

**APPROVED REGULATION OF THE
BOARD OF PSYCHOLOGICAL EXAMINERS**

LCB File No. R051-23

Filed April 19, 2024

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

AUTHORITY: §§ 1-25, NRS 641.100.

A REGULATION relating to the Board of Psychological Examiners; removing and repealing provisions relating to the regulation of behavior analysts, assistant behavior analysts and the practice of applied behavior analysis; making conforming changes and updating certain references and information; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the regulation of psychological assistants, psychological interns, psychological trainees and the practice of psychology by the Board of Psychological Examiners. (NRS 641.100) Existing law previously also provided for the regulation of behavior analysts, assistant behavior analysts and the practice of applied behavior analysis by the Board of Psychological Examiners; however, Senate Bill No. 286 of the 2017 Legislative Session transferred the responsibility for such regulation from the Board of Psychological Examiners to the Board of Applied Behavior Analysis. (NRS 641.100, as amended by section 60 of Senate Bill No. 286, chapter 588, Statutes of Nevada 2017, at page 4246, and NRS 641D.240 and 641D.600)

Sections 2, 7-9 and 13-22 of this regulation accordingly remove references to behavior analysts, assistant behavior analysts and the practice of applied behavior analysis from the existing regulations of the Board of Psychological Examiners that are otherwise applicable to psychologists. **Sections 3, 4, 6, 10, 11 and 24** of this regulation make conforming changes by renumbering certain provisions because of the removal of such references.

Section 25 of this regulation repeals the provisions of the existing regulations of the Board that pertain only to behavior analysts, assistant behavior analysts and the practice of applied behavior analysis. **Sections 1, 7, 8, 13, 21 and 23** of this regulation make conforming changes by removing references to such repealed sections.

Section 2 of this regulation updates a reference to a provision of the Nevada Revised Statutes that was renumbered by Senate Bill No. 286 of the 2017 Legislative Session and Assembly Bill No. 275 of the 2019 Legislative Session. (NRS 641.170, as amended by section

62 of Senate Bill No. 286, chapter 588, Statutes of Nevada 2017, at page 4247, and section 63 of Assembly Bill No. 275, chapter 627, Statutes of Nevada 2019, at page 4301) **Sections 4, 5, 12, 23 and 24** of this regulation update certain Internet addresses of the American Psychological Association at which a person is able to access certain information and publications.

Section 1. NAC 641.001 is hereby amended to read as follows:

641.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC ~~{641.003}~~ **641.005** to 641.011, inclusive, and sections 2 and 3 of ~~{this regulation}~~ **LCB File No. R074-18** have the meanings ascribed to them in those sections.

Sec. 2. NAC 641.050 is hereby amended to read as follows:

641.050 1. For the purposes of paragraph (c) of subsection 1 of NRS 641.170, the Board adopts the current list of programs holding accreditation status from the American Psychological Association. This current list of programs may be obtained, free of charge, from the American Psychological Association, at the Internet address ~~{http://www.apa.org/ed/accreditation.}~~ **<https://accreditation.apa.org>**.

2. ~~{For the purposes of paragraph (d) of subsection 2 of NRS 641.170, the Board adopts the current list of programs holding accreditation status from the Association for Behavior Analysis International. This list is available at the Internet address~~
~~**<http://www.abainternational.org/BA/education/Education.asp>**.~~

~~—3.}~~ For the purposes of ~~{subsections}~~ **subsection 1** ~~{, 2 and 3}~~ of NRS 641.170, the Board considers the following to be accredited educational institutions:

(a) In the United States, all institutions which are regionally accredited by regulatory bodies approved by the Council for Higher Education Accreditation and the United States Department of Education;

(b) In Canada, all institutions holding membership in the Association of Universities and Colleges of Canada; or

(c) In any other country, all institutions accredited by the respective official organization having such authority.

Sec. 3. NAC 641.061 is hereby amended to read as follows:

641.061 1. An applicant for licensure as a psychologist who, before January 1, 2018, has completed a training program within the United States that is not accredited by the American Psychological Association must establish to the satisfaction of the Board that the program is equivalent to a program accredited by the Association.

2. The applicant must present to the Board:

(a) Transcripts, a description of the training program, letters from the directors of the departments of the institution where the program is conducted or other suitable documents showing that the program substantially complies with the accreditation standards of the American Psychological Association.

(b) Proof of doctoral training at an institution which is considered by the Board to be an accredited educational institution pursuant to paragraph (a) of subsection ~~131~~ 2 of NAC 641.050.

(c) Proof that the primary purpose of the training program is the professional training of psychologists. Catalogs and brochures advertising the program must indicate that the program is intended to educate and train professional psychologists.

(d) Proof that the program:

(1) Is a recognizable, coherent organizational entity within the institution where the program is conducted.

- (2) Is an integrated, organized sequence of study.
 - (3) Has an identifiable faculty composed primarily of psychologists and a psychologist who is responsible for the program.
 - (4) Has an identifiable body of students who are matriculated in the program for a degree.
 - (5) Includes supervised practical, internship, field or laboratory training appropriate to the practice of psychology.
- (e) Proof that the curriculum encompasses at least 3 academic years of full-time graduate study, not including any internships. The Board will count only 12 semester hours or 18 quarter hours of preparation of a dissertation toward the 3 academic years of full-time graduate study.
- (f) Proof that the program requires at least 60 semester hours or 90 quarter hours of credit in courses in substantive psychology. Dissertation hours may be counted toward the minimum hours required.
- (g) Proof that the applicant, while in the program, completed the equivalent of courses consisting of 3 semester hours in the following areas:
- (1) Scientific and professional ethics and standards.
 - (2) Research design and methodology.
 - (3) Statistics.
 - (4) Psychometrics.
 - (5) Biological bases of behavior, which may be satisfied by at least one of the following courses:
 - (I) Physiological psychology;
 - (II) Comparative psychology;

- (III) Neuropsychology;
- (IV) Psychopharmacology; or
- (V) Human sexuality.

(6) Cognitive-affective bases of behavior, which may be satisfied by at least one of the following courses:

- (I) Learning;
- (II) Memory;
- (III) Perception;
- (IV) Cognition;
- (V) Thinking;
- (VI) Motivation; or
- (VII) Emotion.

(7) Social bases of behavior, which may be satisfied by at least one of the following courses:

- (I) Social psychology;
- (II) Cultural, ethnic and group processes;
- (III) Sex roles; or
- (IV) Organizational and systems theory.

(8) Individual differences, which may be satisfied by at least one of the following courses:

- (I) Personality theory;
- (II) Human development;
- (III) Abnormal psychology; or

(IV) Psychology of persons with disabilities.

(h) The evaluation of the academic credentials of the applicant conducted pursuant to subsection 3 or 4.

3. Except as otherwise provided in subsection 4, to determine whether the content of the courses and the supervised practical, internship, field or laboratory training taken by an applicant are equivalent to a program accredited by the American Psychological Association pursuant to subsection 1, the applicant must have his or her academic credentials, including, without limitation, the required curriculum, evaluated by:

- (a) The Association of State and Provincial Psychology Boards; or
- (b) The director of clinical training of a doctoral program that is accredited by the American Psychological Association and approved by the Board of Psychological Examiners.

