;
- (b) Record the state examination by electronic or other means; or
- (c) Engage in any other conduct that results in the disclosure of the contents of the state examination.

examination.

Sec. 5. NAC 641.120 is hereby amended to read as follows:

641.120 1. The national examination constitutes one portion of the examination for licensure as a psychologist.

2. ~~16.1~~ *Except as otherwise provided in subsection 3, an* applicant for a license may take the national examination after the applicant has graduated with a doctoral degree from:

(a) A training program which is accredited by the American Psychological Association or a program which meets the requirements of NAC 641.061; or

(b) An institution which meets the requirements of subsection 3 of NAC 641.050.

3. *An applicant who fails the national examination:*

(a) *Once or twice may retake the examination.*

(b) *Three times may not retake the examination unless the applicant requests permission and obtains approval from the Board to retake the examination for a fourth time. The applicant must submit to the Board a written request to retake the examination and a written plan explaining the steps the applicant will take to pass the examination. The Board will approve the request to retake the examination if the Board determines that the written plan submitted by the applicant is likely to result in the applicant passing the examination.*

(c) Four or more times may not retake the examination except as otherwise provided in this paragraph, and his or her application for licensure pursuant to NRS 641.160 is deemed denied. A person whose application is deemed denied pursuant to this paragraph may, not earlier than 18 months after the date on which he or she is notified by the Board that he or she failed that examination for the immediately preceding time, request permission in writing from the Board to reapply for licensure and retake the examination. The Board will, if good cause is shown, approve the request.

Sec. 6. NAC 641.135 is hereby amended to read as follows:

641.135 1. The Board will charge and collect the following fees:

For an application for licensure for certification	\$100
For the state examination for licensure for certification administered by the Board pursuant to NAC 641.112 or 641.113	Actual costs to the Board plus \$100
For the issuance of an initial license for certificate	25
For the biennial renewal or reinstatement of a license as a psychologist.....	500
For the biennial renewal or reinstatement of a license as a licensed behavior analyst.....	400
For the biennial renewal or reinstatement of a license as a licensed assistant behavior analyst.....	275
For the biennial renewal or reinstatement of a certificate as a certified autism behavior interventionist	175

For the registration of a firm, partnership or corporation	300
For the placement of a license on inactive status	100
For the biennial renewal of a license on inactive status	100
For the restoration to active status of a license as a psychologist on inactive status if the restoration occurs during the first year of the biennium in which the license was issued or renewed	400
For the restoration to active status of a license as a psychologist on inactive status if the restoration occurs during the second year of the biennium in which the license was issued or renewed	150
For the restoration to active status of a license as a licensed behavior analyst on inactive status if the restoration occurs during the first year of the biennium in which the license was issued or renewed	300
For the restoration to active status of a license as a licensed behavior analyst on inactive status if the restoration occurs during the second year of the biennium in which the license was issued or renewed.....	100
For the restoration to active status of a license as a licensed assistant behavior analyst on inactive status if the restoration occurs during the first year of the biennium in which the license was issued or renewed.....	175
For the restoration to active status of a license as a licensed assistant behavior analyst on inactive status if the restoration occurs during the second year of the biennium in which the license was issued or renewed.....	40
For the registration of a nonresident consultant	100
For reproduction and mailing of material for an application	25

{For a set of mailing labels	15}
For a dishonored check	15
{For the review of a failed examination	175}
For a change of name on a license {or certificate}	25
For a duplicate license {or certificate}	25
{For a list of practicing psychologists, licensed behavior analysts, licensed assistant behavior analysts or certified autism behavior interventionists	10}
For a list of persons granted a license or certificate in any year	10}
For copies of the provisions of NRS relating to the practice of psychology and applied behavior analysis and the rules and regulations adopted by the Board	25
For a letter of good standing	15
For the review and approval of a course or program of continuing education.....	25

2. The Board will annually determine the actual costs to the Board for the state examination administered by the Board pursuant to NAC 641.112 or 641.113 for purposes of determining the fee charged and collected pursuant to subsection 1.

Sec. 7. NAC 641.1503 is hereby amended to read as follows:

641.1503 1. An application for licensure as a psychologist shall be deemed withdrawn and all fees for the application are forfeited if:

(a) The application is not completed as described in NRS 641.170 within 2 years after the date on which the Board first received the application materials; or

(b) The applicant has not taken the national examination required pursuant to NRS 641.180 within 2 years after the date on which the Board first received the application materials.

2. An application for licensure as a licensed behavior analyst or a licensed assistant behavior analyst shall be deemed withdrawn and all fees for the application are forfeited if the application is not completed as described in NRS 641.170 within 2 years after the date on which the Board first received the application.

3. ~~An application for certification as a certified autism behavior interventionist shall be deemed withdrawn and all fees for the application are forfeited if the application is not completed as described in subsection 1 of NRS 641.172 within 2 years after the date on which the Board first received the application.~~

~~4.~~ An application for registration as a psychological assistant shall be deemed withdrawn if the application is not completed within 2 years after the date on which the Board first received the application materials.

