

**PUBLIC NOTICE OF A MEETING FOR
STATE OF NEVADA BOARD OF PSYCHOLOGICAL EXAMINERS**

DATE OF MEETING: Friday, April 7, 2023 Time: 8:00 a.m.

The meeting of the State of Nevada Board of Psychological Examiners (Board) will be conducted and may be attended through a remote technology system (video- or teleconference). To participate remotely, individuals are invited to enter the meeting from the Zoom website at: <https://us06web.zoom.us/j/88373478600>. To access the meeting via audio only, dial 1-669-900-6833 and enter the meeting ID:

883 7347 8600. The meeting may also be attended at the physical location of the Board Office at 4600 Kietzke Lane, Suite B-116, Reno, Nevada, 89502. (The Board office recommends that individuals unfamiliar with ZOOM should visit the website in advance to familiarize themselves with the format by viewing the online tutorials and reading the FAQs. To learn more about Zoom, go to <https://zoom.us/>.)

The Board will accept public comment via email. Those wishing to make public comment should email their public comments to the Board office at nbop@govmail.state.nv.us. Written public comments must be received prior to the start of the meeting and will be forwarded to the Board for their consideration. Public comments will be included in the public record (meeting minutes) but will not necessarily be read aloud during the meeting. In compliance with Nevada Revised Statutes (NRS) Chapter 241 (Open Meeting Law), the Board is precluded from taking action on items raised by public comment which are not already on the agenda.

The Board may take items out of order, combine items for consideration, and items may be pulled or removed from the agenda at any time. Public comment will be taken at the beginning and end of the meeting. The public may provide comment on any matter whether or not that matter is a specific topic on the agenda. However, prior to the commencement and conclusion of a contested case or quasi-judicial proceeding that may affect the due process rights of an individual, the Board may refuse to consider public comment on that item. (NRS 233B.126) Public comment that is willfully disruptive is prohibited, and individuals who willfully disrupt the meeting, may be removed from the meeting. (NRS 241.030(5)(b)). The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person (NRS 241.030). Once all items on the agenda are completed, the meeting will adjourn.

AGENDA

1. Call To Order/Roll Call to Determine the Presence of a Quorum.

2. Public Comment. Note: Public comment is welcomed by the Board and may be limited to three minutes per person at the discretion of the Board President. Public comment will be allowed at the beginning and end of the meeting, as noted on the agenda. The Board President may allow additional time to be given a speaker as time allows and in their sole discretion. Comments will not be restricted based on viewpoint. No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken (NRS 241.020).

3. Minutes. (For Possible Action) Discussion and Possible Approval of the Minutes of the Regular Meeting of the State of Nevada Board of Psychological Examiners on March 10, 2023.

4. Financials

A. (For Possible Action) Discussion and Possible Action to Approve Recommended Changes to the Fiscal Year 2023 Budget.

B. (For Possible Action) Discussion and Possible Action to Approve the Treasurer's Report for Fiscal Year 2023 (July 1, 2022, Through June 30, 2023).

5. Legislative Update

A. (For Possible Action) Report, Discussion and Possible Action on Legislative Activities, including the work of Interim Committees, the 2023 Session of the Nevada Legislature, and any position the Board may take on Bills and Bill Draft Requests that the Board is tracking, following, or that may impact the Board and its Operations.

B. (For Possible Action) Discussion and Possible Action on the Proposed Revision of Nevada Revised Statutes (NRS) 641.390, Representation or Practice Without License or Registration Prohibited, during the 2023 Session of the Nevada State Legislature.

6. Board Needs and Operations

A. Report from the Nevada Psychological Association.

B. Report From the Executive Director on Board Office Operations.

7. (For Possible Action) Discussion and Possible Action to approve the employment agreement of Laura M. Arnold.

8. (For Possible Action) Discussion, and Possible Action on Pending Consumer Complaints:

- A. Complaint #19-0626
- B. Complaint #19-0709 – **(For Possible Action) Discussion and Possible Action to Approve Settlement Agreement**
- C. Complaint #21-0726
- D. Complaint #22-0804
- E. Complaint #22-0930
- F. Complaint #23-0303
- G. Complaint #23-0315

9. (For Possible Action) Review and Possible Action on Applications for Licensure as a Psychologist or Registration as a Psychological Assistant, Intern or Trainee. The Board May Convene in Closed Session to Receive Information Regarding Applicants, Which May Involve Considering the Character, Alleged Misconduct, Professional Competence or Physical or Mental Health of the Applicant (NRS 241.030). All Deliberation and Action Will Occur in an Open Session. *Note: Applicant names are listed on the agenda to allow the Board to discuss applicants when necessary to move the applicant through the licensure process. The listing of an applicant's name on the agenda indicates only that an application for licensure/registration has been received. It does not mean that the application has been approved or that the applicant must appear at the meeting in order for the applicant's application to move forward through the licensure process. If an applicant needs to attend the meeting for the Board to take action, the applicant will be notified in writing prior to the meeting. Please, direct questions or comments regarding licensure applications to the Board office.*

PSYCHOLOGISTS

Gera Anderson
Ashley Arcoleo
Quintin Bailey

John Barona
Kimberly Bergman
Michelle Berumen

Sarah Brennan
RaeLynn Brister
Corby Bulp

Tyler Camaione (PA)
Colleen Character
Si Arthur Chen

Filippo Cieri
Pegeen Cronin
Edward De Anda
Hector De Los Santos
Nicola De Paul
Roman Dietrich
Adrienne DiFabio
Mark Dillon
Mary Dinerman
Jene Edwards
Christopher Estep
Allison Faris
Daniel Fenton
Stephen Francis
Gila Frank
Howard Friedman
Dov Gold
Nancy Grau
Dehnad Hakimi
Lisa Hazelwood
Alexia Holovatyk
Alberto Ibarra
Billie Ivra

Saira Jhorn
Lori Johnson
Samantha Johnson
Natalie Jones
Ta Tanisha Jones
William Kaiser
Carolyne Karr
Patricia Keeler
Christine Kim
John King
Ashley Kirby-Ward
Sandra Kubicki
Laura LaPiana
Timothy Law
George Lazo
Rose Leung
Bertrand Levesque
Karen Levine
George Lough
Jodi Lovejoy
Debra Maddox
Gina Manguno-Mire
Melissa Marrapese

Viola Mejia
Kimberly Miller
Samuel Montano
Patrick Murphy
Jonine Nazar-Biesman
Ana Ochoa
Ariel Ogilvie-McSweeney
Akira Olsen
Brian Olsen
Stephanie Orbon
Jessica Patel
Rhea Pobuda
Rachel Powers
Kilynda Ray
Tatsiana Razzhavaikina
Elke Rechberger
Lisa Rhee
Vincent Rodriguez
Keri Ross
Jen Schafer
Shelly Sheinbein
David Shoup
Nancy Small
DeAnn Smetana

Michael Stein
Melissa Stolsig
LaTanya Takla
Jessica Taverniti
Kelly Thomas
Raven Townsel
Donna Truong
John Tsanadis
Deepti Vaswani
Michael Villanueva
John Walker
Ann Watters
Justin Weber
Jessica Weis
Michael Whitman
Jennifer Wilcox
Michele Wilkens
Stephen Winston
Christine Winter
Christopher Wolper
Jamie Wong
Wendy Worrell
Lindsay Wray

PSYCHOLOGICAL ASSISTANTS

Ines Acevedo
Jeffrey Aguiar
Sonakshi Arora
Tracy Basile
Ramy Bassioni
Michelle Berumen
Dallas Boyce
Andrew Buchanan
Jonathan Campos
Christina Cendejas
Kara Christensen
Tasman Cleaver
Jessica Conner
Althea Cook
Jessica Crellin

Kaleb Cusack
Melanie Duckworth
Emerson Epstein
Evan Fertel
Jacqueline Friar
Milagro Gonzalez
Kimberly Gray
Joseph Henrich
Akiko Hinds
Bernadette Hinojos
Kelly Hughes
Kelly Humphreys
Dorota Krotkiewicz
Tracy Lawrence
Vanessa Ma

James Maltzahn
Alexandra Miguel
Desiree Misanko
Candis R. Mitchell
Carolina Morales Alicea
Luzviminda Morrow
Blanca Naudin
Jonathan Parker
Dylena Pierce
Eric Prince
Leilani Puentes
Jacquelyn Rinaldi
Shannon Rojas
Farnaz Samavi
Daniela Sandelin

Shweta Sharma
Sharon Simington
Alexis Sliva
Krystal Smith
Lydia Stevenson
Katherine Stypulkowski
Holly Summers
Raven Townsel
Amanda Wallick
Nathaniel Wilkins
Toi Williams
Jaime Wong
Amanda Zayas

PSYCHOLOGICAL INTERNS

Lorraine Apodaca
Mario De Souza
Shantay Coleman
Shannon Colon
Mario De Souza

Michelle Gaston
Michelle Harden
Shanel Harris
Jeanine Johnson
Kayla Kaiser

Erica Marino
Coreen Starr
Jasmin Smith
Barbara Sommer
Megan Tedrow

Candice Thomas
Charlotte Watley
Rachel Wiggins

PSYCHOLOGICAL TRAINEES

Marissa Alvarez
Vanni Arcaina
Glen Blessington
Dominque Cheung
Aimee D'Errico
Erica Dunn
Jacqueline Eddy
Kayla Fobian
Paola Garcia Betancourt