4. An applicant who is unable to obtain an evaluation as required in subsection 3 may, upon the approval of the Board, have his or her academic credentials evaluated by a designee of the director of clinical training of a doctoral program that is accredited by the American Psychological Association.

5. The Board may establish a subcommittee to review the academic credentials of an applicant and present a recommendation to the Board. In determining whether to approve the academic credentials of an applicant pursuant to subsection 3 or 4, the Board will consider any recommendation from the Association of State and Provincial Psychology Boards, the director of clinical training of a doctoral program that is accredited by the American Psychological Association, or a designee of the director of clinical training of a doctoral program that is

accredited by the American Psychological Association, as applicable, and the recommendation of the subcommittee, if any, but is not bound to follow such recommendations.

6. If the title of any course submitted by an applicant pursuant to paragraph (g) of subsection 2 does not adequately describe its content, the Board or subcommittee, as applicable, may require the applicant to submit additional information regarding the contents of the course, including, without limitation, a syllabus, a university catalog description or a statement from the instructor of the course.

7. If the Board finds that the training program completed by an applicant pursuant to this section is not equivalent to a program accredited by the American Psychological Association, the applicant may petition the Board for reconsideration. A decision of the Board upon reconsideration, or a decision of the Board to deny such a petition, is a final decision for the purposes of chapter 233B of NRS.

Sec. 4. NAC 641.062 is hereby amended to read as follows:

641.062 1. An applicant for licensure as a psychologist who, on or after January 1, 2018, has completed a training program within the United States that is not accredited by the American Psychological Association must establish to the satisfaction of the Board that the program is equivalent to a program accredited by the Association.

2. The applicant must submit to the Board:

(a) Transcripts, syllabi, university catalog descriptions, a description of the training program, professional competency evaluations conducted of the applicant while in the program, letters from the directors of the departments of the institution where the program is conducted or other suitable documents showing that the program substantially complies with the accreditation

standards for doctoral programs in the *Standards of Accreditation for Health Service Psychology* of the American Psychological Association, which is available, free of charge, at the Internet address ~~<http://www.apa.org/ed/accreditation/index.aspx>~~, <https://www.apa.org/ed/accreditation/standards-of-accreditation.pdf>, and Section C of the *Implementing Regulations* of the Commission on Accreditation of the American Psychological Association, which is available, free of charge, at the Internet address

~~<http://www.apa.org/ed/accreditation/index.aspx>~~ <https://accreditation.apa.org/policies>; and

(b) The evaluation of the academic credentials of the applicant conducted pursuant to subsection 4 or 5.

3. For the purposes of paragraph (a) of subsection 2, a training program “substantially complies with the accreditation standards for doctoral programs” if the applicant submits to the Board, without limitation, proof:

(a) Of doctoral training at an institution which is considered by the Board to be an accredited educational institution pursuant to paragraph (a) of subsection ~~3~~ 2 of NAC 641.050.

(b) That the primary purpose of the training program is to provide broad and general training in scientific psychology and in the foundations of practice in health service psychology. The program materials must demonstrate:

- (1) The integration of empirical evidence and practice;
- (2) That the training is sequential, cumulative, graded in complexity and designed to prepare students for practice or further organized training; and
- (3) That the program requires respect for and understanding of cultural and individual differences and diversity.

(c) That the program:

(1) Is a recognizable, coherent organizational entity within the institution where the program is conducted.

(2) Is an integrated, organized sequence of study.

(3) Has stable leadership provided by one or more designated doctoral-level psychologists who:

(I) Are members of an identifiable core faculty of the program; and

(II) Together with other core faculty of the program have primary responsibility for the program's design, implementation, evaluation and quality.

(4) Has an identifiable body of students who are matriculated in the program for the purpose of earning a degree.

(5) Includes supervised practicums which must include, without limitation:

(I) Supervised experience working with diverse persons who display a variety of presenting problems, diagnoses and issues;

(II) Supervised experience in settings committed to training and providing experiences consistent with health service psychology competencies, including, without limitation, those competencies listed in paragraphs (e) and (f);

(III) Supervision provided by appropriately trained and credentialed persons; and

(IV) Practicum evaluations which are based, at least in part, on direct observation, which may occur in person or via electronic means.

(d) That the program requires a student to complete successfully at least 3 academic years, or the equivalent, of full-time graduate study which includes at least 2 years, or the equivalent, of

academic training and at least 1 year, or the equivalent, in full-time residence. A person seeking to satisfy the requirement for 1 year in full-time residence based on equivalent experience must demonstrate that the experience achieved all the purposes of the requirement, including, without limitation, mentoring, supervision and evaluation regarding the development of professional competence. Experience in a program that was conducted entirely through electronic means may not be used to satisfy the requirements of this paragraph.

(e) That the applicant, while in the program, acquired and demonstrated substantial graduate-level understanding and competence in discipline-specific knowledge in the following areas:

- (1) The history and systems of psychology.
- (2) Affective aspects of behavior.
- (3) Biological aspects of behavior.
- (4) Cognitive aspects of behavior.
- (5) Social aspects of behavior.
- (6) Developmental aspects of behavior across the lifespan.
- (7) Advanced integrative knowledge in scientific psychology.
- (8) Research methods.
- (9) Quantitative methods.
- (10) Psychometrics.

(f) That the applicant, while in the program, achieved and demonstrated profession-wide competency in the following areas:

- (1) Research.
- (2) Ethical and legal standards.

- (3) Individual and cultural diversity.
- (4) Professional values, attitudes and behaviors.
- (5) Communication and interpersonal skills.
- (6) Assessment.
- (7) Intervention.
- (8) Supervision.
- (9) Consultation, interprofessional and interdisciplinary skills.

4. Except as otherwise provided in subsection 5, to determine whether the training program completed by an applicant is equivalent to a program accredited by the American Psychological Association pursuant to subsection 1, the applicant must have his or her academic credentials, including, without limitation, the required curriculum, evaluated by:

- (a) The Association of State and Provincial Psychology Boards; or
- (b) The director of clinical training of a doctoral program that is accredited by the American Psychological Association and approved by the Board of Psychological Examiners.

5. An applicant who is unable to obtain an evaluation as required in subsection 4 may, upon the approval of the Board, have his or her academic credentials evaluated by a designee of the director of clinical training of a doctoral program that is accredited by the American Psychological Association.

6. The Board may establish a subcommittee to review the academic credentials of an applicant and present a recommendation to the Board. In determining whether to approve the academic credentials of an applicant pursuant to subsection 4 or 5, the Board will consider any recommendation from the Association of State and Provincial Psychology Boards, the director of

clinical training of a doctoral program that is accredited by the American Psychological Association, or a designee of the director of clinical training of a doctoral program that is accredited by the American Psychological Association, as applicable, and the recommendation of the subcommittee, if any, but is not bound to follow such recommendations.

7. If the Board finds that the training program completed by an applicant pursuant to this section is not equivalent to a program accredited by the American Psychological Association, the applicant may petition the Board for reconsideration. A decision of the Board upon reconsideration, or a decision of the Board to deny such a petition, is a final decision for the purposes of chapter 233B of NRS.