~~5.~~ 4. If an application is deemed withdrawn pursuant to this section, the applicant may reapply for such licensure ~~or certification~~ or registration and must pay any application fees in effect at the time of the reapplication.

Sec. 8. NAC 641.200 is hereby amended to read as follows:

641.200 1. The provisions of NAC 641.200 to 641.255, inclusive:

(a) Apply to the conduct of any licensee ~~or certificate holder~~ or any applicant for licensure ~~or certification~~ pursuant to this chapter and chapter 641 of NRS, including conduct during any period of education, training or employment required for licensure . ~~or certification.~~

(b) Constitute the standards of conduct which a psychologist, licensed behavior analyst ~~{}~~ *or* licensed assistant behavior analyst ~~{or certified autism behavior interventionist}~~ shall follow in the provision of services.

2. A violation of the provisions of NAC 641.200 to 641.255, inclusive, constitutes unprofessional conduct and is a ground for disciplinary action or the denial of an application for an initial license or certification or the renewal of a license . ~~{or certificate.}~~

Sec. 9. NAC 641.204 is hereby amended to read as follows:

641.204 An organization is a patient or client of a psychologist, licensed behavior analyst ~~{}~~ *or* licensed assistant behavior analyst ~~{or certified autism behavior interventionist}~~ if the professional contract between the organization and the psychologist, licensed behavior analyst ~~{}~~ *or* licensed assistant behavior analyst ~~{or certified autism behavior interventionist}~~ requires the psychologist, licensed behavior analyst ~~{}~~ *or* licensed assistant behavior analyst ~~{or certified autism behavior interventionist}~~ to provide services primarily to the organization rather than to the persons in the organization.

Sec. 10. NAC 641.206 is hereby amended to read as follows:

641.206 If a psychologist, licensed behavior analyst ~~{}~~ *or* licensed assistant behavior analyst ~~{or certified autism behavior interventionist}~~ is treating a child or ward, the parent or legal guardian of the child or ward is the patient or client for the purpose of making decisions concerning treatment. The child or ward who is receiving services from the psychologist, licensed behavior analyst ~~{}~~ *or* licensed assistant behavior analyst ~~{or certified autism behavior interventionist}~~ is also the patient or client for:

1. Issues directly affecting the physical or emotional safety of the child or ward, including, without limitation, sexual relationships or other exploitive dual relationships.

2. Issues which the parent or legal guardian has specifically agreed, before the child or ward receives professional services, must be reserved to the child or ward, including, without limitation, confidential communications between the psychologist, licensed behavior analyst ~~§~~ *or* licensed assistant behavior analyst ~~for certified autism behavior interventionist~~ and the child or ward during the course of the professional relationship.

Sec. 11. NAC 641.208 is hereby amended to read as follows:

641.208 A psychologist:

1. Shall limit his or her practice and supervision to the areas in which he or she has acquired competence through education, training and experience.

2. Shall not, except in an emergency in which the life or health of a person is in danger, practice or offer to practice beyond the scope of his or her license, or accept or perform any professional service which he or she knows, or has reason to know, he or she is not competent to perform.

3. Shall not engage in conduct in the practice of psychology which evidences moral unfitness to practice the profession.

4. Shall maintain competence in the areas in which he or she practices through continuing education, consultation or other methods, in conformance with current standards of scientific and professional knowledge.

5. Shall, if employed by an agency, organization or institution, use every reasonable effort to assure that all services provided for patients are adequate in degree and scope, and conform to the highest professional standards.

6. Shall, if acquiring experience in a service or technique that is either new to the psychologist or new to the profession:

- (a) Engage in continuing consultation with other psychologists or relevant professionals;
- (b) Seek appropriate education and training in the new area; and
- (c) Inform his or her patients of the innovative nature and known risks of the new service or technique to provide his or her patients with the freedom of choice concerning psychological services.

7. Shall not claim or use any secret or special method of treatment or evaluation not previously divulged to the Board.

8. Shall not, except for the purpose of research, use any method or technique of treatment or evaluation for which there is no adequate basis in research.

9. Shall not order any test or treatment, or the use of any facility for treatment, not warranted by the condition of the patient.

10. Shall refer or recommend referral of a patient to:

- (a) Another professional; or
- (b) Technical or administrative resources,

↪ if a referral is clearly in the best interests of the patient.

11. Shall, upon the request of a patient, refer the patient to another professional.

12. Shall not render a formal professional opinion about a person, including an opinion concerning the fitness of a parent in a child custody hearing, without having had direct and substantial professional contact with the person or without having made a formal assessment of the person.

13. May, within the scope of his or her license and competence, provide a patient with:

(a) Consultation and intervention regarding behavioral health and associated factors, including, without limitation, engagement in appropriate health behaviors and compliance with recommended treatment plans; and

(b) Referrals to appropriate health care providers for patient concerns of a medical or physical nature.