Grace Goodwin
Jaqueline Green
Madison Hurley
Bianca Islas
Todd Jennings
Jessica Jensen
Cynthia Johnston
Demi Kourtesi

Haeun Lee
Suzette Lynch
Nicole Martinez
Michael McNamara
Sara Moore
Amanda Mraz
Kelly Parker
Ananda Peixoto Couto
Jason Sadora

Shannon Sagert
Christina Salva
Mary Smirnova
Heather Thompson
Teresa Walker
Bailey Way
Jessica Woodyatt

- 10. (For Possible Action) Discussion and Possible Action to Approve the Application of Dr. Krystal Smith to take the EPPP-2 a fourth time.**
- 11. (For Possible Action) Discussion and Possible Action to Approve the Application for Reactivation of License by Dr. Michael Unger, PY0853.**
- 12. (For Possible Action) Discussion and Possible Action on Master's level licensure update.**
- 13. (For Possible Action) Discussion and Possible Action on the April 5, 2023, meeting of the Ad Hoc Committee to Consider the Registration of Supervisors of Psychological Assistants, Psychological Interns, and Psychological Trainees.**
- 14. (For Possible Action) Discussion and Possible Action to Adopt the Policy on Finance: Budgeting.**
- 15. (For Possible Action) Discussion and Possible Action on Governor Lombardo's Executive Orders:**
 - A. 2023-003 Requiring the Board's Comprehensive Review of its Regulations, due May 1, 2023; and
 - B. 2023-004 Requiring Nevada the Board's report to the Office of the Governor and the Director of the Legislative Counsel Bureau detailing all regulations that restrict entry into the profession the Board regulates, due April 1, 2023.

16. (For Possible Action) Schedule of Future Board Meetings, Hearings, and Workshops. The Board May Discuss and Decide Future Meeting Dates, Hearing Dates, and Workshop Dates

- A. The next regularly scheduled meeting of the Nevada Board of Psychological Examiners is Friday, May 12, 2023, at 8:00 a.m.

17. Requests for Future Board Meeting Agenda Items (No Discussion Among the Members will Take Place on this Item)

18. Public Comment - Public comment is welcomed by the Board and may be limited to three minutes per person at the discretion of the Board President. Public comment will be allowed at the beginning and end of the meeting, as noted on the agenda. The Board President may allow additional time to be given a speaker as time allows and in his sole discretion. Comments will not be restricted based on viewpoint. No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken (NRS 241.020)

19. (For Possible Action) Adjournment

The Board may recess for lunch for approximately one hour, at a time to be determined.

The Board is pleased to make reasonable accommodations for members of the public who are disabled and wish to participate in the meeting. If such arrangements are necessary, please contact the board office at (775) 688-1268 no later than 4 p.m. on Thursday, April 6, 2023.

For supporting materials, visit the Board's website at <http://psyexam.nv.gov/Board/> or contact Laura Arnold, Executive Director at the Board office by telephone (775-688-1268), e-mail (nbop@govmail.state.nv.us), or in writing at Board of Psychological Examiners, 4600 Kietzke Lane, Suite B-116, Reno, Nevada 89502.

In accordance with NRS 241.020, this public meeting notice was properly posted at or before 9 a.m. on Tuesday, April 4, 2023, at the following locations:

- Board office located at 4600 Kietzke Lane, Bldg. B-116, Reno;
- Nevada Public Notice website: <https://notice.nv.gov/>; and
- Board's website at <http://psyexam.nv.gov/Board/2023/2023/>.

In addition, this public meeting notice has been sent to all persons on the Board's meeting notice list, pursuant to NRS 241.020(3)(c).

**PUBLIC NOTICE OF A MEETING FOR
STATE OF NEVADA BOARD OF PSYCHOLOGICAL EXAMINERS
MEETING MINUTES**

March 10, 2023

1. Call To Order/Roll Call to Determine the Presence of a Quorum.

The meeting of the Nevada State Board of Psychological Examiners was called to order by President Whitney Owens, Psy.D., at 8:39 a.m. online via “zoom” and physically at the office of the Board of Psychological Examiners, 4600 Kietzke Lane, Ste B-116, Reno, Nevada 89502.

Roll Call: Board President Whitney Owens, Psy.D., and members Monique Abarca, LCSW, Lorraine Benuto, Ph.D., and Stephanie Holland, Psy.D., were present at roll call. Secretary/Treasurer, Stephanie Woodard, Psy.D., and member Catherine Pearson, Ph.D., were absent at roll call. Member Soseh Esmaeili, Psy.D. joined the meeting at 9:24 a.m. Despite the member absences as roll call, there was a quorum of the Board members.

Also present were Deputy Attorney General (DAG) Harry Ward, Board Investigator Dr. Sheila Young, Executive Director Laura Arnold, and members of the public Wendi O'Connor and Dr. Jonathan Campos.

2. Public Comment.

There was no public comment at this time.

3. Minutes

**A. (For Possible Action) Discussion and Possible Approval of the
Minutes of the Regular Meeting of the State of Nevada Board of
Psychological Examiners on February 10, 2023.**

There were no comments or changes suggested for the minutes of February 10, 2023.

On motion by Lorraine Benuto, second by Monique Abarca, the Nevada State Board of Psychological Examiners approved the meeting minutes of the Regular Meeting of the Board on February 10, 2023. (Yea: Whitney Owens, Monique Abarca, Lorraine Benuto, and Stephanie Holland.) Motion Carried: 4-0

4. Financials

A. (For Possible Action) Discussion and Possible Action to Approve Recommended Changes to the Fiscal Year 2023 Budget

Director Arnold stated that when the Board approved the changes to the budget Ms. Scurry presented last month, what remained were changes that needed to be made to the staff salary and PERS items because how Ms. Scurry was compensated and contributed to PERS is different than how Director Arnold's PERS contribution and compensation. Director Arnold explained that she began making those changes in the budget, but when she did that, it resulted in a negative final balance of about \$669. Because the result should not be a negative final balance, Director Arnold said she wanted to go back and spend some time gaining a deeper understanding of the Board's budget, as working with budgets is not something she has done before on this level, and she wants to ensure the budget does not have a number that is less than 0 for the final balance. As a result, Director Arnold said she was not looking for approval of the changes she was trying to make at this time, but was just showing her process since the last meeting.

B. (For Possible Action) Discussion and Possible Action to Approve the Treasurer's Report for Fiscal Year 2023 (July 1, 2022, Through June 30, 2023).

Director Arnold went on to state that when she and Dr. Woodard met prior to the Board meeting, they went through the Budget-to-Actual spreadsheet, which is where the Board's actual expenditures are compared to the amounts that are budgeted. Again, Director Arnold explained that she replicated the process she and Ms. Scurry did together last month and that she continues to learn the process to ensure the Board is in good shape, which it is. Director Arnold shared what Dr. Woodard had noticed in the budgeted quarters, namely a negative balance of negative \$12,000 she noticed in one of the quarters that she did not believe were there when the budget was approved. Director Arnold said she went back to when the budget was approved in June 2022 to compare, and those numbers were the same, but wants to go back historically, look at what was approved and why from month to month over the fiscal year so that she can address it at a future board meeting. She noted that a Board's finances is all new to her, and it is just a process of learning it.

President Owens said she appreciated the executive director's transparency and that it is great that she is showing what she is figuring out and looking forward to her showing in six months all that she has learned in handling the budget. President Owens trusted that the executive director is working with Dr. Woodard and the bookkeeper, and has faith that there will be a cleaner report next month. The executive director confirmed

she will be working with both moving forward, and it is just a matter of understanding the mindset in creating the FY23 budget, which she expects to do with a deeper dive into its iterations over the fiscal year.

5. Legislative Update

A. (For Possible Action) Report, Discussion and Possible Action on Legislative Activities, including the work of Interim Committees and the 2023 Session of the Nevada Legislature.

President Owens asked the executive director about the way the agenda is written for the Legislative Update and if the Board is able to make any decisions. Director Arnold replied that she was not sure what decisions the Board would be making. President Owen asked DAG Ward if for AB219, which is an opening meeting law bill, the Board would be able to talk about taking a neutral stance or some friendly amendments.

DAG Ward stated that the Board has the discretion and authority to do what it wants with standing neutral, friendly amendments, and the like because it's a bill that would affect it. President Owens inquired about whether the Board could vote on any action it wants to take even though it is not identified in the agenda for possible action. DAG Ward suggested that if it has not been specifically noted in the agenda, the Board can discuss it but not take any action. President Owens asked if the Board could talk about it and then, as president, can she come in neutral or in support. DAG Ward stated that the Board can discuss it today, and if she wants, President Owens can address it at a later time, whether it is to a committee meeting or a formal direction to take action.

President Owens explained that AB219 revises the open meeting law by requiring members of a public body to meet at a physical location at least 25% of the time. She said a suggestion Dr. Holland made was meeting twice a year, and asked what the other Board members thought about it. President Owens said the Board can also be silent – it does not have to come in with a particular position on the bill. President Owens said she felt strongly that the changes in AB219 would be more of a barrier to participation in board meetings than actually fruitful.

Dr. Benuto suggested that the Board make a comment and ask for a friendly amendment to one time a year, which would be more reasonable. She said that everyone has competing obligations, and gave an example of her having a meeting across the hall after the Board meeting in which she would not be able to participate if she had to drive to different places.