Sec. 5. NAC 641.080 is hereby amended to read as follows:

641.080 1. Before an applicant is eligible for licensure as a psychologist, he or she must complete 2 years of supervised and documented experience that is the equivalent of full-time experience.

2. Except as otherwise provided in subsection 3, the 2 years of experience required pursuant to paragraph (d) of subsection 1 of NRS 641.170 must be supervised experience and must comply with the following requirements:

(a) The first year must satisfy the requirements of subsection 4; and

(b) The second year must be postdoctoral, must consist of not less than 1,750 hours and must:

(1) Meet the guidelines established by the Association of State and Provincial Psychology Boards; or

(2) Satisfy the requirements of subsection 6.

3. If an applicant has been licensed for at least 5 years in the District of Columbia or another state or territory of the United States and has had no disciplinary action or other adverse action taken against him or her by the regulatory body, the 2 years of experience required pursuant to paragraph (d) of subsection 1 of NRS 641.170 must be supervised experience and must comply with the following requirements:

- (a) Each year must consist of not less than 1,500 hours;
- (b) One year must satisfy the requirements of subsection 4; and
- (c) One year must be postdoctoral and must satisfy the requirements of subsection 6.

4. For the purposes of paragraph (a) of subsection 2 and paragraph (b) of subsection 3, 1 year of supervised experience must be satisfactorily completed in:

- (a) A doctoral internship program accredited by the American Psychological Association; or
- (b) A doctoral internship that is equivalent to a doctoral internship in a program that is accredited by the American Psychological Association. An applicant, his or her proposed supervisor and a representative of the proposed agency or institution at which the internship will be conducted must submit to the Board a plan to meet the requirements of this paragraph and information showing that the proposed internship substantially complies with the accreditation standards for doctoral internship programs in the *Standards of Accreditation for Health Service Psychology* of the American Psychological Association, which is available, free of charge, at the Internet address <http://www.apa.org/ed/accreditation/index.aspx>, <https://www.apa.org/ed/accreditation/standards-of-accreditation.pdf>, and Section C of the *Implementing Regulations* of the Commission on Accreditation of the American Psychological Association which is available, free of charge, at the Internet address

~~<http://www.apa.org/ed/accreditation/section-c-soa.pdf>~~ <https://accreditation.apa.org/policies>.

Substantial compliance with such standards may be demonstrated by submission to the Board of information showing that the proposed doctoral internship:

(1) Requires completion of the internship in an agency or institution that provides services to a population sufficient in number and diversity to give the intern adequate experiential exposure to meet the purposes, aims and competencies of the internship.

(2) Requires the intern to complete a minimum of 2,000 hours of training, which must be completed:

(I) If on a full-time basis, in not less than 12 months; or

(II) If on a part-time basis, in not less than 24 months.

(3) Offers education and training conducted in a single-site or multiple-site setting that prepares interns for the practice of health service psychology.

(4) Includes a training program that meets the requirements set forth in subsection 5.

5. A proposed doctoral internship that is not accredited by the American Psychological Association must include a training program that, without limitation:

(a) Is an integral part of the mission of the agency or institution in which the program is provided, with administrative and structural processes that facilitate systematic coordination, control, direction and organization of the training activities and resources of the program.

(b) Recognizes the importance of cultural and individual differences and diversity in the training of psychologists.

(c) Demonstrates the adequacy of its educational and training resources, including, without limitation, clerical and technical support, access to training materials and equipment that reflect

the current knowledge base in the profession, and physical facilities that are appropriate for confidential interactions and are compliant with the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the regulations adopted pursuant thereto.

(d) Has policies and procedures that are consistent with those described in the accreditation standards for doctoral internship programs in the *Standards of Accreditation for Health Service Psychology* of the American Psychological Association, including, without limitation, policies relating to:

- (1) The recruitment and selection of interns;
- (2) The required prior doctoral preparation and experiences;
- (3) Providing administrative and financial assistance to interns;
- (4) The requirements for successful internship performance;
- (5) Performance evaluations, feedback, retention and termination decisions relating to interns;
- (6) The identification and remediation of insufficient competence and problematic behavior by an intern;
- (7) Grievance procedures for interns, including the provision of due process;
- (8) The requirements for supervision of an intern as set forth in paragraphs (q), (r) and (s);
- (9) Maintenance of records; and
- (10) Nondiscrimination, including documentation of such policies and operating procedures.

(e) Has policies and procedures that are consistent with the profession's current ethics code and which adhere to:

- (1) The regulations of the agency or institution; and
- (2) All applicable local, state and federal laws regarding due process and fair treatment.
- (f) Requires the retention of records on the performance of interns and complaints and grievances against the program or persons associated with the program.
- (g) Ensures a welcoming, supportive and encouraging learning environment for all interns, including those from diverse and underrepresented communities.
- (h) Recognizes the right of interns, faculty and staff to be treated with courtesy and respect.
- (i) Recognizes science as the core of health service psychology and relies on the current evidence base in the training and assessment of interns.
- (j) Requires an intern to demonstrate competency in profession-wide competencies, including, without limitation:
 - (1) Research;
 - (2) Ethical and legal standards;
 - (3) Individual and cultural diversity;
 - (4) Professional values, attitudes and behaviors;
 - (5) Communication and interpersonal skills;
 - (6) Assessment;
 - (7) Intervention;
 - (8) Supervision; and
 - (9) Consultation, interprofessional and interdisciplinary skills.
- (k) Demonstrates a clear and coherent plan for educational activities that support the achievement of interns in profession-wide and program-specific competencies.

(l) Employs primarily an experiential training method that:

(1) Involves the delivery of services by an intern in direct contact with recipients of those services; and

(2) Includes sufficient observation and supervision by doctoral-level licensed psychologists to facilitate the readiness of the intern to enter into the general practice of psychology upon completion of the training.

(m) Follows a logical and cumulative training sequence that builds on the skills and competencies acquired by the intern during training and is graded in complexity in a manner consistent with that sequence.

(n) Demonstrates that the tasks and duties associated with the delivery of service by an intern are primarily learning-oriented and that the training considerations of interns take precedence over the delivery of service and the generation of revenue.

(o) Maintains appropriate and transparent communication practices, including, without limitation:

(1) Articulating the commitment of the program to attracting and training diverse clients;

(2) Ensuring regular communication between the doctoral program and the doctoral internship program;

(3) Ensuring that all communications with potential and current interns are informative, accurate and transparent;

(4) Disclosing the status of the program with regard to accreditation; and

(5) Demonstrating a commitment to public disclosure.

(p) Provides adequate financial support for:

- (1) Interns;
- (2) Faculty and staff; and
- (3) Sufficient and dependable training activities for the duration of the year or years of any contracts with interns.

(q) Provides supervision in a regularly scheduled manner and ensures that:

- (1) Each intern has access to consultation and supervision during the times he or she is providing clinical services; and

- (2) Each intern receives not less than 4 hours per week of supervision, including not less than 2 hours per week of face-to-face individual supervision by one or more doctoral-level licensed psychologists who are involved in an ongoing supervisory relationship with the intern and have primary professional responsibility for the cases on which face-to-face individual supervision is provided.

