

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY
NRS 233B.066
LCB FILE R115-19**

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

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

This regulation clarifies certain requirements concerning the licensure by the Board of Psychological Examiners of a person who is engaged in the teaching of psychology or psychological research. This change will require such persons to be licensed as a psychologist in Nevada. This will help to ensure appropriate and adequate training is occurring.

This regulation requires a psychologist to designate a custodian of health care records; requires a psychologist who intends to cease providing services to provide certain notice to the Board and to his or her patients; and requires the custodian of the records of a psychologist who has died or discontinued practice to maintain such records for a period of time. This change seeks to ensure the appropriate storage of medical records; and to assist a patient who is trying to obtain their own medical records when the psychologist has died or discontinued practice.

This regulation requires that, if a psychological assistant or psychological intern is not an employee of the supervisor, an agreement be in place specifying payment of the psychological assistant or psychological intern and the role of the supervisor or a training committee in training. This seeks to ensure a chain of custody of records and supervision exists for a psychologist assistant or psychological intern. This change provides an added layer of security for patients who are seeing a psychological assistant or intern.

Finally, this regulation revises provisions governing the education and experience required to be completed by an applicant for licensure as a psychologist. This includes the amount of patient care that must be provided during training; and the way in which supervisees must be paid during that training.

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 to persons who were known to have interest in the application requirements of psychologists in the state of Nevada, as well as any specific person who requested notification regarding regulation changes. Such distribution 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. (Posting was contingent upon those buildings being open to the public during Governor Sisolak's Emergency Mandate to Stay at Home for Nevada.):

Board of Psychological Examiners
4600 Kietzke Lane B-116
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 Hall
201 N. Carson St., Suite 2
Carson City, Nevada 89701

Workshops were held to discuss language changes to the current NAC 641 on November 13, 2020, and December 11, 2020, and the minutes of the meetings, which can be obtained through contacting the Board office or locating them on the Board's website Psyexam.nv.gov, contain a summary of the discussion held regarding the proposed language change. Written and public comment was submitted suggesting revision to the regulation.

Thereafter, on or about January 12, 2021, 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 workshops. On February 12, 2021, a public hearing was held, where the Board of Psychological Examiners received public comment. The Board of Psychological Examiners approved adoption of the proposed regulation R114-19 with revisions. Four members of the public spoke about the regulation and suggested revisions but no opposition to adoption of the regulation at any of the above dates.

3. The number of persons who:

- (a) Attended each hearing:** November 13, 2020 – 7; December 11, 2020 – 10; February 12, 2021 – 18
- (b) Testified at each hearing:** November 13, 2020 - 0; December 11, 2020 – 2; February 12, 2021 - 4
- (c) Submitted to the agency written comments:** November 13, 2020 - 2; December 11, 2020 – 0; February 12, 2021 - 2

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;

November 13, 2020:

- Jaqueline Green, Member of the Public
- Jane Shatz, Member of the Public
- Carolina Meza Perez, Member of the Public
- Konjit Page, Member of the Public
- Chad Davis, Member of the Public
- Lewis Etcoff, Member of the Public
- Thomas Kinsora, Member of the Public
- Dennis F. Mohatt, Vice President for Behavioral Health, Western Interstate Commission for Higher Education (303-541-0256 Office) – submitted written comment
- Emily Slife, Ph.D., Training Director, Nevada Psychology Internship Consortium (702-486-0711) – submitted written comment

December 11, 2020:

Liza Tupa, made public comment
Emily Slife, made public comment
Beth Farley, Member of the Public
Teri Belmont, Member of the Public
Noelle Lefforge, Member of the Public
W. David, Member of the Public
Erin Briley, Member of the Public
James Tenney, Member of the Public
Erik Welsh, Member of the Public
Davor Papic Zink, Member of the Public

February 12, 2021:

Emily Slife, made public comment
Bethany Schlinger, Member of the Public
Brian Lech, made public comment
Stephen Benning, Member of the Public
Robert Mirabella, Member of the Public
Lauren Wecker, Member of the Public
Alicia Brown, made public comment
Teri Belmont, made public comment
Sara Hunt, Representative, Nevada Psychological Association

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 request for input regarding impact was sent to all licensees of the Board of Psychological Examiners. 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. Two letters of written comment were submitted regarding proposed revisions.

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.

Proposed revisions resulted in changes to the regulation.

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.

There are no new fees nor increases to an existing fee.

Regulation adopted on February 12, 2021.