President Owens noted nods from Dr. Holland. She again restated the 25% attendance that AB219 would require and that the Board was discussing that would be a barrier for participation for many board members and the Board's DAG, and noted the current feeling is to seek a friendly amendment of making that a one time a year mandatory meeting. President Owens said she would draft language and present that for this particular suggested change.

President Owens inquired about whether anyone had any concerns with any other bills the Board is following and with which she is actively engaged, and stated that the Board has written a letter on AB37.

B. (For Possible Action) Discussion and Possible Action on the Proposed Revision of Nevada Revised Statutes (NRS) 641.390, Representation or Practice Without License or Registration Prohibited, During the 2023 Session of the Nevada State Legislature

There was no discussion on this item.

6. Board Needs and Operations

A. Report from the Nevada Psychological Association.

Wendi O'Connor, Executive Director for the Nevada Psychological Association (NPA), gave the report from the NPA. She stated that they are very busy during this legislative session, currently monitoring about 20 bills, and that the NPA is in support of some, neutral on others, and some are in discussion.

Ms. O'Connor went on to identify continuing education workshops it has coming up that are requirements for licensure. She said the first is a suicide training program scheduled in April – Use of Attachment Based Family Therapy for Adolescents Struggling with Depression & Suicidal Thoughts – April 28 from 11-2, presented by Guy Diamond. She stated the NPA also opened registration for the 35th annual conference, which will be Clinical Considerations with Transgender and Nonbinary Youth from an Intersectional Lens presented by Dr. Roberto Abreau, Dr. Christina Patterson, and Dr. Lauren Chapple-Love in Las Vegas for 6 cultural competency credits.

President Owens asked if the NPA is neutral or in support or opposition for AB236. Ms. O'Connor answered that the NPA is aware that NBOPE is in support of it and that they are monitoring it closely. She also said they are currently in discussions on the actions they want to take on it, and that they are in support of clarification of the scope and role of psychologists.

B. Report From the Executive Director on Board Office Operations.

Director Arnold reported that licenses and registrations remain pretty steady. She said there were a number of applications that came in at the end of February when the offices were closed due to the severe weather in the area, some of which are not reflected for February, but that she is now caught up on those applications and they will be reflected in next month's report. Director Arnold also noted that there was an increase in Psychological Trainee applications that had come from UNLV and that she is working with her contact there to get those registrations done quickly, as the students will begin working in May.

As for complaints, Director Arnold reported that there was an uptick in complaints received, two of which have been referred to appropriate boards as they were not complaints against psychologists, and for one of which the Board is seeking additional information.

President Owens stated that getting the Psychological Trainee registrations out quickly is helpful because UNLV is working closely with Medicaid to get their trainees registered with Medicaid so that they can start billing Medicaid as quickly as possible. She said with the Psychological Trainees, they change sites every year, so the faster we get them completed and moved along, the faster they can get reimbursed, and that really helps with work force development and providing care to the public.

Director Arnold explained that she was working out a minor issue with the coordinator related to how most of the applicants answered a question on the Supervised Practice Plan. She said it was a yes/no answer that was misread or misunderstood, and once they provide what is needed to correct the answer to that question, the registrations will go out. President Owens thanked Director Arnold for streamlining that process and making it move quickly.

7. (For Possible Action) Discussion and Possible Action to approve the employment agreement of Laura M. Arnold.

President Owens asked to skip Item 7, as Director Arnold was in the process of reviewing the employment agreement. She said the Board would look at this item again in April. Director Arnold said she did review and sign and send the agreement to DAG Ward prior to the Board meeting. President Owens stated that the Board has to approve the agreement. DAG Ward confirmed that Director Arnold did sign and send him the agreement, and it is fine if the Board reviews it at the next meeting. President Owens confirmed that the Board will look it over at the next meeting.

8. (For Possible Action) Discussion, and Possible Action on Pending Consumer Complaints:

President Owens asked for updates on the complaints identified in the agenda. DAG Ward stated that he, Dr. Lenkeit, Dr. Young, and the executive director met and conferred on all of the complaints. He stated that none of them are a threat to psychologists and/or the general public, so there is no need to hurry up and get them out. He went on to explain that they were all working diligently on all of them, trying to resolve them or bring them to a hearing, and that of all of them, there is a possibility of only one of them going to a hearing. DAG Ward said he is in negotiations to try and resolve the 2019 cases because they are somewhat old, however, there have been some problems with them in the past, plus COVID, etc.

President Owens asked DAG Ward if he has a timeline for the complaints identified as A and B, in response to which DAG Ward stated there is no statute of limitations on presenting them. He said on one of them, opposing counsel is asking for an amended complaint, so if for some reason it goes to a hearing, he would amend the complaint and bring in additional allegations based on depositions and other information, but that there is no statute of limitations issue.

President Owens clarified that her question was more to do with whether he has a sense of when they will be resolved. DAG Ward said wished he could provide a specific date, but he does not have one. DAG Ward stated that he has had to get substitute counsel for this Board for him, and it looks like he will have to do the same in the future, but he does not want to burden a substitute DAG to prosecute a case. DAG Ward said he will still work diligently to get these cases going, even if he has to substitute a DAG for another board if we have to go hearing on this matter.

President Owens thanked DAG Ward for the update, and asked Board Investigator Dr. Young if she had any updates. Dr. Young replied that there had been a discussion on 21-0726, and she will be recommending dismissal of that complaint based on the information she has received to date, but she is still waiting for one response. Dr. Young hoped to bring it back to the Board at the next meeting.

9. (For Possible Action) Review and Possible Action on Applications for Licensure as a Psychologist or Registration as a Psychological Assistant, Intern or Trainee. The Board May Convene in Closed Session to Receive Information Regarding Applicants, Which May Involve Considering the Character, Alleged Misconduct, Professional Competence or Physical or

Mental Health of the Applicant (NRS 241.030). All Deliberation and Action Will Occur in an Open Session. *Note: Applicant names are listed on the agenda to allow the Board to discuss applicants when necessary to move the applicant through the licensure process. The listing of an applicant's name on the agenda indicates only that an application for licensure/registration has been received. It does not mean that the application has been approved or that the applicant must appear at the meeting in order for the applicant's application to move forward through the licensure process. If an applicant needs to attend the meeting for the Board to take action, the applicant will be notified in writing prior to the meeting. Please, direct questions or comments regarding licensure applications to the Board office.*

Dr. Owens stated that the following applicants are recommended for approval of licensure contingent upon completion of licensure requirements: Michelle Berumen, Tatsiana Rasshavaikina, Jennifer Schafer, Raven Townsel, Michael Whitman, Akira Olsen, Rachel Powers, and Jessica Taverniti.

Dr. Holland said she was happy to move with the exception of Michelle Beruman, for whom she had to recuse herself. President Owens suggested making it easier if Ms. Abarca or Dr. Benuto could make the motion and second, then Dr. Holland could recuse. In response, Ms. Abarca made the motion, and Dr. Benuto seconded. Holland stated she was in favor of the motion with the exception of Michelle Beruman because she has to recuse herself from that applicant.

President Owens questioned whether the Board needed to move applicant Berumen to the April meeting since there was not a quorum on her with Dr. Holland's recusal. DAG Ward stated that was correct. Dr. Holland asked if that means she will not obtain her license until next month. President Owens answered yes because they have not yet voted for approval.

Director Arnold interjected that Dr. Berumen's application is still pending, and that these are preliminary approvals that are contingent on the licensing requirements having been met so that the applicants are not waiting another month or two to go before the Board to be approved after completing the requirements for licensure.

Dr. Holland asked if she was required to recuse because she knows Dr. Berumen. DAG Ward replied that she did not necessarily have to recuse based on knowing her. He explained that she would need to recuse herself if there is monetary gain to her by approving licensure, they are related, or something of that nature. He explained that, in small boards with a small number of licensees, board members are going to know people, and whether recusal is appropriate has to come from her based on whether she feels like she can fairly and objectively approve her for licensure. DAG Ward repeated that she would obviously have a conflict if she pays Dr. Berumen or Dr. Berumen pays her, or if they are related.

Dr. Holland stated that she needs to recuse herself.

DAG Ward told Dr. Holland that she does not need to be specific, but she can say that she has to recuse herself because she knows her. Dr. Holland stated that she has to recuse herself because she knows Dr. Berumen. She went on to note that if the Board does not have a quorum, an applicant may be held up for additional time and cannot become employed. DAG Ward stated that they did not know what was still required for licensure, such as fingerprints or something else. He said the Board is trying to get these applicants pre-approved and make sure they have complied with requirements – they are approved contingent on them paying the fees and completing the application requirements. Dr. Holland asked what if an applicant has completed application requirements, to which DAG Ward replied that she would not be able to obtain licensure until the next month if she is approved next month.

President Owens stated that Dr. Soseh Esmaeili had just joined the meeting and was just in time. President Owens told Dr. Esmaeili that they were on Item 9, voting on applicants for licensure, and because there was a small number of board members today and Dr. Holland has to recuse herself on one of the applicants, it was going to hold up approval for licensure. President Owens started Item 9 again so the applicants could go through the process.

President Owens stated that the following applicants are recommended for approval of licensure contingent upon completion of licensure requirements: Michelle Berumen, Tatsiana Rasshavaikina, Jennifer Schafer, Raven Townsel, Michael Whitman, Akira Olsen, Rachel Powers, and Jessica Taverniti.