(r) Ensures that any supervisory hours other than the 2 hours of face-to-face individual supervision required by subparagraph (2) of paragraph (q) are:

- (1) Consistent with the definition of supervision in the glossary of the *Standards of Accreditation for Health Service Psychology* of the American Psychological Association;

- (2) Conducted by health care professionals who are appropriately credentialed; and

- (3) Interactive experiences in a group or individual format.

(s) Requires that overall responsibility for the supervision of interns, including oversight and integration of supervision provided by non-psychologist professionals, is maintained by doctoral-level licensed psychologists.

6. For the purposes of subparagraph (2) of paragraph (b) of subsection 2 and of paragraph (c) of subsection 3, supervised experience is credited only for:

(a) Professional work in a setting that provides an opportunity for interaction with colleagues and an opportunity for work with a broad range of clients, including, without limitation, a private practice and a public or private agency, institution or organization; and

(b) Work experience that is other than experience which is acquired in connection with a practicum for which graduate credits are granted and which complies with the following requirements:

(1) The number of hours required pursuant to paragraph (b) of subsection 2 or paragraph (a) of subsection 3 must be completed in not less than 10 months and not more than 3 years unless otherwise approved by the Board;

(2) Unless otherwise approved by the Board:

(I) At least 50 percent of the hours per week of the supervised experience must be spent providing clinical services, including, without limitation, psychological services rendered directly to an individual, couple, family or group, psychological testing, and individual or group supervision relating to those services; and

(II) At least 15 percent of the hours per week of the supervised experience must be spent providing face-to-face client care;

(3) The hours per week of the supervised experience that are not spent in the manner set forth in subparagraph (2) must be spent engaging in an activity related to psychology, including, without limitation, teaching psychology, performing psychological research in a manner not

covered by the provisions of subsection 8 and engaging in administrative activities related to psychology or in any other activity related to psychology; and

(4) At least 40 hours of the supervised experience must be spent receiving training in cultural, ethnic and group processes as social bases of behavior and at least 3 hours of individual face-to-face supervision must be spent focused on that area of psychology. Such hours may be obtained by, without limitation:

(I) Conducting clinical work directly with culturally diverse or underserved populations;

(II) Reading materials related to culturally diverse populations;

(III) Researching an issue related to culturally diverse populations;

(IV) Attending a workshop, conference or seminar concerning working with culturally diverse populations;

(V) Giving a presentation related to culturally diverse populations at a workshop, conference or seminar; and

(VI) Authoring a publication related to culturally diverse populations.

7. Unless an applicant is registered as a psychological assistant or psychological intern, he or she may not apply hours during which he or she practiced as another type of licensed medical or behavioral health provider toward the supervised experience that is required for licensure as a psychologist pursuant to this section.

8. For faculty hired at an accredited institution of higher education, hours spent engaged in activities related to clinical research involving the provision of treatment to test the efficacy or effectiveness of psychotherapeutic techniques or to test or identify different mechanisms of

change or factors related to treatment outcome, may be used to meet the requirements set forth in subparagraph (2) of paragraph (b) of subsection 6. Such activities include, without limitation:

- (a) Supervision of the implementation of treatment protocols;
- (b) Direct implementation of treatment protocols;
- (c) Writing test results and other reports;
- (d) Note writing in connection with the provision of services;
- (e) Data monitoring for adverse effects;
- (f) Working with institutional review boards to ensure patient safety;
- (g) Developing and modifying study design and treatment protocols for the implementation of such studies;
- (h) Monitoring and reviewing treatment sessions during clinical trials for adherence to treatment protocols; and
- (i) Writing the results of such research.

Sec. 6. 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. 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:

(1) NAC 641.061 if the applicant graduated from a program within the United States before January 1, 2018;

(2) NAC 641.062 if the applicant graduated from a program within the United States on or after January 1, 2018; or

(3) Section 4 of LCB File No. R114-19 if the applicant graduated from a program completed outside the United States; or

(b) An institution which meets the requirements of subsection ~~13~~ 2 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 or NAC 641.062 or section 4 of LCB File No. R114-19, as applicable, 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 notified the Board that he or she failed the 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. 7. NAC 641.132 is hereby amended to read as follows:

641.132 1. To renew his or her license, a psychologist ~~[, licensed behavior analyst or a licensed assistant behavior analyst]~~ must submit to the Board an application for renewal, the required fees and the form for the biennial report of continuing education required pursuant to subsection 2. The licensee shall retain evidence of the completion of the continuing education required by NAC 641.136 ~~[or 641.1363, as applicable,]~~ for at least 5 years after the completion of that continuing education. Evidence of completion of continuing education includes, without limitation, a letter signed by the instructor of the course or program or the agent of the sponsoring agency or organization, and a certificate of completion approved by the Board pursuant to NAC 641.138. Upon the request of the Board, the licensee must provide evidence of completion of the continuing education.

2. The Board will mail to each licensee, before the expiration of his or her license, a form for the biennial report of continuing education. Each applicant for renewal must sign the form certifying that:

(a) He or she has completed the continuing education required by NAC 641.136 ; ~~for 641.1363, as applicable,]~~ and

(b) The evidence of completion of continuing education required pursuant to subsection 1 is true and accurate.

3. If a licensee misrepresents the completion of continuing education, he or she will be subject to disciplinary action, including, without limitation, suspension, revocation or nonrenewal of his or her license. A licensee whose license has been suspended or not renewed must complete the continuing education required by NAC 641.136 ~~[or 641.1363, as applicable,]~~ before the Board will consider whether to reinstate his or her license.

4. If a licensee does not satisfy the continuing education requirement, his or her license will not be renewed and he or she will be subject to disciplinary action. The Board may grant a licensee a 60-day extension if the licensee submits to the Board, on or before December 1 immediately preceding the expiration of his or her license, 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.

Sec. 8. NAC 641.133 is hereby amended to read as follows:

641.133 1. Upon written request to the Board and payment of the fee prescribed by the Board, a psychologist ~~[- licensed behavior analyst or licensed assistant behavior analyst]~~ may have his or her license placed on inactive status.

2. A person whose license is placed on inactive status shall not engage in the practice of psychology ~~[or applied behavior analysis, as applicable,]~~ during the period in which the license is on inactive status.

3. A person who wishes to renew a license that is placed on inactive status must submit to the Board:

- (a) An application for the renewal of the license; and
- (b) The fee for the biennial renewal of a license on inactive status.

4. A person whose license is placed on inactive status may apply to the Board to have the license restored to active status. The Board will restore the license to active status upon:

- (a) The submission of an application for the restoration of the license;
- (b) The payment of the appropriate fee as set forth in NAC 641.019 for the restoration to active status of a license on inactive status;

(c) The submission of proof of completion of the requirements for continuing education for the 2 years immediately preceding the date of the application;

(d) If the applicant has engaged in the practice of psychology ~~for applied behavior analysis, as applicable;~~ in another jurisdiction during the period his or her license was on inactive status, the submission of proof that he or she is in good standing and that there are no disciplinary proceedings pending against him or her in that jurisdiction;

(e) Submission of any other proof the Board may require to determine whether the applicant is qualified and competent to engage in the practice of psychology ; ~~for applied behavior analysis, as applicable;~~ and

(f) If the Board considers it necessary, the successful completion of the national examination or the state examination administered by the Board pursuant to NAC 641.112 . ~~for 641.113, as applicable.~~

Sec. 9. 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.~~

~~—3.1~~ If an application is deemed withdrawn pursuant to this section, the applicant may reapply for such licensure and must pay any application fees in effect at the time of the reapplication.

