

R051-19  
NRS 641A

December 11, 2019

### **INFORMATIONAL STATEMENT**

The informational statement required by NRS 233B.066 numerically conforms to the subsections of the statute as follows:

**1. EXPLANATION OF THE NEED FOR THE ADOPTED REGULATION**

The proposed amendment supports the expansion of behavioral health workforce via practice scope expansion, which will attract and retain more clinicians who can practice to the full scope of their training and education; improve and expedite the licensure by endorsement licensing process, also improving the workforce; increases funding for the Board operations which will allow increased responsiveness to licensees; and removes conflicting language regarding supervision, resulting in more proficient oversight of intern licensees.

**2. A DESCRIPTION OF HOW PUBLIC COMMENT WAS SOLICITED, A SUMMARY OF PUBLIC RESPONSE, AND AN EXPLANATION HOW OTHER INTERESTED PERSONS MAY OBTAIN A COPY OF THE SUMMARY.**

The Board solicited comment on the proposed amendment by (1) posting notice to the LCB Administrative Regulation Notices webpage, (2) posting a copy of the full text of the proposed changes to the Board's website as part of the Board Hearing materials, (3) posting notice to the Nevada Public Notice website, operated by the Department of Administration, with a link back to a full text of the proposed amendment on the Board's website, and (4) posting notices and agendas in numerous public locations per NRS Chapter 233B.

The Board also solicited comment from Nevada marriage and family therapists and clinical professional counselors and students, and from representatives of relevant businesses that board members and staff deemed likely to have an interest in the proposed amendment. The Board further provided time for public comment at the workshop(s) concerning the proposed amendment. The Board received public response at the January 18, 2019 board meeting, at a public workshop held June 21, 2019, and had no additional comments at the September 20, 2019 Notice to Act Upon Regulation R051-19 hearing.

Public response was overwhelmingly positive, especially in the scope of practice increases. There was minor dissent regarding the fee increases but many licensees recognize that their fees haven't been raised since 1989 and the board office has typically underperformed due to minimal staff and funding. Additionally, moving to a

biennial license with more flexibility for gaining required CEUs was well-supported, although some individuals felt that a birthday expiration would be beneficial rather than having all licenses expire December 31<sup>st</sup>.

Parties interested in obtaining a copy of the summary of the proposed amendment, or that wish to view the text of the proposed amendment, may access that information on the Board's website at [mftbd.nv.gov](http://mftbd.nv.gov), or by contacting the Board's office at (702) 486-7388.

**3. THE NUMBER OF PERSONS WHO: (A) ATTENDED EACH HEARING; (B) TESTIFIED AT EACH HEARING; AND (C) SUBMITTED TO THE AGENCY WRITTEN STATEMENTS.**

The number of persons who attended the hearing was: 38

The number of persons who testified at the hearing was: 20

The number of agencies submitted statements was: 3

The name of persons who testified at the hearing:

January 18, 2019 attendees: Jon Ray, Amy Reha, Brittany Beck, Taylor Tremayn, Ashia Adiodum, Helen Foley, Merlelynn Harris, Griselda Lloyd, Sarah Adler, Adrienne Sutherland, Eddie Ableser, Julia Catlin, Andrea Johnson, Amanda Nielsen, Brittany Farrow, Lynne Smith, Michelle Cambridge, Don Roberts, Matt Burkhardt, Sarah Adler, Ana Hernandez, Dominique Nguyen, Marta Pagan, Cathy Cassidy.

Testified at January 18, 2019 meeting: Jon Ray, Amy Reha, Brittany Beck, Taylor Tremayn, Ashia Abiodun, Helen Foley, Merlelynn Harris, Griselda Lloyd, Sarah Adler, Adrienne Sutherland, Eddie Ableser, Julia Catlin, Andrea Johnson, Amanda Nielsen.

June 21, 2019 attendees: Brinn Wallace, Amy Reha, Genevieve Ramos, Lynne Smith, Danielle Turner, Daphinee Austin, Darlene Cross, Marci Murdock, Rebecca Nemecek, Melissa Fischer, Marj Hartsell, Gilbert Madrid, Sandal Kelly, Steven Brotman.