On motion by Monique Abarca, second by Soseh Esmaeili, the Nevada State Board of Psychological Examiners approved the approved the following applicants for licensure contingent on completion of licensure requirements:

Michelle Berumen, Tatsiana Rasshavaikina, Jennifer Schafer, Raven Townsel, Michael Whitman, Akira Olsen, Rachel Powers, and Jessica Taverniti. (Yea as to applicant Michelle Berumen: Whitney Owens, Monique Abarca, Lorraine Benuto, and Soseh Esmaeili, Stephanie Holland recusing) Motion Carried: 4-0. (Yea as to the remaining applicants: Whitney Owens, Monique Abarca, Lorraine Benuto, Soseh Esmaeili, and Stephanie Holland) Motion Carried: 5-0

A. (For Possible Action) Discussion and Possible Action to Approve the Recommendation of the ATEAM Committee to approve the application of Dr. Jessica Patel, contingent on the completion of all licensure requirements.

President Owens stated that Dr. Jessica Patel is an applicant for licensure who had a couple of minor, inadvertent discrepancies on her PLUS that needed to be corrected and her number of supervision hours reviewed. President Owens went on to say that Dr. Patel's PLUS was updated with what needed correcting, and highlighted that Dr. Patel is licensed in two other states – Illinois and California – and has been licensed for

more than five years in one of them. President Owens noted that Dr. Patel's PLUS indicated only 1,000 internship hours, but that she had 2,400 supervised hours of post doc, and 80 hours of individual supervision.

President Owens stated that Dr. Pearson reviewed Dr. Patel's application and found that because Dr. Patel has been licensed in another state for more than 5 years, she only needs a total of 3,000 combined hours. She noted that even though Dr. Patel only has 1,000 internship hours, she exceeds the 3,000 hour requirement with 3,400 hours and her 280 hours of supervision and, as a result, the ATEAM moved to recommend Dr. Patel for licensure.

President Owens asked if there were any questions about Dr. Patel's application and whether there was a motion to approve the application for licensure of Dr. Jessica Patel contingent on the completion of all licensure requirements.

On motion by Lorraine Benuto, second by Soseh Esmaeili, the Nevada State Board of Psychological Examiners approved the application of Dr. Jessica Patel, contingent on the completion of all licensure requirements. (Yea: Whitney Owens, Monique Abarca, Lorraine Benuto, Soseh Esmaeili, and Stephanie Holland.) Motion Carried: 5-0

10. (For Possible Action) Discussion and Possible Action to Approve the Request of Dr. Jonathan Campos for the Board to extend the EPPP-2 waiver he was granted as part of his now-expired Psychological Assistant application.

[This item was taken out of order]

President Owens stated that just prior to last month's board meeting, Dr. Campos was advised that the EPPP-2 waiver that had been granted him as part of his October 2020 Psychological Assistant application was no longer in effect because: (1) that waiver had been granted so long as he timely completed the requirements of his application for registration/licensure; and (2) his application expired without him having completed the requirements. She said Dr. Campos was told that he would need to reapply and pay the application fee and that the EPPP-2 would be a requirement for licensure, and that Dr. Campos requested that he be able to appear before the Board so that he can be heard on this.

Dr. Owens explained that back in 2019 when the Board voted to include the EPPP-2 as a requirement of licensure, the Board knew there would be a period of time where there would be applicants who were caught in that period of time where they were completing licensing requirements. She went on to state that at the beginning of 2020, the Board was supposed to be able to roll out the EPPP2, but that did not happen

because of the pandemic, so the Board voted to create a period of time where if someone applied for licensure before a particular date, they would not be required to take the EPPP2 so long as they got their application in by that date and completed licensing requirements within a period time. President Owens said that Dr. Campos got his application in by the October 2020 date, but did not complete the licensing requirements by the time his application termed out. As a result, the executive director told Dr. Campos that he would need to reapply and would need to complete all of the requirements for licensure, including the EPPP2 at the time of that application. President Owens stated that Dr. Campos is requesting a waiver of the EPPP-2, and invited Dr. Campos to talk about why he is making that request.

Dr. Campos said that so much has happened since he moved to Las Vegas from Hawaii, and that he has had to work at 2 clinics to finish his hours to qualify for licensure. He said he recalled the previous executive director telling him he was grandfathered in to taking only the EPPP-1, but does not have documents other than what she told him as to how long that would be.

Dr. Campos said he felt that if he shared more about what has happened, it will just open the two places where he worked to scrutiny based on what occurred in the first clinic and then moving to the second. He went on to state that, without getting into detail, he is registered for the EPPP-2, and that the previous clinic let him go even though he requested an extension, and then Dr. Norensberg backed out, which is why he has to work at FedEx. He said he doesn't mind working and hustling, but that he is just trying to get things done with what has occurred. Not wanting to put a negative lens on his experience, he said he is just requesting to have the EPPP-2 waiver extended until he takes his test at the end of May, which he has scheduled. Dr. Campos did not want to open up windows or doors for further investigation, but explained he did not have the best experiences and has had to get done and do what he needs to get his hours.

Dr. Owens asked Dr. Campos to clarify that he is requesting a waiver of the EPPP-2 because he had just mentioned he is scheduled to take it. Dr. Campos confirmed he is requesting an extension of the waiver. He said all he is doing is studying to prepare for the test, and because he does not have any documents as to how long the EPPP-2 was waived for him, he just wants to be considered for an extension of that waiver so that he can take the one test and be done. Dr. Owens clarified that the test he is currently scheduled to take is the EPPP-1.

President Owens opened the floor to ask Dr. Campos questions or deliberate. Dr. Holland clarified that the request is to waive having to take the EPPP-2. Dr. Owens refreshed the Board's memory that 2021 was the last time they considered any waivers, and they granted extensions for the timeline to take the EPPP-2 and granted provisional licenses at that time for people to complete licensure requirements, but since then the Board has not granted any waivers or extensions related to taking the EPPP-2. Dr.

Holland said that was her recollection as well, and that she would be really concerned if the Board now granted a waiver. She said it is unfortunate and it sounds like there are a lot of circumstances for why Dr. Campos is making his request, but the Board should remain consistent.

Dr. Benuto echoed Dr. Holland's sentiments, and Ms. Abarca agreed with Dr. Benuto and Dr. Holland. President Owens concurred. She said granting a waiver of the EPPP-2 at this point would open the Board up to having to consider more of these requests and that the Board followed its procedure very clearly on this case. President Owens stated that she can appreciate the challenges that Dr. Campos faced, but agrees with the members of the Board.

On motion by Stephanie Holland, second by Monique Abarca, the Nevada State Board of Psychological Examiners denied the request of Dr. Jonathan Campos to extend the EPPP-2 waiver he was granted as part of his now-expired Psychological Assistant application. (Yea: Whitney Owens, Monique Abarca, Lorraine Benuto, Soseh Esmaili, and Stephanie Holland.) Motion Carried: 5-0

Dr. Campos asked how he would be able to follow up on all that he has dealt with. He said that while he appreciated the Board at the time and its considerations, there has been a lot he has dealt with that created more circumstances than any PA should have to endure in this State. Dr. Campos explained that he has colleagues that ask questions, and if they consider moving here, he is hesitant about providing any positive feedback because of what has occurred. He went on to state that if he has to open up an investigation, it is a way for him to lookout for future PAs, because no one should have to deal with what he did at two clinics just to even try to get the hours. He said he did not get any supervision at his last place, and went from salary to hourly at his first place.

President Owens said that if he has concerns about the supervision or treatment he had as a PA, the Board would welcome him to make a complaint.

Dr. Campos stated that this is after the fact, which is why he asked for an extension. He said he does not have the energy or time, and if he has to wait 30 days for a board meeting to try to get answers, it is a hassle at this point and he just wants to get done with it. Dr. Campos stated his request is a simple courtesy for those who have accepted him into positions, and to not feel supported, he questions whether he even wants to continue in mental health.

President Owens stated she can appreciate that it has been a difficult road for him, and if there are any complaints he wants to make about supervisors he has had, there are avenues to do that, but the Board has to follow the law and its procedures so that we have a fair system for everyone. President Owens thanked Dr. Campos, and Dr. Campos thanked the Board for its time.

11. (For Possible Action) Discussion and Possible Action to Approve the Application for Reactivation of License by Dr. Erin M. Oksol, PY0531.

President Owens stated that Dr. Oksol has submitted her application and the fee to reactivate her license. She explained that Dr. Oksol's license was issued in August 2007 and was last active in September 2018, and noted that in the personal/professional conduct history, Dr. Oksol states that her right to practice was reinstated following a 2013 DUI and after she received treatment. President Owens said that for Dr. Oksol's her entire career as a licensed psychologist, she has been a self-employed private practitioner. She went on to highlight the continuing education that Dr. Oksol reports having completed between February 2022 and February 2023 – 32.5 hours of continuing education, 28.25 hours were live, 4 were distance learning, 12 were ethics, and 2 were suicide prevention and awareness – the certificates of for which were included in the application. President Owens stated that the goal was to deliberate whether to reinstate Dr. Oksol's license.