14. May, within the scope of his or her license and competence, discuss medications with a patient or consult with a physician regarding medication to be prescribed for the patient.

Sec. 12. NAC 641.213 is hereby amended to read as follows:

641.213 1. A licensed behavior analyst ~~{}~~ *or* licensed assistant behavior analyst : ~~{or certified autism behavior interventionist:}~~

(a) Shall display his or her license ~~{or certificate}~~ in a conspicuous place on the premises of his or her office or place of employment. A licensed behavior analyst ~~{}~~ *or* licensed assistant behavior analyst ~~{or certified autism behavior interventionist}~~ practicing outside of an office must have his or her wallet card, obtained pursuant to NAC 641.029 ~~{}~~ *or* 641.031 ~~{or 641.033,}~~ available for production upon request.

(b) Shall respond within 30 days after receiving communication from the Board and shall make available any relevant records with respect to an inquiry or complaint about his or her professional conduct.

(c) Shall notify the Board in writing of a change of address or telephone number within 30 days after the change.

(d) Shall not mislead or withhold from a client, prospective client or other person who will be responsible for payment of the services of the licensed behavior analyst ~~{}~~ *or* licensed assistant

behavior analyst ~~for certified autism behavior interventionist~~ information concerning the fee for professional services.

(e) Shall not directly or indirectly offer, give, solicit, receive or agree to receive any fee or other consideration for the referral of a client.

2. A licensed behavior analyst or licensed assistant behavior analyst who is a supervisor:

(a) Shall exercise appropriate supervision over any person who is authorized to practice applied behavior analysis under his or her supervision.

(b) Shall not exploit a person who is authorized to practice applied behavior analysis under his or her supervision.

Sec. 13. NAC 641.219 is hereby amended to read as follows:

641.219 1. A psychologist, licensed behavior analyst ~~and~~ *or* licensed assistant behavior analyst ~~and certified autism behavior interventionist~~ shall maintain a record for each patient or client that includes:

(a) The presenting problem or purpose or diagnosis;

(b) The fee arrangement, if any;

(c) The date and type of evaluation or treatment provided to the patient or client;

(d) The results of tests or other evaluations and the data from which the results were derived;

(e) A description of any consultations with other professionals regarding the patient or client and the results of such consultations; and

(f) A copy of all tests and other evaluative reports which were prepared in the course of the professional relationship.

2. A psychologist, licensed behavior analyst ~~and~~ *or* licensed assistant behavior analyst ~~for certified autism behavior interventionist~~ shall maintain the record of each patient or client for

not less than 5 years after the last date that service was rendered to the patient or client, except that the record of a patient or client who is a minor must be maintained for not less than 5 years after the last date that service was rendered or 1 year after the patient or client reaches 21 years of age, whichever is longer. A psychologist, licensed behavior analyst ~~§~~ *or* licensed assistant behavior analyst ~~for certified autism behavior interventionist~~ shall comply with all other state and federal laws and regulations concerning the maintenance of records, including a law or regulation which requires him or her to maintain records for a longer period than required by this subsection.

3. A psychologist, licensed behavior analyst ~~§~~ *or* licensed assistant behavior analyst ~~for certified autism behavior interventionist~~ shall comply with all state and federal laws governing a patient's or client's right to have access to his or her records.

4. A psychologist, licensed behavior analyst ~~§~~ *or* licensed assistant behavior analyst ~~for certified autism behavior interventionist~~ who provides supervision of a licensed behavior analyst ~~§~~ *or* licensed assistant behavior analyst ~~for certified autism behavior interventionist~~ shall maintain for not less than 5 years after the last date of supervision, a record of the supervisory session, including, but not limited to, information regarding the type, place and general content of the session.

Sec. 14. NAC 641.224 is hereby amended to read as follows:

641.224 1. If a psychologist, licensed behavior analyst ~~§~~ *or* licensed assistant behavior analyst ~~for certified autism behavior interventionist~~ provides services to an organization, information he or she obtains in the course of providing the services is confidential, including any personal information concerning a person in the organization if the information was properly obtained within the scope of his or her professional contract with the organization. Personal

information concerning a person in the organization is subject to the confidential control of the organization unless the person who disclosed the information had a reasonable expectation that the information was disclosed pursuant to a separate professional relationship with the psychologist, licensed behavior analyst ~~§~~ *or* licensed assistant behavior analyst ~~for certified autism behavior interventionist~~ and would not be disclosed to the organization.

2. During the course of a professional relationship with a patient or client and after the relationship is terminated, a psychologist, licensed behavior analyst ~~§~~ *or* licensed assistant behavior analyst ~~for certified autism behavior interventionist~~ shall protect all confidential information obtained in the course of his or her practice, teaching or research, or in the performance of any other services related to his or her profession. Except as otherwise provided in this section, a psychologist, licensed behavior analyst ~~§~~ *or* licensed assistant behavior analyst ~~for certified autism behavior interventionist~~ may disclose confidential information only if he or she obtains the informed written consent of the patient or client.