Testified at June 21, 2019 public workshop: Gilbert Madrid, Genevieve Ramos, Rebecca Nemecek, Melissa Fischer, Brinn Wallace, Darlene Cross.

**4. A DESCRIPTION OF HOW COMMENT WAS SOLICITED FROM AFFECTED BUSINESSES, A SUMMARY OF THEIR RESPONSE, AND AN EXPLANATION HOW OTHER INTERESTED PERSONS MAY OBTAIN A COPY OF THE SUMMARY.**

The Board solicited comment on the proposed amendment by (1) posting notice, with links to the full text of the proposed amendment, to the LCB Administrative Regulation Notices webpage, (2) posting a copy of the full text of the proposed changes to the

Board's website as part of the Board Hearing materials, (3) posting notice to the Nevada Public Notice website, operated by the Department of Administration, with a link back to a full text of the proposed amendment on the Board's website, and (4) posting notices and agendas in numerous public locations per NRS Chapter 233B.

The Board also solicited comment from Nevada marriage and family therapists and clinical professional counselors and students, and from representatives of relevant businesses that board members and staff deemed likely to have an interest in the proposed amendment. The Board further provided time for public comment at the workshop(s) concerning the proposed amendment. The Board received public response at the January 18, 2019 board meeting, at a public workshop held June 21, 2019, and had no additional comments at the September 20, 2019 Notice to Act Upon Regulation R051-19 hearing.

Parties interested in obtaining a copy of the summary of the proposed amendment, or that wish to view the text of the proposed amendment, may access that information on the Board's website at [mftbd.nv.gov](http://mftbd.nv.gov), or by contacting the Board's office at (702) 486-7388.

**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 Board received comments from the public requesting some changes which were implemented.

**6. THE ESTIMATED ECONOMIC EFFECT OF THE REGULATION ON THE BUSINESS WHICH IT IS TO REGULATE AND ON THE PUBLIC. THESE MUST BE STATED SEPARATELY, AND IN EACH CASE MUST INCLUDE:**

**A) BOTH ADVERSE AND BENEFICIAL EFFECTS.**

There will be minor adverse economic impacts from this regulation amendment on the board licensees and possibly those agencies employing MFT/CPC licensees. Scope of practice increases will benefit licensees by expanding their client base. Licensees will have a \$75/year increase in their renewal fee; however, they will only be required to renew every two years and increased funding allows for streamlining renewal processes online. The economic impact to the public may be a slight increase in rates charged by licensees to recoup increased license fees. Streamlined board office functions and a searchable online licensee database supports an augmented licensee pool which benefits the public in greater accessibility to mental health resources. Agencies benefit with quicker licensing processes by endorsement for those mental health professionals moving to Nevada as well as faster licensing for recent graduates.

**B) BOTH IMMEDIATE AND LONG-TERM EFFECTS.**

The Board anticipates that there will be some immediate economic effects on the licensees, but no impact on the public or that any such effects will be negligible. The immediate effects for licensees will be the expense of a biennial license that must be paid by December 31, 2019. Long-term effects will be the enhanced behavioral health workforce via practice scope expansions; improved and expedited licensure by endorsement for mental health professionals moving to Nevada with existing licenses from other states; the ability to investigate complaints against licensees more quickly thus protecting the public more robustly; improving office operations and streamlining licensee's ability to upload and update required license file information.

**7. THE ESTIMATED COST TO THE AGENCY FOR ENFORCEMENT OF THE PROPOSED REGULATION.**

There will be no additional or special costs incurred by the board for enforcement of this regulation.

**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.**

The Board of Examiners for Marriage and Family Therapy and Clinical Professional Counselors is not aware of any similar regulations of other state or government agencies that the proposed regulation overlaps or duplicates.

**9. IF THE REGULATION INCLUDES PROVISIONS WHICH ARE MORE STRINGENT THAN A FEDERAL REGULATION WHICH REGULATES THE SAME ACTIVITY, A SUMMARY OF SUCH PROVISIONS.**

The Board of Examiners for Marriage and Family Therapy and Clinical Professional Counselors is not aware of any similar regulations of the same activity in which the federal regulation is more stringent.

**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.**

This regulation amendment provides an increase of fees, which have not been raised since 1989. The total projected fee increase is \$250,000. These funds will be managed over the biennial licensing period for operating expenses including online processing.