

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY  
NRS 233b.066  
LCB FILE R133-17**

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 that provide procedures regarding filing and prompt disposition of petitions for declaratory orders and advisory opinions are to be considered by the Board of Psychological Examiners.

The regulation makes certain provision that allow for the Board to persons to submit a request regarding adoption, filing, amendment or repeal of any regulation to be submitted to the Board.

Existing law authorizes a psychologist who is not a resident of Nevada and chose to not seek licensure in Nevada but is certified or licensed in another state with licensure requirements that are equivalent to those of this State to practice in this State without licensure provided that the psychologist: (1) does not practice in this State over 30 days in any 1 calendar year; and (2) is invited as a consultant by a psychologist licensed in this State.

Existing regulations require such a nonresident consultant to apply to the Board for approval to practice in this State, to include with the application a letter from the inviting psychologist and to swear that he or she will only practice as a consultant in this State.

This regulation requires the Board to approve of such a nonresident consultant if the psychologist provides: (1) proof that he or she is in good standing in the jurisdiction in which he or she practices; (2) proof that there are no disciplinary proceedings pending against him or her in that jurisdiction; and (3) any other information the Board requires.

Finally, Section 12 of this regulation repeals two existing sections of NAC which contain various administrative procedures that are superseded by provisions of existing law.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  
100 N. Carson St.  
Carson City, Nevada 89701

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

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 February 23, 2018, and the minutes of the meeting, which can be obtained through contacting the Board office or locating them on the Board's website [Psyexam.nv.gov](http://Psyexam.nv.gov), contain a summary of the discussion held regarding the proposed language change. Thereafter, on or about April 9, 2018, 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 May 11, 2018, a public hearing was held, where the Board of psychological Examiners received no testimony. The Board of Psychological Examiners approved to adopt proposed regulations R133-17. 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:** February 23, 2018- 9; May 11, 2018- 10
- (b) Testified at each hearing:** February 23, 2018 -0; May 11, 2018- 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;**

**February 23, 2018:**

Michelle Paul, Board President  
John Paglini, Board Member  
Yvonne Wood-Antonuccio, Board Member  
John Krogh, Board Member  
Pam Becker, Board Member  
Morgan Gleich, Executive Director  
Gary Lenkeit, Board Investigator  
Debra Robertson, Executive Assistant  
Brian Lech:

**May 11, 2018:**

Michelle Paul, Board President  
Whitney Owens, Board Secretary/Treasurer  
John Paglini, Board Member  
Patrick Ghezzi, Board Member  
Pam Becker, Board Member  
John Krogh, Board Member  
Yvonne Wood-Antonuccio  
Shelia Young, Board Investigator  
Sarah Bradley, DAG  
Morgan Gleich, Executive Director  
Debra Robertson, Executive Assistant  
Adriana Wechsler Zimring:  
Brian Lech:

**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 minutes; which can be obtained through contacting the Board office or locating them on the Board's website, psyexam.nv.gov. 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.**

This regulation was initially requested in regulation in 2015. As the deadline for passage passed, the Board requested the regulation be reproduced, with the subtraction of requirement for licensure as behavior analyst, as the Board's supervision of the license was removed in the 79<sup>th</sup> 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 estimated adverse effects from this regulation.

Adverse, long-term: There are no estimated adverse effects from this regulation.

b) Beneficial, immediate: There are no estimated economic effects in this regulation.

Beneficial, long-term: There are no estimated economic effects in this regulation.

\*Economic effects on public:

a) Adverse, immediate: There are no estimated economic effects in this regulation.

Adverse, long-term: There are no estimated economic effects in this regulation.

b) Beneficial, immediate: There are no estimated economic effects in this regulation.

Beneficial, long-term: There are no estimated 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 May 11, 2018.**