3. A psychologist, licensed behavior analyst ~~§~~ *or* licensed assistant behavior analyst ~~for certified autism behavior interventionist~~ may disclose confidential information without the informed written consent of a patient or client if the psychologist, licensed behavior analyst ~~§~~ *or* licensed assistant behavior analyst ~~for certified autism behavior interventionist~~ believes that disclosure of the information is necessary to protect against a clear and substantial risk of imminent serious harm by the patient or client to the patient or client or another person and:

(a) The disclosure is limited to such persons and information as are consistent with the standards of the profession of psychology or applied behavior analysis in addressing such problems.

(b) If the patient or client is an organization, the psychologist, licensed behavior analyst ~~§~~ *or* licensed assistant behavior analyst ~~{or certified autism behavior interventionist}~~ has made a reasonable but unsuccessful attempt to correct the problems within the organization.

4. A psychologist, licensed behavior analyst ~~§~~ *or* licensed assistant behavior analyst ~~{or certified autism behavior interventionist}~~ may disclose confidential information without the informed written consent of a patient or client if:

(a) A member of the judiciary, or a court magistrate or administrator to whom authority has been lawfully delegated, orders the disclosure; or

(b) Disclosure is required by a state or federal law or regulation, including a law or regulation that requires a psychologist, licensed behavior analyst ~~§~~ *or* licensed assistant behavior analyst ~~{or certified autism behavior interventionist}~~ to report the abuse of a child or elderly person.

5. If a psychologist, licensed behavior analyst ~~§~~ *or* licensed assistant behavior analyst ~~{or certified autism behavior interventionist}~~ renders services to more than one person, including services rendered to an organization, family, couple, group, or a child and a parent, the psychologist, licensed behavior analyst ~~§~~ *or* licensed assistant behavior analyst ~~{or certified autism behavior interventionist}~~ shall, before he or she begins to render the services, explain to each person the relevant limitations on confidentiality during the course of the professional relationship. If appropriate, the psychologist, licensed behavior analyst ~~§~~ *or* licensed assistant behavior analyst ~~{or certified autism behavior interventionist}~~ shall grant to each person an opportunity to discuss and accept the limitations on confidentiality that will apply.

6. If a patient or client is a child or has a legal guardian, a psychologist, licensed behavior analyst ~~§~~ *or* licensed assistant behavior analyst ~~{or certified autism behavior interventionist}~~ shall, before he or she renders services, inform the patient or client to the extent that the patient

or client can understand, of any legal limitations on the confidentiality of communications with the psychologist.

7. With the written consent of a patient, a psychologist, licensed behavior analyst ~~{}~~ *or* licensed assistant behavior analyst ~~{or certified autism behavior interventionist}~~ shall provide in a timely manner to another responsible professional who is treating the patient or client any information which is important for the professional to know in making decisions concerning the ongoing diagnosis and treatment of the patient or client.

8. If a psychologist, licensed behavior analyst ~~{}~~ *or* licensed assistant behavior analyst ~~{or certified autism behavior interventionist}~~ uses the case history of a patient or client in his or her teaching, research or published reports, he or she shall exercise reasonable care to ensure that all confidential information is appropriately disguised to prevent the identification of the patient or client.

9. A psychologist, licensed behavior analyst ~~{}~~ *or* licensed assistant behavior analyst ~~{or certified autism behavior interventionist}~~ shall:

(a) Store and dispose of any written, electronic or other records in a manner which ensures the confidentiality of the content of the records;

(b) Limit access to the records of his or her patients or clients to protect the confidentiality of the information contained in the records;

(c) Ensure that all persons working under his or her authority comply with the requirements of this section to protect the confidentiality of each patient or client; and

(d) Obtain the informed written consent of a patient or client before the psychologist, licensed behavior analyst ~~{}~~ *or* licensed assistant behavior analyst ~~{or certified autism behavior~~

~~interventionist~~ electronically records or allows another person to observe a diagnostic interview or therapeutic session with the patient or client.

10. As used in this section, “confidential information” means information disclosed by a patient or client to a psychologist, licensed behavior analyst ~~or~~ licensed assistant behavior analyst ~~or certified autism behavior interventionist~~ during the course of a professional relationship, or otherwise obtained by the psychologist, licensed behavior analyst ~~or~~ licensed assistant behavior analyst ~~or certified autism behavior interventionist~~ during the course of the relationship, if there is a reasonable expectation that because of the relationship between the patient or client and the psychologist, licensed behavior analyst ~~or~~ licensed assistant behavior analyst ~~or certified autism behavior interventionist~~ or the circumstances under which the information was obtained, the information will not be disclosed by the psychologist, licensed behavior analyst ~~or~~ licensed assistant behavior analyst ~~or certified autism behavior interventionist~~ without the informed written consent of the patient or client.