Sec. 10. NAC 641.151 is hereby amended to read as follows:

641.151 1. A person must register with the Board as a psychological assistant if the person wishes to obtain any postdoctoral supervised experience that is required pursuant to paragraph (b) of subsection 2 of NAC 641.080 or paragraph (c) of subsection 3 of NAC 641.080 for licensure as a psychologist by submitting the appropriate application to the Board.

2. Unless otherwise approved by the Board, a person may apply to the Board for registration as a psychological assistant only after he or she graduates 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:

(1) NAC 641.061 if the applicant graduated before January 1, 2018; or

(2) NAC 641.062 if the applicant graduated on or after January 1, 2018; or

(b) An institution which meets the requirements of subsection ~~13~~ 2 of NAC 641.050.

3. Initial registration as a psychological assistant is valid for 1 year. Except as otherwise provided in subsection 4, a psychological assistant may not renew his or her registration if it would cause the psychological assistant to be registered as a psychological assistant for more than 3 years unless otherwise approved by the Board.

4. A person who has obtained the amount of postdoctoral supervised experience required pursuant to paragraph (b) of subsection 2 of NAC 641.080 or paragraph (c) of subsection 3 of

NAC 641.080 in the District of Columbia or another state or territory of the United States, but has not completed the other requirements for licensure as a psychologist, must register as a psychological assistant. A psychological assistant may not renew his or her registration pursuant to this subsection if it would cause the psychological assistant to be registered as a psychological assistant for more than 2 years unless otherwise approved by the Board.

Sec. 11. NAC 641.1515 is hereby amended to read as follows:

641.1515 1. Unless the person is participating in a federally-regulated internship program, a person may register with the Board as a psychological intern by submitting the appropriate application to the Board if the person wishes to obtain any predoctoral supervised experience that is required pursuant to paragraph (a) of subsection 2 of NAC 641.080 or paragraph (b) of subsection 3 of NAC 641.080.

2. Unless otherwise approved by the Board, a person may apply to the Board for registration as a psychological intern only after he or she has provided to the Board proof that he or she is currently enrolled on at least a part-time basis to obtain a doctoral degree from:

(a) A program which is accredited by the American Psychological Association or meets the requirements of NAC 641.061 or 641.062, as applicable; or

(b) An institution which meets the requirements of subsection ~~13~~ 2 of NAC 641.050.

3. Registration as a psychological intern is valid for 2 years unless otherwise approved by the Board.

4. After a psychological intern has obtained the amount of predoctoral supervised experience required pursuant to paragraph (a) of subsection 2 of NAC 641.080 or paragraph (b)

of subsection 3 of NAC 641.080, he or she may not apply for renewal of his or her registration as a psychological intern.

Sec. 12. NAC 641.152 is hereby amended to read as follows:

641.152 1. Except as otherwise provided in subsection 5, a psychological assistant or psychological intern may work only under the supervision and control of a psychologist who satisfies the requirements of NAC 641.1519.

2. Except as otherwise provided in subsection 5, a psychological trainee may work only under the supervision and control of a supervisor who is formally assigned by his or her home doctoral training program in compliance with required practicum training elements set forth in the *Standards of Accreditation for Health Service Psychology* of the American Psychological Association and Section C of the *Implementing Regulations* of the Commission on Accreditation of the American Psychological Association.

3. Subject to the conditions set forth in subsection 5 and NAC 641.161:

(a) A psychological assistant may supervise a psychological intern or psychological trainee for the purposes of training in supervision in accordance with the national training standards set forth in the *Standards of Accreditation for Health Service Psychology* of the American Psychological Association, which is available, free of charge, at the Internet address

~~<http://www.apa.org/ed/accreditation/section-c-soa.pdf>~~

<https://www.apa.org/ed/accreditation/standards-of-accreditation.pdf>.

(b) A psychological intern may supervise a psychological trainee for the purposes of training in supervision in accordance with the national training standards set forth in the *Standards of Accreditation for Health Service Psychology* of the American Psychological Association.

4. The supervisor of a psychological assistant, psychological intern or psychological trainee is responsible for:

(a) The adequate supervision of the psychological assistant, psychological intern or psychological trainee; and

(b) The care plan of each client and patient treated or assessed by a psychological intern or psychological trainee under the supervision of the psychological assistant or psychological intern, as applicable, pursuant to subsection 3.

5. For specific skill training, the supervisor of a psychological assistant, psychological intern or psychological trainee may assign the psychological assistant, psychological intern or psychological trainee to a specialist, including, without limitation, a person who is licensed in this State as a psychiatrist, behavior analyst, social worker, marriage and family therapist or clinical professional counselor or a person who is licensed or certified in this State as an alcohol and drug abuse counselor. The specialist must have clearly established practice and teaching skills that are demonstrable to the satisfaction of the Board. Not more than one-quarter of the number of supervised hours needed to fulfill the required year of postdoctoral experience may be accrued under the direction of specialists. Any services submitted by a supervisor for reimbursement under the State Plan for Medicaid that were rendered under the authorized scope of practice of a psychological assistant, psychological intern or psychological trainee pursuant to NRS 422.27239 while under the supervision of a specialist pursuant to this subsection must also be supervised by the supervisor.

6. A psychological assistant or psychological intern must be:

(a) An employee of the supervisor; or

(b) If the psychological assistant or psychological intern is not employed by the supervisor and the supervisor is not employed by the agency at which the psychological assistant or psychological intern is based, a party to a written agreement with the supervisor and agency specifying payment terms and the role of the supervisor or training committee over the training of the psychological assistant or psychological intern, including, without limitation, acknowledgement by all parties that:

(1) The supervisor or training committee will have access to all patient medical records and full oversight and responsibility for the work and training plan of the psychological assistant or psychological intern; and

(2) The psychological assistant or psychological intern may not be an independent contractor of the supervisor or agency during the term of the contract.

Sec. 13. NAC 641.200 is hereby amended to read as follows:

641.200 1. The provisions of NAC 641.200 to ~~641.255,~~ **641.250**, inclusive, and section 3 of ~~this regulation~~ **LCB File No. R115-19 and section 1 of LCB File No. R128-21:**

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

(b) Constitute the standards of conduct which a psychologist ~~licensed behavior analyst or licensed assistant behavior analyst~~ shall follow in the provision of services.

2. A violation of the provisions of NAC 641.200 to ~~641.255,~~ **641.250**, inclusive, and section 3 of ~~this regulation~~ **LCB File No. R115-19 and section 1 of LCB File No. R128-21**

constitutes unprofessional conduct and is a ground for disciplinary action or the denial of an application for an initial license or the renewal of a license.