Dr. Holland asked how long ago the incident was. President Owens answered that Dr. Oksol was originally licensed in 2007, she had a DUI in 2013, she inactivated her license in 2018, and she's now asking for reinstatement. President Owens asked whether it was the Board that revoked her license or someone else. Director Arnold said she did not know whether her license had been revoked. President Owens stated that question 3 on the personal and professional conduct section asks if the applicant's license has ever been revoked or suspended, and that is where she wrote that she had a DUI in 2013, and then her license was reinstated after treatment. Director Arnold said it looks like that happened in 2015 and in 2016, Dr. Oksol went back to active status. President Owens clarified that this Board reinstated Dr. Oksol's license after she went through treatment, to which Director Arnold said that appeared to be the case. President Owens further clarified that Dr. Oksol then went inactive in 2018, and is asking for reinstatement. She stated that Dr. Oksol has completed all of the continuing education hours required to be an active licensee, and if they look at the history, the Board reinstated Dr. Oksol's license after treatment and then Dr. Oksol decided to go inactive. President Owens said that because Dr. Oksol has already had consequences from the Board for the DUI, all the Board is looking at today is whether Dr. Oksol has enough CEs to be reinstated.

President Owens inquired with Dr. Holland and Dr. Esmaili if they remembered last year when they had a discussion around how many CE units they are requiring for reinstatement if they have been inactive for some time. Dr. Holland said she recalled that discussion, but she did not recall what the number was they came up with, as it was a general discussion about when someone is inactive because of a, b, or c. Dr. Esmaili did not remember precisely what they said, but thought they talked about it being an unnecessary burden to have them do CEs for every two years since they had been inactive. President Owens stated that Dr. Oksol has what would have been

required for the last biennium – she completed ethics, she completed suicide CEs, she has 32.5 hours. Dr. Owens noted that they could get picky on the diversity CEs, but with diversity CEs, mental health is a diversity factor, so the Board did not need to get super picky on that based on how the statute currently reads for diversity CEs.

On motion by Stephanie Holland, second by Lorraine Benuto, the Nevada State Board of Psychological Examiners approved Dr. Oksol's application for the reactivation of her license. (Yea: Whitney Owens, Monique Abarca, Lorraine Benuto, Soseh Esmaeili, and Stephanie Holland.) Motion Carried: 5-0

12. (For Possible Action) Discussion and Possible Action to Adopt the Policy on Finance: Budgeting

President Owens asked to skip over Item 12 until Dr. Woodard is able to join because she has been very active in the Budgeting Policy process, and the Board wants her, as the Board's secretary/treasurer to be present for discussions on it.

13. (For Possible Action) Discussion and Possible Action on Executive Order 2023-003 Requiring the Board's Comprehensive Review of its Regulations.

President Owens explained that the Board had previously discussed the Governors' executive orders, but she wanted to talk more about them, and referenced them being in the meeting packet. She said that the Board is being required to review its statutes and regulations to see how it can streamline them and also make recommendations to the Governor about what we want to remove. President Owens stated that in the Board's earlier discussion, she shared that she and Director Arnold were looking at how the Board's regulations could be streamlined. She noted that the Board has done a great job of looking through the supervision regulations to see how they can be streamlined to make more sense to licensees, the public, and supervisees, and that would be highlighted for the Governor. She also noted that the Board has created a subcommittee to streamline the supervision regulations.

Present Owens went on to characterize the Board's regulations as fairly lean. She said that there is not a lot of excess or extra that does not make sense for the protection of the public, but that as she and Director Arnold look through in deciding what can be removed, they have identified the behavior analyst language in the administrative code as unclear. She explained that because the Board does not regulate behavior analysts, it is confusing to the public when they look at those regulations and it adds a burden on our office because the executive director gets calls about behavior analysts and she has to refer them to the Department of Aging and Disability Services. President Owens stated that the bulk of what will be recommended for removal is related to behavior analysts. She said another recommendation will be to remove the regulation for the

registration of partnerships and businesses because the Board does not do that, it has never done that, and it is confusing, as the executive director gets calls on that as well. President Owens stated that, if there are other code provisions any Board members think should be removed, she will entertain that and open the door for discussion in terms of following the Executive Order.

President Owens stated that the report is due to the Governor's office by May 1, 2023. She said that she and the executive director will continue working on the report and will bring the report to the Board in its April meeting to take action to approve the report before the May 1, 2023, deadline.

In response to President Owens' query about what is due on April 1, 2023, Director Arnold stated that it is a response to Executive Order 2023-004, which requests that the Board review and identify administrative code provisions that are a barrier to licensure and that address reciprocity. She said it is directed at the current workforce shortage, and that she has been going through the Board's regulations to identify those provisions that respond to the Executive Order, which are licensing requirements and Nevada's participation in PsyPact, and that she will be highlighting that most states in the U.S. participate in PsyPact.

President Owens asked DAG Ward about whether our licensure by endorsement provisions could be considered reciprocity for purposes of the report to the Governor. DAG Ward said that it was a bit of gray area. He explained that if you have regulations and the reciprocity does not meet the requirements for the state of Nevada, then there is no reciprocity. He noted, however, that he needs to discuss the issue with colleagues and other boards to be able to give a clearer response.

President Owens stated that the goal for Executive Order 2023-004 is to highlight membership in PsyPact, which creates the opportunity for reciprocity, and to highlight regulations for licensure by endorsement because it provides for ease of licensure. She said that the Board has done a great job of creating a rubric for those who can apply for licensure by endorsement and licensing them quickly and easily while also protecting the public. President Owens stated that what she wants to vote on is allowing the executive director and her to draft a response to Executive Order 2023-004 and submit the report by the April 1 deadline, and then bring the report back to the Board in its April meeting to review and make any amendments that we can submit later.

On motion by Monique Abarca, second by Stephanie Holland, the Nevada State Board of Psychological Examiners approved executive director Laura Arnold and President Whitney Owens to draft the required report to the officer of the Governor and the Director of the Legislative Counsel Bureau detailing all regulations that restrict entry into any occupation or profession regulated by the Board. (Yea: Whitney Owens, Monique Abarca, Lorraine Benuto, Soseh Esmaili, and Stephanie Holland.) Motion Carried: 5-0

President Owens restated that the report for Executive Order 2023-004 will be brought back before the Board in April and it can make any amendments if there is anything any other Board members think should be included. She told Board members who have a chance to review the Executive Order and want something else included to let Director Arnold know because Director Arnold is working on the main draft of this report and she will be working with her to add to or subtract from it. President Owens also stated that the Board will bring back the response to Executive Order 2023-003 in April and submit it after the Board votes on it in April.

Director Arnold recommended that, if any Board member goes back to look at the Executive Orders, that they be reviewed from the Governor's website rather than how they were downloaded and provided in the packet, because they are hard to read as they download for printing.

President Owens asked if there were any questions about the Executive Orders. She further commended the executive director for the work she has done on the Executive Orders in addition to learning the job and coming into a legislative session, but noted it is good for the Board to look through its regulations to create ease and streamline them.

14. (For Possible Action) Schedule of Future Board Meetings, Hearings, and Workshops. The Board May Discuss and Decide Future Meeting Dates, Hearing Dates, and Workshop Dates

President Owens stated that the next regularly scheduled meeting of the Nevada Board of Psychological Examiners is Friday, April 7, 2023, at 8:00 a.m. She acknowledged that Dr. Woodard would be out for the next meeting, and wanted to make sure the Board will have a quorum at that meeting. President Owens asked whether any other members knew whether they would be out on that date, to which no member present responded.

DAG Ward said that if he is out that day, he will have a substitute. He noted that he believed that is the Friday before Easter.

President Owens stated that she did not see any conflicts with that date.

15. Requests for Future Board Meeting Agenda Items (No Discussion Among the Members will Take Place on this Item)

President Owens asked if there were any agenda items for future Board meetings, in response to which Ms. Abarca stated she went to a roundtable discussion with City Council and every first responder chief in the valley. She said the topic was about how there is not enough mental health support for first responders in the valley, how they

are trying to come up with solutions to find competent practitioners for that population, and that they are trying to create training for all different disciplines to learn more about law enforcement, firefighters, emergency medical personnel, etc. Ms. Abarca stated that they have spoken with other Boards, and that she recommended the Psychological Board to them. She explained that they may want to present to the Board for Continuing Education opportunities or something like that.

President Owens thanked Ms. Abarca for the update, and said that the Board and she, personally, is happy to help out and have conversations with them.

President Owens asked Director Arnold to add an update for master's level licensure to the agenda for next month's meeting, as she should have updates from the preliminary committee from the ASPPB and where they are on that.

16. Public Comment - Public comment is welcomed by the Board and may be limited to three minutes per person at the discretion of the Board President. Public comment will be allowed at the beginning and end of the meeting, as noted on the agenda. The Board President may allow additional time to be given a speaker as time allows and in his sole discretion. Comments will not be restricted based on viewpoint. No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken (NRS 241.020)

There was no public comment at this time.

17. (For Possible Action) Adjournment

President Owens stated that the Board can adjourn. She thanked the everyone, noted that they would see updates come through on legislation, and said that once she has drafted neutral comment on AB219, Director Arnold would send it out and would give an update on how things go on Monday with the Board's bill.

Director Arnold stated that member of the public Dr. Tenney just joined the meeting.

President Owens welcomed Dr. Tenney and told him the meeting was just adjourning, but asked if he had anything he wanted to share.

Dr. Tenney stated he had no comment, he just wanted to keep current, and thanked the Board for putting notice out there so the public can attend.

There being no further business before the Board, President Owens adjourned the meeting at 9:48 a.m.