Sec. 15. NAC 641.229 is hereby amended to read as follows:

641.229 1. A psychologist, licensed behavior analyst ~~or~~ licensed assistant behavior analyst ~~or certified autism behavior interventionist~~ shall not begin or continue a professional relationship with a patient or client if the psychologist, licensed behavior analyst ~~or~~ licensed assistant behavior analyst ~~or certified autism behavior interventionist~~ is impaired, or has received notification from the Board that the Board reasonably suspects him or her to be impaired, because of mental, emotional, physiological, pharmacological or substance abuse problems. If such a problem develops during the course of a professional relationship, the psychologist, licensed behavior analyst ~~or~~ licensed assistant behavior analyst ~~or certified autism behavior interventionist~~ shall:

- (a) Terminate the relationship;
- (b) Notify the patient or client in writing of the termination; and
- (c) Assist the patient or client in obtaining services from another professional.

2. A psychologist, licensed behavior analyst ~~{}~~ *or* licensed assistant behavior analyst ~~{or certified autism behavior interventionist}~~ shall not begin or continue a professional relationship with a patient or client if the objectivity or competency of the psychologist, licensed behavior analyst ~~{}~~ *or* licensed assistant behavior analyst ~~{or certified autism behavior interventionist}~~ is impaired, or if the psychologist, licensed behavior analyst ~~{}~~ *or* licensed assistant behavior analyst ~~{or certified autism behavior interventionist}~~ has received notification from the Board that the Board reasonably suspects his or her objectivity or competency to be impaired, because the psychologist, licensed behavior analyst ~~{}~~ *or* licensed assistant behavior analyst ~~{or certified autism behavior interventionist}~~ has or had a family, social, sexual, emotional, financial, supervisory, political, administrative or legal relationship with the patient or client or a person associated with or related to the patient or client.

3. If a psychologist, licensed behavior analyst ~~{}~~ *or* licensed assistant behavior analyst ~~{or certified autism behavior interventionist}~~ has rendered professional services to a person, the psychologist, licensed behavior analyst ~~{}~~ *or* licensed assistant behavior analyst ~~{or certified autism behavior interventionist}~~ shall not:

- (a) Engage in any verbal or physical behavior with the person which is sexually seductive, demeaning or harassing;
- (b) Engage in sexual contact with the person; or
- (c) Enter into a financial or other potentially exploitive relationship with the person,

↳ for at least 2 years after the termination of the professional relationship, or for an indefinite time if the person is clearly vulnerable to exploitive influence by the psychologist, licensed behavior analyst ~~{}~~ *or* licensed assistant behavior analyst ~~{or certified autism behavior interventionist}~~ because of an emotional or cognitive disorder.

Sec. 16. NAC 641.239 is hereby amended to read as follows:

641.239 1. A psychologist, licensed behavior analyst ~~{}~~ *or* licensed assistant behavior analyst ~~{or certified autism behavior interventionist}~~ shall not directly or by implication misrepresent:

(a) His or her professional qualifications, including the education he or she has received, the experience he or she has acquired or the areas of his or her professional competence.

(b) His or her affiliations or the purposes or characteristics of the institutions and associations with which he or she is associated.

2. A psychologist, licensed behavior analyst ~~{}~~ *or* licensed assistant behavior analyst ~~{or certified autism behavior interventionist}~~ shall correct any other person who the psychologist, licensed behavior analyst ~~{}~~ *or* licensed assistant behavior analyst ~~{or certified autism behavior interventionist}~~ knows has misrepresented the professional qualifications or affiliations of the psychologist, licensed behavior analyst ~~{}~~ *or* licensed assistant behavior analyst ~~{or certified autism behavior interventionist}~~.

3. A psychologist, licensed behavior analyst ~~{}~~ *or* licensed assistant behavior analyst ~~{or certified autism behavior interventionist}~~ shall not include false or misleading information in his or her public statements concerning the professional services he or she offers.

4. A psychologist, licensed behavior analyst ~~§~~ *or* licensed assistant behavior analyst ~~§~~ ~~certified autism behavior interventionist~~ shall not guarantee that satisfaction or a cure will result from the performance of his or her professional services.

5. A psychologist, licensed behavior analyst ~~§~~ *or* licensed assistant behavior analyst ~~§~~ ~~certified autism behavior interventionist~~ shall not associate with or permit his or her name to be associated with any service or product in a manner which misrepresents:

- (a) The service or product;
- (b) The degree of his or her responsibility for the service or product; or
- (c) The nature of his or her association with the service or product.

6. A psychologist shall not distort, misuse or suppress any psychological finding, and shall attempt to prevent, using all reasonable means, the distortion, misuse or suppression of any psychological finding by any institution of which he or she is an employee.

Sec. 17. NAC 641.241 is hereby amended to read as follows:

641.241 1. A psychologist, licensed behavior analyst ~~§~~ *or* licensed assistant behavior analyst ~~§~~ ~~certified autism behavior interventionist~~ shall not aid or abet another person in misrepresenting the person's professional credentials or illegally engaging in the practice of psychology or applied behavior analysis.