Sec. 14. 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~~ if the professional contract between the organization and the psychologist ~~licensed behavior analyst or licensed assistant behavior analyst~~ requires the psychologist ~~licensed behavior analyst or licensed assistant behavior analyst~~ to provide services primarily to the organization rather than to the persons in the organization.

Sec. 15. NAC 641.206 is hereby amended to read as follows:

641.206 If a psychologist ~~licensed behavior analyst or licensed assistant behavior analyst~~ is treating a child or protected person, the parent or legal guardian of the child or protected person is the patient or client for the purpose of making decisions concerning treatment. The child or protected person who is receiving services from the psychologist ~~licensed behavior analyst or licensed assistant behavior analyst~~ is also the patient or client for:

1. Issues directly affecting the physical or emotional safety of the child or protected person, 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 protected person receives professional services, must be reserved to the child or protected person, including, without limitation, confidential communications between the psychologist ~~licensed behavior analyst or licensed assistant behavior analyst~~ and the child or protected person during the course of the professional relationship.

Sec. 16. NAC 641.219 is hereby amended to read as follows:

641.219 1. A psychologist ~~licensed behavior analyst or licensed assistant behavior analyst~~ 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 or licensed assistant behavior analyst~~ 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~~ 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~~ 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]~~ who provides supervision of a licensed behavior analyst or licensed assistant behavior analyst 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. 17. NAC 641.224 is hereby amended to read as follows:

641.224 1. If a psychologist ~~[-licensed behavior analyst or licensed assistant behavior analyst]~~ 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]~~ 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]~~ 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]~~ 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]~~ 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]~~ 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]~~ 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]~~ 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]~~ to report the abuse of a child or elderly person.

5. If a psychologist ~~[-licensed behavior analyst or licensed assistant behavior analyst]~~ 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]~~ 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~~ 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~~ 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~~ 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~~ 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~~ 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~~ 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~~ during the course of a professional relationship, or otherwise obtained by the psychologist ~~licensed behavior analyst or licensed assistant behavior analyst~~ 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 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~~ without the informed written consent of the patient or client.

Sec. 18. NAC 641.229 is hereby amended to read as follows:

641.229 1. A psychologist ~~licensed behavior analyst or licensed assistant behavior analyst~~ shall not begin or continue a professional relationship with a patient or client if the psychologist ~~licensed behavior analyst or licensed assistant behavior analyst~~ 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~~ 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~~ 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~~ is impaired, or if the psychologist ~~licensed behavior analyst or licensed assistant behavior analyst~~ 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~~ 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~~ has rendered professional services to a person, the psychologist ~~licensed behavior analyst or licensed assistant behavior analyst~~ 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~~ because of an emotional or cognitive disorder.

Sec. 19. NAC 641.234 is hereby amended to read as follows:

641.234 1. If a psychologist ~~for licensed behavior analyst~~ communicates the results of an assessment procedure to a patient or client or to the legal guardian, parents or agent of a patient or client, he or she shall:

(a) Use appropriate interpretive aids to explain the results in a manner which is understandable; and

(b) Include in the explanation any deficiencies of the assessment procedure and factors which may affect the validity, reliability or other interpretation of the results.

2. A psychologist ~~for licensed behavior analyst~~ shall not reproduce or describe in any popular publications, lectures or public presentations, psychological tests or other assessment procedures in a manner which may invalidate the tests or procedures.

3. If a psychologist ~~for licensed behavior analyst~~ offers to other professionals an assessment procedure or automated interpretation service, he or she shall:

(a) Provide a manual or other written material which fully describes the development of the procedure or service, the rationale therefor, evidence of the validity and reliability thereof, and characteristics of the group of persons which the procedure or service uses as a norm;

(b) Explicitly state the purpose and application for which the procedure or service is recommended;

(c) Identify special requirements which are necessary to administer and interpret the procedure or service properly; and

(d) Ensure that advertisements for the procedure or service provide an accurate description of the procedure or service.

Sec. 20. NAC 641.239 is hereby amended to read as follows:

641.239 1. A psychologist ~~licensed behavior analyst or licensed assistant behavior analyst~~ 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~~ shall correct any other person who the psychologist ~~licensed behavior analyst or licensed assistant behavior analyst~~ knows has misrepresented the professional qualifications or affiliations of the psychologist. ~~licensed behavior analyst or licensed assistant behavior analyst.~~

3. A psychologist ~~licensed behavior analyst or licensed assistant behavior analyst~~ 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~~ 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~~ 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. 21. NAC 641.241 is hereby amended to read as follows:

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

2. A psychologist ~~licensed behavior analyst or licensed assistant behavior analyst~~ 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~~ 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~~ 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.~~ 641.250, inclusive, do not relieve a psychologist ~~licensed behavior analyst or licensed assistant behavior analyst~~ of the duty to file any report otherwise required by state or federal law or regulation.

Sec. 22. NAC 641.245 is hereby amended to read as follows:

641.245 1. A psychologist ~~{, licensed behavior analyst or licensed assistant behavior analyst}~~ 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}~~ shall not use fraud, misrepresentation or deception:

(a) To obtain a license or pass an examination required for licensure;

(b) To assist another person in obtaining a license or passing an examination required for licensure;

(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 licensed assistant behavior analyst}~~ 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 licensed assistant behavior analyst}~~ 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 licensed assistant behavior analyst~~ 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. 23. NAC 641.250 is hereby amended to read as follows:

641.250 1. The provisions set forth in the most recent edition of the *Ethical Principles of Psychologists and Code of Conduct* adopted by the American Psychological Association are hereby adopted by reference and incorporated herein, unless the Board gives notice that the most recent edition is not suitable for this State pursuant to subsection 3 and except to the extent that those provisions conflict with the provisions of NAC 641.200 to ~~641.255,~~ **641.250**, inclusive, in which case the provisions of NAC 641.200 to ~~641.255,~~ **641.250**, inclusive, are controlling. A copy of the publication ~~may be obtained~~ **is available**, free of charge, ~~from the American Psychological Association at 750 First Street, N.E., Washington, D.C., 20002-4242, Attention: Service Center,~~ at the Internet address ~~http://www.apa.org/ethics/code.html or by telephone at (202) 336-5500,~~ **<https://www.apa.org/ethics/code>**.

2. The provisions set forth in the most recent edition of the *Code of Conduct* adopted by the Association of State and Provincial Psychology Boards are hereby adopted by reference and incorporated herein, unless the Board gives notice that the most recent edition is not suitable for this State pursuant to subsection 3 and except to the extent that those provisions conflict with the

provisions of NAC 641.200 to ~~{641.255,}~~ 641.250, inclusive, in which case the provisions of NAC 641.200 to ~~{641.255,}~~ 641.250, inclusive, are controlling. A copy of the publication ~~{may be obtained}~~ is available, free of charge, ~~{from the Association of State and Provincial Psychology Boards at 215 Market Road, Tyrone, GA 30290, Attention: Member Services,}~~ at the Internet address <http://www.asppb.net>. ~~{or by telephone at (678) 216-1175.}~~

3. If the publication adopted by reference pursuant to subsection 1 or 2 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. 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 pursuant to subsection 1 or 2.