**Nevada Board of Psychological Examiners
Board Meeting Staff Report**

DATE: April 7, 2023

ITEM:

5A. (For Possible Action) Report, Discussion and Possible Action on Legislative Activities, including the work of Interim Committees, the 2023 Session of the Nevada Legislature, and any position the Board may take on Bills and Bill Draft Requests that the Board is tracking, following, or that may impact the Board and its Operations.

Following is a table of the legislative bills that the Board has been tracking or following that are of interest to or may impact the Board and its operations. The relevant, accompanying summaries are high level and for informational purposes only. More information about this Legislative Session's bills and bill text are available on the Nevada Electronic Legislative Information System (NELIS):

<https://www.leg.state.nv.us/App/NELIS/REL/82nd2023>

Bill No.	Relevant Summary
AB37	Authorizes the establishment of the Behavioral Health Workforce Development Center of Nevada at one or more institutions within the Nevada System of Higher Education.
AB69	Makes certain providers of behavioral health care eligible to participate in the program of loan repayment administered by the Nevada Health Service Corps, which encourages practitioners of certain health care professions to practice in areas of Nevada in which there is a shortage of that type of practitioner.
AB156	Establishes (1) the order in which a provider or program is required to prioritize persons for participation in certain publicly funded programs for the treatment of alcohol or other substance use disorders, and (2) certain requirements to ensure the access of offenders or prisoners who have been diagnosed with an opioid use disorder to medication-assisted treatment and the continuation of such treatment upon the release or transfer of such offenders or prisoners.

AB198	<p>Provides for the registration of health care providers who are not licensed in this State to provide services through telehealth to patients located in this State and for the regulation of those providers.</p> <p>Revises the circumstances under which a provider of health care is authorized to provide services through telehealth to a patient located in this State.</p>
AB219	<p>Notwithstanding the authority of a public body to conduct a meeting by remote technology, requires a member of a public body to attend at least 25% of the public body's meetings in person at a physical location designated for the meeting where the members of the general public are permitted to attend and participate.</p>
AB236	<p>Removes the exceptions that would permit a person to represent himself or herself as a psychologist without having been issued a license by the Board of Psychological Examiners, and specifies or revises existing law governing psychologists and the use of the title "psychologist" as they relate to the teaching of psychology or psychological research that does not involve the delivery or supervision of direct psychological services only when those activities are conducted at an accredited educational institution.</p>
AB244	<p>Establishes the substantive rights of a person compelled to submit to a mental or physical examination under certain circumstances, and authorizes a person who has been aggrieved by the violation of certain rights to institute an action for injunctive and other relief.</p>
AB312	<p>Creates and establishes duties for the Commission on Environmental Justice, and establishes requirements for agencies to determine the environmental impact of a proposed regulation on historically underserved communities.</p>
AB363	<p>Provides form for restrictions on the aspects of the criminal history of an applicant that certain licensing entities are authorized to consider in determining whether to issue the applicant a license and the procedures a licensing entity must follow to deny an applicant a license based on his or her criminal history.</p>
AB402	<p>Requires regulatory bodies to submit to the Governor and the Legislature a biennial report containing information concerning each occupation or profession licensed and regulated by the regulatory body related to licensure of and reciprocity for that occupation or profession in other states.</p>

SB119	Provides for the continuation of a requirement that certain third-party payers cover services provided through telehealth, except for services provided through audio-only interaction, in the same amount as services provided in person or through other means.
SB150	Provides for the issuance of a provisional license to psychological assistants, psychological interns and psychological trainees, and revises certain fees charged to psychological assistants, psychological interns and psychological trainees.
SB156	Provides certain requirements for a public body to conduct a meeting by means of a remote technology system during certain emergencies.
SB210	Declares that the public policy of the State of Nevada includes that persons appointed to certain public bodies by the Governor should reflect the diversity of the State.
SB267	Requires certain health insurance plans to reimburse a psychologist for certain services rendered by a registered psychological assistant, psychological intern or psychological trainee under the supervision of the psychologist.
SB300	Makes an appropriation from the State General Fund to the University of Nevada, Las Vegas, for a grant program for certain interns.
SB365	Revises requirements governing training in cultural competency for agents and employees of certain health facilities.
SB373	Requires the head of each agency of the Executive Department of the State Government to designate certain information and documents as vital information and documents, and requiring the head of each such agency to ensure that such vital information and documents are translated and made available in certain languages.
SB399	Requires certain regulatory bodies to issue a professional or occupational license by endorsement under certain circumstances.
SB431	Appointment of a Secretary of Commerce and Administration in the Governor's Cabinet to have administrative oversight and responsibility for, among many others, the Nevada Board of Psychological Examiners.

Executive Director Report
Office Stats - Fiscal Year 23

		3/23	2/23	1/23	12/22	11/22	10/22	9/22	8/22	7/22	FY22 Totals
Psychologists	Licenses Issued	4	2	6	4	1	4	5	3	4	33
	Applications Received	7	6	4	5	6	2	6	9	3	48
Psychological Assistants	Registrations Issued	0	0	2	1	1	1	6	3	2	16
	Applications Received	1	1	1	1	1	1	3	2	2	13
Psychological Interns	Registrations Issued	0	0	0	1	0	0	1	1	0	3
	Applications Received	0	1	0	0	1	2	1	0	1	6
Psychological Trainees	Registrations Issued	7	0	1	1	0	1	4	2	0	16
	Applications Received	1	7	0	0	1	1	1	1	3	15
Non-Resident Consultants	Registrations Issued	1	2	0	0	1	2	2	0	0	8
Background Checks	Reviewed	0	0	1	0	1	0	0	1	0	3
Continuing Education	Applications Reviewed	4	4	5	3	1	2	4	7	3	33
State Exams	Administered	3	3	4	4	2	4	6	7	4	37
Complaints	Received	2	3	0	0	0	1	1	0	0	7
	Informal	1	1	2	1	2	2	1	2	3	15
Totals		31	30	26	21	18	23	41	38	25	253

**NEVADA BOARD OF PSYCHOLOGICAL EXAMINERS
EXECUTIVE DIRECTOR
EMPLOYMENT AGREEMENT**

This Employment Agreement ("Agreement") is entered into by and between the **Nevada Board of Psychological Examiners** ("Employer") and **Laura M. Arnold** ("Employee") hereinafter referred to as Employee, (and collectively referred to as "Parties").

- 1) **Employment:** Employer hereby employs Employee, and Employee hereby accepts employment by Employer to serve as Executive Director for the Nevada Board of Psychological Examiners with all duties, powers and authorities provided by law, and to perform such executive, managerial, and administrative duties as Employer may specify during the term of this Agreement.
 - a) Employee acknowledges and agrees that Employee's employment is primary to all other services or business interests and that other such services or business interests shall not interfere with Employee carrying out the duties of Executive Director.
- 2) **Term:** The term of employment under this Agreement is effective and retroactive from January 18, 2023, and continuing thereafter until terminated pursuant to the provisions of Section 8, Termination herein.
 - a) Employee's performance will be reviewed annually. At that time, Employee will be eligible for consideration for adjustment to salary and/or benefits; determined by Employer in its sole and absolute discretion.
- 3) **Performance of Duties:** Employee shall perform assigned duties and responsibilities in a professional manner, in good faith, and to the best of the Employee's skills, abilities, talents and experience.

- a) **Attendance**

Employee shall work a 40-hour work week, generally Monday through Friday. For specific purposes, such as a Board work session or conference, work on a Saturday/Sunday may be necessary. Employee is expected to work in the office during works hours stated herein. In the event there are unforeseeable circumstances such as inclement weather or other health and safety reasons such as a pandemic preventing the Employee from physically being in the office, Employee may work remotely. If the Employee is prevented from being in the office or is working remotely, Employee must notify the Board President.

- b) **Office Hours**

The office shall be open Monday-Friday with exceptions for approved holidays and employee leave time. The office hours, with specific hours for visitors to the office, shall be recommended by Employee and require approval by the Board. Once approved by the Board, such information shall be posted at the Office location and to the Board's website.

- 4) **Compensation and Leave:**

- a) **Base Salary.** As compensation for the services provided by Employee under this Agreement, Employer will pay Employee based on the adopted Salary Scheduled within the Policy of the Nevada State Board of Psychological Examiners, Executive Director Employment, Compensation and Evaluation Policy. The amount will be paid to Employee on a bi-weekly basis. Employee shall deduct or withhold any and all Public Employees Retirement System (“PERS”) deductions and/or taxes as required by law.
- b) **Overtime.** Employee shall not receive overtime compensation for services performed as a salaried or exempt employee.
- c) **Additional Compensation.** Any additional compensation or bonuses paid to Employee shall be paid at the sole discretion of Employer.
- d) **Benefits.** The employer offers benefits, including paid time off, as described in the HR Policy.
- e) **Leave.** Employee shall receive paid time off and sick leave as described in the HR Policy.

5) **Confidentiality:**

As part of the course and scope of employment, Employee may have access to confidential information, including personally identifiable information of licensees and applicants.

For purposes of this Agreement, "Confidential Information" means any data of information that is proprietary to the Disclosing Party and not generally known to the public, whether in tangible or intangible form, whenever and however disclosed.

Employee shall limit disclosure of any Confidential Information to the Board, employees, or representatives (collectively "Representatives") who have a need to know such Confidential Information in connection with the current or contemplated professional relationship between the parties in question, and only for that purpose.