2. A psychologist, licensed behavior analyst ~~§~~ *or* licensed assistant behavior analyst ~~§~~ ~~certified autism behavior interventionist~~ shall not delegate any of his or her professional responsibilities to a person he or she knows, or has reason to know, is not qualified because of a lack of adequate education, training or experience.

3. If a psychologist, licensed behavior analyst ~~§~~ *or* licensed assistant behavior analyst ~~§~~ ~~certified autism behavior interventionist~~ has substantial reason to believe that another person has

violated any provision of this chapter or chapter 641 of NRS, he or she shall inform the Board in writing of the violation, except that if the psychologist, licensed behavior analyst ~~{}~~ *or* licensed assistant behavior analyst ~~{or certified autism behavior interventionist}~~ has knowledge of the violation because of his or her professional relationship with a patient or client, he or she may report the violation only if he or she has the informed written consent of the patient or client. The provisions of NAC 641.200 to 641.255, inclusive, do not relieve a psychologist, licensed behavior analyst ~~{}~~ *or* licensed assistant behavior analyst ~~{or certified autism behavior interventionist}~~ of the duty to file any report otherwise required by state or federal law or regulation.

Sec. 18. NAC 641.245 is hereby amended to read as follows:

641.245 1. A psychologist, licensed behavior analyst ~~{}~~ *or* licensed assistant behavior analyst ~~{or certified autism behavior interventionist}~~ shall not violate any law or regulation which governs the practice of psychology or applied behavior analysis, as applicable.

2. A psychologist, licensed behavior analyst ~~{}~~ *or* licensed assistant behavior analyst ~~{or certified autism behavior interventionist}~~ shall not use fraud, misrepresentation or deception:

- (a) To obtain a license or pass an examination required for licensure ; ~~{or certification;}~~
- (b) To assist another person in obtaining a license ~~{or certificate}~~ or passing an examination required for licensure ; ~~{or certification;}~~
- (c) In billing a patient or client or other person who is responsible for payment;
- (d) In providing his or her professional services;
- (e) In reporting the results of any evaluation or service related to the practice of psychology or applied behavior analysis, as applicable; or

(f) To conduct any other activity related to the practice of psychology or applied behavior analysis, as applicable.

3. A psychologist, licensed behavior analyst ~~or~~ *or* licensed assistant behavior analyst ~~or certified autism behavior interventionist~~ shall not willfully make or file any false report, fail to file any report required by law or by the Board, willfully impede or obstruct any such filing, or induce another person to engage in any act prohibited by this subsection.

4. A psychologist, licensed behavior analyst ~~or~~ *or* licensed assistant behavior analyst ~~or certified autism behavior interventionist~~ shall not violate any condition, limitation or term of probation imposed upon him or her by the Board.

5. A psychologist, licensed behavior analyst ~~or~~ *or* licensed assistant behavior analyst ~~or certified autism behavior interventionist~~ shall not:

(a) Fail to make timely payments for the support of one or more children pursuant to a court order; or

(b) Fail to comply with any warrant or subpoena relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of one or more children.

Sec. 19. NAC 641.255 is hereby amended to read as follows:

641.255 1. The provisions *which* set forth *the guidelines for conduct for behavior analysts which are contained* in the most recent version of the ~~“Guidelines for Responsible Conduct”~~ *“Professional and Ethical Compliance Code* for Behavior Analysts” provided by the Behavior Analyst Certification Board, Inc., or its successor organization, are hereby adopted by reference and incorporated herein, unless the Board gives notice that the most recent version is not suitable for this State pursuant to subsection 2, and except to the extent that those provisions

conflict with the provisions of NAC 641.200 to 641.255, inclusive, in which case the provisions of NAC 641.200 to 641.255, inclusive, will control. A copy of the publication may be obtained free of charge from the Behavior Analyst Certification Board, Inc., at the Internet address

~~http://www.baeb.com/maint_frame.html~~ <http://bacb.com/ethics-code/>.

2. If the publication adopted by reference in subsection 1 is revised, the Board will review the revision to ensure its suitability for this State. If the Board determines that the revision is not suitable for this State, the Board will hold a public hearing to review its determination within 6 months after the date of publication of the revision and give notice of that hearing to all licensed behavior analysts ~~and~~ *and* licensed assistant behavior analysts . ~~and certified autism behavior interventionists.~~ If, after the hearing, the Board does not revise its determination, the Board will give notice within 30 days after the hearing that the revision is not suitable for this State. If the Board does not give such notice, the revision becomes part of the publication adopted by reference in subsection 1.

Sec. 20. NAC 641.006, 641.033, 641.1325, 641.1327, 641.140 and 641.2095 are hereby repealed.

TEXT OF REPEALED SECTIONS

641.006 “Certified autism behavior interventionist” defined. (NRS 641.100)

“Certified autism behavior interventionist” has the meaning ascribed to it in NRS 689A.0435.

