

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY
NRS 233B.066
LCB FILE R051-23**

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 was in response to Governor Joe Lombardo’s Executive Order 2023-003 (EO 2023-003), which required that the Nevada Board of Psychological Examiners (among other Nevada Boards) submit a report to his office that details various Nevada Administrative Code Provisions in Chapter 641 that can be revised or removed to ensure that they provide for the general welfare of the State without unnecessarily inhibiting economic growth. In its report, the Nevada Board of Psychological Examiners (Board) identified all of NAC Chapter 641’s regulations that reference Behavior Analysts, which the Board no longer governs.¹ The Board addressed which of the regulations in NAC Chapter 641 were appropriate to be repealed and those that required revisions in order to remove from NAC Chapter 641 all language that references Behavior Analysts. The Board considered and adopted the regulation in order to comply with EO 2023-003.

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

Notice of a public workshop and notice 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. That 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), and were posted at the following location:

Board of Psychological Examiners
4600 Kietzke Lane B-116
Reno, Nevada 89502²

¹ Prior to the 2017 Legislative Session, the Board governed licensing and oversight of both psychologists and behavior analysts. During that Legislative Session, however, the Legislature transferred the licensing and oversight of behavior analysts from the Board to the Board of Applied Behavior Analysts it created. Behavior Analysts are now regulated by the Division of Aging and Disability.

² At the time the Board held its May 12, 2023, regulations workshop and its subsequent February 9, 2024, regulations hearing, the Board office was at this location. The Board office has since moved to Las Vegas.

The Board held a workshop on May 12, 2023, to discuss the proposed changes to the current NAC Chapter 641. The minutes of that meeting, 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 regarding the proposed changes. There was no written or verbal public comment.

On January 8, 2024, after the Board received the LCB's draft of the Board's proposed regulation changes in response to EO 2023-003, the Board issued and posted a Notice of Intent to Act Upon a Regulation, which incorporated the proposed regulation changes that the Board discussed at its May 12, 2023, regulations workshop. That notice included a request for submission of public comment regarding adoption of the regulation.

On February 9, 2024, the Board conducted a public hearing on R051-23 during its regular Board meeting. The Board did not receive any written or verbal public comment. The Nevada Board of Psychological Examiners approved adoption of proposed regulation R051-23 with no changes.

3. The number of persons who:

- | | |
|--|---------------------------------------|
| (a) Attended each hearing: | May 12, 2023- 1; February 9, 2024 - 3 |
| (b) Testified at each hearing: | May 12, 2023- 0; February 9, 2024 - 0 |
| (c) Submitted to the agency written comments: | May 12, 2023- 0; February 9, 2024 - 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;

May 12, 2023:

Dr. Dorothy Parriott

May 6, 2022:

Dr. Shera Bradley
Dr. Lauren Chapple-Love
Donald Hoier (private citizen)

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.

The Board solicited comments from affected businesses in the same manner as they were solicited from the public. Notice of a public workshop and notice 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. The summary of the Board's discussion may be obtained through the minutes, which will be provided and/or

made available by contacting the Board office or locating them on the Board's website (psyexam.nv.gov). The Board did not receive any written or verbal public comment.

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.

Because no changes were proposed by either Board members or the public, including licensees, the Board did not make any revisions to the proposed language.

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 for enforcement of the changes, as those changes do not require 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 by the State of Nevada Board of Psychological Examiners on February 9, 2024.