Employee shall keep all Confidential Information strictly confidential by using a reasonable degree of care, but not less than the degree of care used by it in safeguarding its own confidential information; and shall not disclose any Confidential Information received by it to any third parties (except as otherwise allowable.)

- 6.) **Deferred Compensation:** Employee may participate in the State of Nevada’s Deferred Compensation Program, if available, at the sole discretion of the employee.
- 7.) **Other Benefits:** Employee shall be eligible for all other benefits as delineated in the Policy of the Nevada State Board of Psychological Examiners, Executive Director Employment, Compensation and Evaluation Policy which may not specifically be identified above, as they may be from time to time adopted, modified, or be amended.
- 8.) **Termination:** Employer may terminate this Agreement at any time with or without cause.
 - a) **Termination with Cause.** Termination with cause means termination of employment because of:
 - i) conviction by a court of competent jurisdiction of fraud, misappropriation, or embezzlement of Board property or funds; ii) conviction of, or pleading nolo contendere to, any felony; iii) failure to perform the duties required of Employee; iv) material breach of this Agreement, or v) any other reason constituting cause for discharge. A determination of cause is within the Employer’s sole discretion provided that such discretion is exercised in good faith.

Employer's liability to Employee for payment of compensation and accrued benefits shall end upon date of termination. Employee shall be entitled to payment of base compensation and accrued but unused personal time off, pro-rated to date of termination.

- b) Termination without Cause. Employer may terminate this Agreement without cause upon thirty (30) days written notice to Employee. Employer's sole liability to Employee upon such termination will be as follows:

Employee shall receive normal compensation for the period worked by mutual agreement after any such notice of termination; plus an amount equal to current base compensation for two (2) weeks as severance pay, less applicable withholdings.

- c) In the event Employer at any time during the term of the Agreement reduces the salary or other financial benefits of Employee in a greater percentage than an applicable across-the-board reduction for other employees, Employee may, at her option, be deemed to be "terminated without cause" as of the effective date of such reduction.

- 9.) Employee Resignation: In the event Employee voluntarily resigns her position as Executive Director, unless the parties otherwise agree, Employee shall give Employer two (2) weeks advance written notice. Employee shall be paid through the effective date of her resignation plus all accrued benefits.

If Employer accepts Employee's resignation and terminates employee prior to the effective date of resignation, then Employee shall be paid in accordance with Section 8 (b), Termination without Cause, herein.

- 10.) Notice: All notices and other communications under this Agreement shall be in writing and shall be given to the other party by hand delivery, USPS registered or certified mail, return receipt requested, or by electronic mail, addressed as follows:

If to Employee: Laura M. Arnold
Executive Director
Nevada Board of Psychological Examiners
4600 Kietzke Lane, Bldg B-116, Reno, NV 89502

If to Employer: Board of Nevada Psychological Examiners
Atten: Board President
Nevada Board of Psychological Examiners
4600 Kietzke Lane, Bldg B-116, Reno, NV 89502

- 11.) General Provisions:

- a) Governing Law. The laws of the state of Nevada shall govern this Agreement.
- b) Entire Agreement; Modification. This Agreement constitutes the entire Agreement between the Parties and may only be amended by written documentation signed by both Parties.
- c) Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of Employer's successors and assigns.

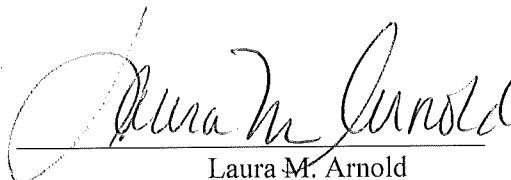
d) Severability. If any provision(s), or any portion thereof, contained in this Agreement is held unconstitutional, invalid, or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

12.) Effective Date: This Employment Agreement shall be effective and retroactive back to January 18, 2023, upon approval of the Nevada Board of Psychological Examiners.

IN WITNESS WHEREOF, Employer and Employee have caused this Agreement to be executed on the _____ day of _____ 2023.

State of Nevada
Board of Psychological Examiners

Whitney Koch Owens, PsyD
President



Laura M. Arnold

BEFORE THE STATE OF NEVADA
BOARD OF PSYCHOLOGICAL EXAMINERS

STATE OF NEVADA BOARD OF
PSYCHOLOGICAL EXAMINERS,

Case No. 19-0709

Petitioner,

STIPULATED CONSENT AGREEMENT

vs.

BEN G. ADAMS,
License No. PY0846,

Respondent.

PARTIES

This Stipulated Consent Agreement ("Agreement") is entered into by Petitioner STATE OF NEVADA, BOARD OF PSYCHOLOGICAL EXAMINERS ("Board"), by and through its counsel, AARON D. FORD, Attorney General of the State of Nevada, and HARRY B. WARD, Deputy Attorney General, and Respondent BEN G. ADAMS, License No. PY0846, ("Respondent"). At the relevant times mentioned in this Agreement, Respondent was licensed as a psychologist by the Board under License No. PY0846, and is, therefore, subject to the jurisdiction of the Board and the provisions of NRS Chapter 641 and NAC Chapter 641.

ALLEGED FACTS

On or about June 26, 2019, Respondent filed a Complaint with the Board against his supervisory psychologist.

On or about July 1, 2019, Respondent was terminated from a Nevada State public institution.

On or about July 9, 2019, the Board Office received a complaint from the supervisory psychologist alleging that Respondent did not maintain test security in the workplace and was not using psychological tests in a proper manner.

The Board Office opened a file in both matters (19-0626 and 19-0709) and assigned the matters to an Investigator to investigate the complaint.

In response to the Board's Investigator's inquiry, the Respondent filed extensive

1
2 documentation on the sequence of events to employment and termination of employment at
3 the public institution.

4 The Investigator noted that Respondent had filed a formal complaint with the Nevada
5 Board of Psychological Examiners against his supervisory psychologist.

6 The Respondent used social and public media to air his complaints against his
7 colleague.

8 The Board Investigator's investigation revealed the following:

9 It is alleged that Respondent did not follow Nevada Revised Statutes Chapter
10 641, specifically NRS 641.112 – the duty of psychologist to limit practice to
11 areas of competence.

12 It is alleged that Respondent did not follow Nevada Administrative Code Chapter
13 641, specifically NAC 641.208 – scope of practice and competency; and NAC
14 641.215(11) – to willfully harass another person and the APA Ethics Code.

15 **RESPONDENT'S REPLY TO ALLEGED VIOLATIONS**

16 Without conceding any of the allegations contained herein, Respondent wishes to
17 voluntarily enter into this Stipulated Consent Agreement and agrees to reimburse the Board
18 for investigation costs and costs to prosecute the matter in an amount up to Three Hundred
19 Fifty (\$350.00) Dollars, in lieu of proceeding to a formal disciplinary hearing in this matter
20 and/or in lieu of any other disciplinary action that the Board may impose after a hearing. This
21 Agreement is for the sole purpose of resolving the allegations brought against the
22 Respondent, that no admission of wrongdoing is intended by entering into this Agreement,
23 and this Agreement shall not be admissible in any current or subsequent civil action against
24 the Respondent. Additionally, this Agreement does not constitute a disciplinary action against
25 Respondent's license nor is considered a disciplinary action against the Respondent pursuant
26 to NRS Chapter 641.

27 Respondent understands that this Agreement is not a private reprimand; will be
28 presented to the Nevada Board of Psychological Examiners for approval during an open
meeting; is a public document; and that the public records law may require the Board to make

1
2 available for inspection this Agreement and related documents.

3 Respondent responds, in part, to the allegations as follows:

- 4
- 5 1. Respondent denies all of the above allegations by the supervisory psychologist, but
6 in the interests of resolving this matter voluntarily enters into this Agreement.
 - 7 2. Respondent asserts that he was wrongfully discharged from the public institution
8 based upon the allegations of his supervisory psychologist.
 - 9 3. Respondent asserts that the complaint filed by his supervisory psychologist is and
10 was a retaliatory action as Respondent has criticized his supervisory psychologist in
11 both social and public media.
 - 12 4. Respondent asserts that his public criticism of his supervisory psychologist in the
13 media is Constitutionally protected speech and that he lawfully exercised his
14 freedom of speech.

15 **PROPOSED STIPULATED CONSENT AGREEMENT**

16

- 17 1. In the interests of resolving this matter, Respondent voluntarily agrees to and
18 enters into this Agreement.

19 2. Respondent agrees to the following:

20 a. To reimburse the Board for investigation costs and costs to prosecute the
21 matter in an amount up to Three Hundred Fifty (\$350.00) Dollars and agrees to pay this
22 amount within six (6) months from the date of the Board's approval of this Agreement;

23 b. To take and pass the EBAS Essay Examination (Ethics and Boundaries
24 Assessment Service) within nine (9) months from the date of the Board's approval of this
25 Agreement with the results sent to the Board.

26 c. To take an additional eight (8) hours of Continuing Education, in addition to
27 the required Continuing Education pursuant to NAC Chapter 641, within nine (9) months of
28 the approval of this Agreement by the Board. The additional eight (8) hours of Continuing
Education must be approved by the Board's Investigator in this matter. And.

d. Upon good cause shown and a request to the Board from Respondent, the

1
2 Board may extend the time for completion of this requirement.