641.033 Issuance of certificate to autism behavior interventionist; provisional certificates. (NRS 641.100, 641.110, 641.172)

1. The Board will issue a certificate as a certified autism behavior interventionist to an applicant who:

(a) Meets the requirements of subsection 1 of NRS 641.172;

(b) Has completed 40 hours of training in applied behavior analysis techniques:

(1) Taught by a licensed behavior analyst, a licensed assistant behavior analyst or a person who is certified as a behavior analyst by the Behavior Analyst Certification Board, Inc., or its successor organization; or

(2) Taught in a program approved by the Board;

(c) Has not previously been convicted of a felony;

(d) Has not been subject to disciplinary action as an autism behavior interventionist in another jurisdiction;

(e) Does not have any outstanding complaints or charges pending against him or her as an autism behavior interventionist in another jurisdiction;

(f) Has not previously been denied certification by the Board;

(g) Has passed the state examination administered by the Board pursuant to NAC 641.113;

(h) Submits to the Board three letters of professional reference that attest without reservation to the professional competence, moral character and current fitness to practice of the applicant; and

(i) Submits to the Board the appropriate application and fees.

2. The Board may require an applicant to appear before the Board to demonstrate the applicant's:

- (a) Moral character;
- (b) Current fitness to practice as a certified autism behavior interventionist; and
- (c) Intent to practice as a certified autism behavior interventionist in a manner consistent with the applicant's education, training and experience.

3. The Board may issue a provisional certificate to an applicant who has completed all the requirements for certification pursuant to subsection 1 other than successful completion of the written examination required by paragraph (d) of subsection 1 of NRS 641.172. A provisional certificate is valid for not more than 1 year and may not be renewed.

4. The Board will, in addition to issuing a certificate to an applicant who meets the requirements of this section, issue to the applicant a copy of the certificate which is in the form of a card of a size to be carried in a wallet.

641.1325 Renewal of certificate: General requirements. (NRS 641.100, 641.110, 641.220, 641.232)

1. To renew his or her certificate, a certified autism behavior interventionist must submit to the Board:

- (a) An application for renewal on a form provided by the Board;
- (b) The applicable fees;
- (c) The form required by subsection 2; and
- (d) Any other information requested by the Board.

2. The Board will mail to each certified autism behavior interventionist, before the expiration of his or her certificate, a form for the biennial report of continuing education, examination and direct service. The certified autism behavior interventionist must sign the form certifying that:

- (a) He or she has completed the continuing education, examination and direct service required by NAC 641.1327; and
- (b) The evidence of completion of the continuing education required pursuant to subsection 3 is true and accurate.

3. A certified autism behavior interventionist shall retain evidence of completion of the continuing education, examination and direct service required by NAC 641.1327 for at least 5 years after the completion of those requirements.

4. A certified autism behavior interventionist who misrepresents information concerning his or her completion of any continuing education, examination or direct service required by NAC 641.1327 may be subject to disciplinary action by the Board, including, without limitation, the limitation, suspension, revocation or nonrenewal of his or her certificate. A certified autism behavior interventionist whose certificate has been suspended, revoked or not renewed must complete the continuing education required by paragraph (c) of subsection 1 of NAC 641.1327 before the Board will consider whether to reinstate the certificate.

5. If a certified autism behavior interventionist does not complete the continuing education required by NAC 641.1327, the certificate will not be renewed and he or she will be subject to disciplinary action. The Board may grant a certified autism behavior interventionist a 60-day extension if the certified autism behavior interventionist submits to the Board, on or before December 1 immediately preceding the expiration of his or her certificate, a written request for an extension which includes a compelling explanation for his or her inability to complete the continuing education requirement during the immediately preceding 2 years.

641.1327 Renewal of certificate: Provision of direct service to clients; completion of practice-based examination; completion of continuing education. (NRS 641.100, 641.110, 641.220)

1. To renew his or her certificate, a certified autism behavior interventionist must certify to the Board that during the 2 years immediately preceding the date on which he or she submits an application for renewal, the applicant has:

(a) Provided an average of at least 4 hours per week of direct service to clients as a certified autism behavior interventionist.

(b) Satisfactorily completed an annual practice-based examination which is approved by the Board and which must be:

(1) Administered by the supervisor of the certified autism behavior interventionist; and

(2) Videotaped, with the recording made available to the Board upon request.

(c) Except as otherwise provided in subsection 2, satisfactorily completed at least 24 hours of continuing education that is approved by the Board. At least 6 hours must include instruction in scientific and professional ethics and standards, and common areas of professional misconduct. Not more than 12 hours may be obtained from an approved distance education course.

2. The continuing education required by paragraph (c) of subsection 1 will be waived if the certified autism behavior interventionist is enrolled at an accredited college or university program to obtain a bachelor's degree or a higher degree in a field of social science or special education that is approved by the Board.

3. A certified autism behavior interventionist may not receive credit for continuing education for a workshop, seminar, class or course in which he or she is the instructor.