Sec. 24. Section 4 of LCB File No. R114-19 is hereby amended to read as follows:

Sec. 4. 1. An applicant for licensure as a psychologist who has completed a training program outside the United States that is not accredited by the American Psychological Association must establish to the satisfaction of the Board that the program is equivalent to a program accredited by the Association.

2. The applicant must submit to the Board:

(a) An original diploma or other certificate of graduation from the training program, which will be returned to the applicant, and a photocopy of the document, which will be retained by the Board.

(b) A transcript or other appropriate document of all coursework completed in the training program.

(c) Satisfactory evidence of the completion of the supervised and documented experience required by NAC 641.080.

(d) A statement, based on the documents listed in this subsection, that describes the chronological sequence of studies, training and research engaged in by the applicant. This statement must be comparable to and communicate the same information as a transcript issued by a university in the United States and must highlight how the education and doctoral internship experience of the applicant conforms to the educational requirements set forth in this section.

(e) Suitable documents showing that the training program completed by the applicant substantially complies with the accreditation standards for doctoral programs in the *Standards of Accreditation for Health Service Psychology* of the American Psychological Association, which is available, free of charge, at the Internet address

~~<http://www.apa.org/ed/accreditation/index.aspx>~~

<https://www.apa.org/ed/accreditation/standards-of-accreditation.pdf>, and Section C of the *Implementing Regulations* of the Commission on Accreditation of the American Psychological Association, which is available, free of charge, at the Internet address

~~<http://www.apa.org/ed/accreditation/index.aspx>~~ <https://accreditation.apa.org/policies>.

(f) A certified translation of any documents submitted pursuant to this subsection which is written in a language other than English.

(g) The evaluation of the academic credentials of the applicant conducted pursuant to subsection 4, except as otherwise provided in subsection 5.

3. For the purposes of paragraph (e) of subsection 2, a training program “substantially complies with the accreditation standards for doctoral programs” if the applicant submits to the Board, without limitation, proof:

(a) Of doctoral training at an institution which is considered by the Board to be an accredited educational institution pursuant to paragraph (b) or (c) of subsection ~~131~~ 2 of NAC 641.050.

(b) That the primary purpose of the training program is to provide broad and general training in scientific psychology and in the foundations of practice in health service psychology. The program materials must demonstrate:

(1) The integration of empirical evidence and practice;

(2) That the training is sequential, cumulative, graded in complexity and designed to prepare students for practice or further organized training; and

(3) That the program requires respect for and understanding of cultural and individual differences and diversity.

(c) That the program:

(1) Is a recognizable, coherent organizational entity within the institution where the program is conducted.

(2) Is an integrated, organized sequence of study.

(3) Has stable leadership provided by one or more designated doctoral-level psychologists who:

- (I) Are members of an identifiable core faculty of the program; and
 - (II) Together with other core faculty of the program have primary responsibility for the program's design, implementation, evaluation and quality.
- (4) Has an identifiable body of students who are matriculated in the program for the purpose of earning a degree.
- (5) Includes supervised practicums which must include, without limitation:
- (I) Supervised experience working with diverse persons who display a variety of presenting problems, diagnoses and issues;
 - (II) Supervised experience in settings committed to training and providing experiences consistent with health service psychology competencies, including, without limitation, those competencies listed in paragraphs (e) and (f);
 - (III) Supervision provided by appropriately trained and credentialed persons; and
 - (IV) Practicum evaluations which are based, at least in part, on direct observation, which may occur in person or via electronic means.
- (d) That the program requires a student to complete successfully at least 3 academic years, or the equivalent, of full-time graduate study which includes at least 2 years, or the equivalent, of academic training and at least 1 year, or the equivalent, in full-time residence. A person seeking to satisfy the requirement for 1 year in full-time residence based on equivalent experience must demonstrate that the experience achieved all the purposes of the requirement, including, without limitation, mentoring, supervision and evaluation regarding the development of professional competence. Experience in a

program that was conducted entirely through electronic means may not be used to satisfy the requirements of this paragraph.

(e) That the applicant, while in the program, acquired and demonstrated substantial graduate-level understanding and competence in discipline-specific knowledge in the following areas:

- (1) The history and systems of psychology.
- (2) Affective aspects of behavior.
- (3) Biological aspects of behavior.
- (4) Cognitive aspects of behavior.
- (5) Social aspects of behavior.
- (6) Developmental aspects of behavior across the lifespan.
- (7) Advanced integrative knowledge in scientific psychology.
- (8) Research methods.
- (9) Quantitative methods.
- (10) Psychometrics.

(f) That the applicant, while in the program, achieved and demonstrated profession-wide competency in the following areas:

- (1) Research.
- (2) Ethical and legal standards.
- (3) Individual and cultural diversity.
- (4) Professional values, attitudes and behaviors.
- (5) Communication and interpersonal skills.

(6) Assessment.

(7) Intervention.

(8) Supervision.

(9) Consultation, interprofessional and interdisciplinary skills.

4. Except as otherwise provided in subsection 5, to determine whether the training program completed by an applicant is equivalent to a program accredited by the American Psychological Association pursuant to subsection 1, the applicant must have his or her academic credentials, including, without limitation, the required curriculum, evaluated by the National Register of Health Service Psychologists. Information regarding obtaining a review is available, free of charge, at the Internet address **<https://www.nationalregister.org/apply/credentialing-requirements/national-register-doctoral-degree-guidelines/>**. Upon completion of the evaluation the applicant shall cause the National Register of Health Service Psychologists to submit the evaluation directly to the Board. The Board will review the evaluation and determine whether the program completed by the applicant is equivalent to a program that is accredited by the Association.

5. The Board may, upon written request, waive the requirement for an applicant to obtain an evaluation of his or her academic credentials pursuant to subsection 4 if the applicant graduated from a doctoral program that is accredited by the accreditation panel of the Canadian Psychological Association.

6. The Board may establish a subcommittee to review the academic credentials of an applicant and present a recommendation to the Board. In determining whether to approve

the academic credentials of an applicant pursuant to subsection 4 or 5, the Board will consider any recommendation from the National Register of Health Service Psychologists and the recommendation of the subcommittee, if any, but is not bound to follow such recommendations.

7. If the Board finds that the training program completed by an applicant pursuant to this section is not equivalent to a program accredited by the American Psychological Association, the applicant may petition the Board for reconsideration. A decision of the Board upon reconsideration, or a decision of the Board to deny such a petition, is a final decision for the purposes of chapter 233B of NRS.

8. The applicant is responsible for paying all fees and costs incurred to obtain an evaluation or translation of his or her academic records.

9. It is the responsibility of the applicant to sufficiently demonstrate that the training program completed by the applicant is equivalent to a program accredited by the American Psychological Association.

Sec. 25. NAC 641.003, 641.008, 641.0085, 641.029, 641.031, 641.063, 641.083, 641.113, 641.1363, 641.209, 641.213 and 641.255 are hereby repealed.

TEXT OF REPEALED SECTIONS

641.003 “Applied behavior analysis” defined. (NRS 641.100) “Applied behavior analysis” has the meaning ascribed to it in NRS 689A.0435.

641.008 “Licensed assistant behavior analyst” defined. (NRS 641.100) “Licensed assistant behavior analyst” has the meaning ascribed to it in NRS 689A.0435.