4. Except as otherwise provided in subsection 5, the continuing education required pursuant to this section may include, without limitation:

(a) A workshop, seminar, class or distance education course in psychology, applied behavior analysis or a closely related field which maintains an attendance roster and which is:

(1) Conducted under the auspices of an accredited college or university offering undergraduate- or graduate-level instruction; or

(2) Certified or recognized by a state, regional, national or international accrediting agency, including, without limitation:

(I) The American Association for Marriage and Family Therapy;

(II) The American Counseling Association;

(III) The American Medical Association;

(IV) The American Psychiatric Association;

(V) The American Psychological Association;

(VI) The Association for Behavior Analysis International;

(VII) The Behavior Analyst Certification Board, Inc.;

(VIII) The International Congress of Psychology; and

(IX) The National Association of Social Workers; or

(b) A workshop, seminar, class or distance education course in psychology, applied behavior analysis or a closely related discipline which is approved by the Board.

5. Before a certified autism behavior interventionist may receive credit for continuing education for a course in scientific and professional ethics and standards, and common areas of professional misconduct, he or she must submit information concerning the course to the Board for approval of the course, unless the Board has previously approved the course. The Board will

make available at its office a list of courses and programs that are currently approved by the Board.

6. For the purposes of this section, “direct service” means working directly with a client to provide approved services, therapy or treatment pursuant to NAC 641.2095.

641.140 Areas of acceptable practice of psychology and specialization. (NRS 641.100, 641.112)

1. The Board will specify in writing at the time of granting a license, or at other times, if circumstances dictate, the areas of acceptable practice of each holder of a license as a psychologist, and may require, at intervals, evidence that his or her practice is confined to the areas of his or her competence.

2. Areas of specialization recognized by the Board include, but are not limited to:

- (a) Clinical psychology.
- (b) Counseling psychology.
- (c) Educational psychology.
- (d) Industrial psychology.

641.2095 Scope of practice for certified autism behavior interventionist: Competency and supervision required; formal professional opinions; referral of certain clients. (NRS 641.100, 641.232, 641.395) A certified autism behavior interventionist:

1. Shall limit his or her practice to that which is specifically designed and approved by the supervisor of the certified autism behavior interventionist.

2. Shall not, except in an emergency in which the life or health of a person is in danger, practice or offer to practice beyond the scope of his or her certification, or perform any

professional service which the certified autism behavior interventionist knows, or has reason to know, he or she is not competent to perform.

3. Shall not engage in conduct in the practice of applied behavior analysis which evidences moral unfitness to practice the profession.

4. Shall maintain competence in the areas in which the certified autism behavior interventionist practices through continuing education and on-going supervision and training.

5. Shall use every reasonable effort to ensure that all services provided to clients are carried out in accordance with specifications established by his or her supervisor, and conform to the highest professional standards.

6. Shall not use any method, service or technique for treatment or evaluation without the approval of his or her supervisor.

7. Shall only practice applied behavior analysis under supervision.

8. Shall not render formal professional opinions about clients or represent himself or herself as a behavior analyst or an assistant behavior analyst.

9. Shall only refer a client to his or her supervisor upon the request of the client.

10. Shall not refer a client to any other professional other than his or her supervisor, even upon the request of the client.

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY
NRS 233b.066
LCB FILE R127-14**

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.

The regulation is necessary to repeal mention of Certified Autism Behavior Interventionists from mention in NAC 641, as well as enforce a limit to the testing attempts to be made for the Nevada State Psychology Exam and the Examination for Professional Practice of Psychology (EPPP). The regulation also makes changes to the scope of practice and licensure requirements for psychologists.

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 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 or by directly emailing the Board office 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

Behavior Analysis Program
University of Nevada, Reno
Reno, Nevada 89523

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 December 14, 2015, the Board of Psychological Examiners issued a Notice of Intent to Act Upon a Regulation which incorporated in the proposed amendment that was developed at the July 12, 2013 workshop. On January 15, 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 R127-14.

Psychological Examiners approved to adopt proposed regulations R111-13.

3. The number of persons who:

- (a) Attended each hearing:** September 12, 2014- 27; January 15, 2016- 8
- (b) Testified at each hearing:** September 12, 2014 -7; January 15, 2016- 0;
- (c) Submitted to the agency written comments:** September 12, 2014- 1

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 may be obtained as instructed in response to question #2.

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.

The regulation was re-submitted for change after the September 12, 2014 workshop, after receipt of public comment. A rewrite was also 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:

- (a) Both adverse and beneficial effects;**
- (B) Both immediate and long-term effects.**

(a) Both adverse and beneficial effects:

The regulation allows the Board to better regulate the profession of psychology. The limitation of exam attempts is to maintain the integrity of the exams. There does not appear to be adverse economic impact on psychologist or the public as the regulation was provided to all impacted parties through public workshop and hearing notices, and no negative impact was stated by any small business owners present or through written comment.

(b) Both immediate and long-term effects.
Benefits stated above appear to be immediate and long term.

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 January 15, 2016.