641.0085 “Licensed behavior analyst” defined. (NRS 641.100) “Licensed behavior analyst” has the meaning ascribed to it in NRS 689A.0435.

641.029 Issuance of license to behavior analyst; provisional licenses. (NRS 641.100, 641.110, 641.160, 641.170)

1. The Board will issue a license as a licensed behavior analyst to an applicant who:
 - (a) Meets the requirements of subsection 2 of NRS 641.170;
 - (b) Has been certified as a behavior analyst by the Behavior Analyst Certification Board, Inc., or its successor organization;
 - (c) Has not been convicted of a felony;
 - (d) Has not been subject to disciplinary action as a behavior analyst in another jurisdiction;
 - (e) Does not have any outstanding complaints or charges pending against him or her as a behavior analyst in another jurisdiction;

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

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

(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

(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 forwarded to the Central Repository by the law enforcement agency or other authorized entity taking the fingerprints.

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 licensed behavior analyst; and

(c) Intent to practice as a licensed behavior analyst in a manner consistent with the applicant's education, training and experience.

3. The Board may issue a provisional license to an applicant who has completed all the requirements for licensure pursuant to subsection 1 other than successful completion of the written examination required by paragraph (f) of subsection 2 of NRS 641.170. A provisional license is valid for not more than 1 year and may not be renewed.

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

641.031 Issuance of license to assistant behavior analyst; provisional licenses. (NRS 641.100, 641.110, 641.160, 641.170)

1. The Board will issue a license as a licensed assistant behavior analyst to an applicant who:

- (a) Meets the requirements of subsection 3 of NRS 641.170;
- (b) Has been certified as an assistant behavior analyst by the Behavior Analyst Certification Board, Inc., or its successor organization;
- (c) Has not previously been convicted of a felony;
- (d) Has not been subject to disciplinary action as an assistant behavior analyst in another jurisdiction;
- (e) Does not have any outstanding complaints or charges pending against him or her as an assistant behavior analyst in another jurisdiction;
- (f) Has not previously been denied licensure by the Board;
- (g) Has passed the state examination administered by the Board pursuant to NAC 641.113;
- (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
- (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 forwarded to the Central Repository by the law enforcement agency or other authorized entity taking the fingerprints.

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 licensed assistant behavior analyst; and

(c) Intent to practice as a licensed assistant behavior analyst in a manner consistent with the applicant's education, training and experience.

3. The Board may issue a provisional license to an applicant who has completed all the requirements for licensure pursuant to subsection 1 other than successful completion of the written examination required by paragraph (f) of subsection 3 of NRS 641.170. A provisional license is valid for not more than 1 year and may not be renewed.

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

641.063 Educational requirements for behavior analysts and assistant behavior analysts: Submission of proof that unaccredited program is equivalent to accredited program. (NRS 641.100, 641.170)

1. An applicant for licensure as a licensed behavior analyst or a licensed assistant behavior analyst who has completed a training program not accredited by the Board must establish to the satisfaction of the Board that the program is equivalent to a program accredited by the Association for Behavior Analysis International or its successor organization.

2. The applicant must present to the Board transcripts, a description of the training program, letters from the directors of the departments of the institution where the program is conducted or other documents deemed suitable by the Board showing that the program substantially complies with the standards of the Association for Behavior Analysis International or its successor organization, including, without limitation, proof that the program requires at least as many hours covering specific subjects as required for accreditation by the Association for Behavior Analysis International or its successor organization.

641.083 Supervision of licensed assistant behavior analysts and autism behavior interventionists. (NRS 641.100, 641.110, 641.395)

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 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 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 autism behavior interventionist who is being supervised by the supervisor.

641.113 State examination of applicants for licensure as licensed behavior analyst or licensed assistant behavior analyst: Content; reexamination; fee; prohibited acts. (NRS 641.100, 641.110, 641.170, 641.172)

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.

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:

(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.

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.

641.1363 Continuing education: Requirements for renewal of license as a licensed behavior analyst or licensed assistant behavior analyst; courses and programs. (NRS 641.100, 641.110, 641.220)

1. To renew his or her license, a licensed behavior analyst or licensed assistant behavior analyst must certify to the Board that during the 2 years immediately preceding the date he or she submits an application for renewal, the applicant has completed 30 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. At least 2

hours must include instruction in evidence-based suicide prevention and awareness. Not more than 15 hours may be obtained from an approved home study course.

2. A licensed behavior analyst or licensed assistant behavior analyst may not receive continuing education credit for a workshop, seminar, class or course in which he or she is the instructor.

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

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

4. Before a licensed behavior analyst or a licensed assistant behavior analyst may receive credit for continuing education for a course in scientific and professional ethics and standards, and common areas of professional misconduct or a course in evidence-based suicide prevention and awareness, 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.

641.209 Scope of practice for licensed behavior analyst or licensed assistant behavior analyst: Competency required; use of new method, service or technique; referral of certain clients; basis for rendering formal professional opinion. (NRS 641.100, 641.232, 641.395)

A licensed behavior analyst or licensed assistant behavior analyst:

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 perform any professional service which the licensed behavior analyst or licensed assistant behavior analyst knows, or has reason to know, that 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 he or she practices through continuing education, consultation or other methods, in conformance with current standards of scientific and professional knowledge.

5. Shall use every reasonable effort to ensure that all services provided to clients are adequate in degree and scope, and conform to the highest professional standards.

6. Shall, if acquiring experience in a method, service or technique for treatment or evaluation that is either new to the licensed behavior analyst or licensed assistant behavior analyst or new to the profession:

(a) Engage in continuing consultation with other licensed behavior analysts or licensed assistant behavior analysts or relevant professionals;

(b) Seek appropriate education and training in the new method, service or technique for treatment or evaluation; and

(c) Inform clients of the innovative nature and known risks of the new method, service or technique for treatment or evaluation to provide the clients with the freedom of choice concerning applied behavior analysis services.

7. Shall not claim or use any secret or special method, service or technique for treatment or evaluation not previously disclosed to the Board.

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

9. If a referral is clearly in the best interest of the client or upon request of a client, shall refer or recommend referral of a client to:

(a) Another professional; or

(b) Appropriate technical or administrative resources.

10. Shall not render a formal professional opinion about a person who is not a client without having had direct and substantial professional contact with the person or without having made a formal assessment of the person.

641.213 Display of license by licensed behavior analyst or licensed assistant behavior analyst; response to communications from Board and availability of records relating to inquiries and complaints; notification of change of address or telephone number; professional fees; supervision of certain persons. (NRS 641.100, 641.232)

1. A licensed behavior analyst or licensed assistant behavior analyst:

(a) Shall display his or her license 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 practicing outside of an office must have his or her wallet card, obtained pursuant to NAC 641.029 or 641.031 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 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.

641.255 “Professional and Ethical Compliance Code for Behavior Analysts”: Adoption by reference; controlling provisions; revision. (NRS 641.100, 641.232)

1. The provisions which set forth the guidelines for conduct for behavior analysts which are contained in the most recent version of the “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://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 licensed assistant behavior analysts. 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.

**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.