3 3. The Board may institute collection and recovery actions against Respondent, if
4 Respondent fails to pay the costs assessed above within the time given for payment;

5 4. Respondent and the Board agree that by entering into this Agreement, the
6 Board does not concede any defense or mitigation Respondent may have asserted herein,
7 and that once this Agreement is approved and fully performed, the Board will close its file in
8 this matter;

9 5. Respondent agrees and understands that if the costs assessed above are not
10 paid within the time allowed, or if any requirements specified above are not timely completed
11 and there has been no extension granted by the Board, the Board may, at its option, rescind
12 this Agreement and proceed with conducting a formal hearing on this matter before the Board.
13 Further, recovery actions for the assessed cost reimbursement for the Board's costs may be
14 instituted by the Board.

15 6. Respondent agrees and understands that by entering into this Agreement,
16 Respondent is waiving his/her right to a hearing at which Respondent may present evidence
17 in his/her defense and to be represented by counsel, to judicial review of any adverse
18 decision by the Board, and to present a defense to the Board which has had no prior
19 familiarity with the instant matter. The Board members who review this matter for approval of
20 this Agreement may be the same members who ultimately hear the Board Staff's Complaint if
21 this Agreement is either not approved by the Board or is not timely performed by Respondent.

22 **STIPULATION IS NOT EVIDENCE**

23 Neither this Agreement nor any statements made concerning this Agreement may be
24 discussed or introduced into evidence at the hearing of the Complaint, if the Board Staff must
25 ultimately put on a case based on the Complaint filed in this matter.

26 **APPROVAL OF STIPULATED CONSENT DECREE**

27 Once executed, this Agreement will be filed with the Board and will be put on the
28 agenda for approval at its next Board meeting, which by Nevada law is a public meeting.
Respondent and/or his/her representative(s) may attend the meeting in either location or via

1
2 remote platform.

3 This Agreement is one of several matters scheduled at the same time as part of a
4 regular meeting of the Board. When this matter is called, the counsel for the Board will
5 recommend approval of this Agreement by the Board. Respondent acknowledges and agrees
6 that the Board may approve this Agreement, reject it, or suggest different terms that must be
7 communicated to Respondent and accepted or rejected by Respondent before any such
8 amendment shall become effective.

9 **WITHDRAWAL OF AGREEMENT**

10 If the Board rejects this Agreement or suggests terms unacceptable to Respondent,
11 Respondent may withdraw from this Agreement and Board Staff may pursue this matter by
12 filing a Complaint and Notice of Hearing before the Board.

13 **RELEASE**

14 In consideration of execution of this Agreement, Respondent, for himself/herself,
15 his/her heirs or successors, executors, administrators, and assigns, hereby release, remise,
16 and forever discharge the State of Nevada, Board of Psychological Examiners, and each of its
17 members, agents, and employees in their individual and representative capacities, from any
18 and all manner of actions, causes of action, suits, debts, judgments, executions, claims, and
19 demands whatsoever, known and unknown, in law or equity, that the Respondent ever had,
20 now has, may have, or claim to have against any or all of the persons or entities named in this
21 section, arising out of or by reason of the Board Staff's investigation, this non-disciplinary
22 action, and all other matters relating thereto.

23 **INDEMNIFICATION**

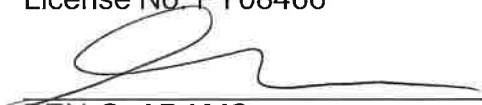
24 Respondent hereby indemnifies and holds harmless the State of Nevada, Board of
25 Psychological Examiners and each of its members, agents, and employees in their individual
26 and representative capacities against any and all claims, suits, and actions brought against
27 said persons and/or entities by reason of the Board Staff's investigation, this non-disciplinary
28 action and all other matters relating thereto. Respondent hereby agrees to indemnify the
State of Nevada, Board of Psychological Examiners any and all expenses, damages, and

costs, including court costs and attorney fees, which may be sustained by the persons and/or entities named in this section as a result of said claims, suits, and actions.

IT IS SO STIPULATED:

BEN G. ADAMS,
License No. PY08466

Dated: 3/30/23


BEN G. ADAMS

STATE OF NEVADA,
BOARD OF PSYCHOLOGICAL
EXAMINERS

Dated: _____

By: _____
LAURA M. ARNOLD
Executive Director

Approved as to form:

AARON D. FORD
Attorney General

By: _____
Harry B. Ward
Deputy Attorney General
100 North Carson Street
Carson City, Nevada 89701
Telephone: (775) 684-1216
Attorney for Petitioner,
*State of Nevada, Board of
Psychological Examiners*

**Nevada Board of Psychological Examiners
Board Meeting Staff Report**

DATE: April 7, 2023

ITEM:

9. Review and Possible Action on Applications for Licensure as a Psychologist or Registration as a Psychological Assistant, Intern or Trainee.

SUMMARY:

The following applicants are recommended for approval of licensure contingent upon completion of licensure requirements: Melissa Stolsig, Colleen Character, Kelly Thomas, Adrienne DiFabio, Lindsay Wray, Quintin Bailey, and George Lazo.

**Nevada Board of Psychological Examiners
Board Meeting Staff Report**

DATE: April 7, 2023

ITEM:

14. (For Possible Action) Discussion and Possible Action to Adopt the Policy on Finance: Budgeting.

During February's meeting, the Board reviewed revisions to various Board Policies, including the Finance: Budgeting Procedures policy. Prior to approving the revisions, the Board requested that there be one revision to the Deferred Revenue section on page 4, section b. The revision requested was to more clearly distinguish income that is *not* deferred revenue from that which is defined as deferred revenue.

The revised version before the Board has accepted all of the revisions other than the Deferred Revenue section on page 4, section b. The following changes were made to that section, as follows:

- **Subsections (b)(i)(1) and (b)(i)(2)** - The term "received" was added to subsection b(1) and replaced the term "submitted" in section (b)(2) for accuracy. That revision intends to comply with how renewal fees can be used based on when they are *received* by the Board, not when they are submitted. For instance, as Ms. Scurry previously explained, renewal fees that are *submitted* by a licensee prior to the December 31 deadline may not be *received* by the Board until after January 1 (due to, i.e., the time it takes to go from PayPal to the bank), which impacts the availability of those funds over the biennia.
- **Subsection (b)(i)(2)** – The sentence "Late fees are not considered deferred revenue" was deleted from that subsection and placed in newly-created subsection (b)(ii).
- **Subsection (b)(i)(5)** – What was previously subsection (b)(i)(5) was deleted from section (b)(i) and placed in newly-created subsection (b)(ii).
- **Subsection (b)(ii)** – This newly created section is distinguished from and clearly states income that is *not* considered deferred revenue.

**POLICY OF THE NEVADA STATE
BOARD OF PSYCHOLOGICAL EXAMINERS
Finance: Budgeting Procedures**

Purpose

This document establishes the financial and budgeting procedures of the Nevada State Board of Psychological Examiners ("Board"). It seeks to ensure that the financial statements conform to generally accepted bookkeeping principles; assets are safeguarded; and finances are managed with accuracy, efficiency, and transparency.

Definitions

1. "Executive Director" refers to the executive director hired by the Board to oversee operations of the Board and the Board office.
2. "Secretary/Treasurer" refers to the member of the Board selected to serve in that capacity.
3. Licensure Biennium (hereafter referred to as "Biennium") refers to the licensure period, which runs January 1 of the odd numbered year through December 31 of the even numbered year.
4. "Fiscal Year" refers to a year as reckoned for taxing or accounting purposes. The Board recognizes the fiscal year as July 1 through June 30.
5. "Deferred Revenue," for accounting purposes, refers to revenue earned during one period of time that will not generally be utilized for services or expenses until a future period of time. For the purposes of the Board, deferred revenue refers to renewal, licensure and registration fees as described within this document.
6. Nevada Revised Statutes shall hereafter be referred to as "NRS".
7. Nevada Administrative Code shall hereafter be referred to as "NAC".
8. "Budget" is defined as the plan of financial operation consisting of an estimate of proposed expenditures and expenses for a given period and the proposed means of financial them.
9. "Recurring revenues" are monies that can be reasonably expected to continue year-to-year or biennium-to-biennium.
10. "Recurring expenses" appear in the budget each year. These include salaries, benefits, supplies and services.

Procedure

1. General
 - a. Board members and staff, including independent contractors, are expected to comply with the policies and procedures in this manual.
 - b. The Board shall comply with state and/or federal laws and regulations related to accounting, purchasing, and contracting, as applicable.
2. Accounts Payable
 - a. Cash Disbursements and Expense Allocations
 - i. Cash disbursements are generally made for:
 1. Payroll
 2. Payments to vendors for goods and services, including contracts and leases
 3. Taxes/license fees
 4. Board member / training, professional development, and travel
 5. Fees, memberships and registrations
 6. Meeting expenses
 7. Office supplies
 8. Professional fees
 - b. Accounts payable should be paid from the banking account or a Board authorized credit card.
 - i. Generally, reimbursement to a Board member or staff member shall be pre-approved and documented. Such reimbursement is generally limited to Board approved travel or related expenses.
 - c. Payroll Processing
 - i. Payroll checks shall be paid by direct deposit to a bank account.
 - ii. Time Recording
 1. The executive director shall maintain a spreadsheet to account for hours worked and leave taken (vacation, sick, and leave without pay).

- i. Income is the result of fees collected in accordance with NAC 641.019, Fees.
 - ii. Fees shall be accepted as checks (personal, business, or cashier), money orders, or credit card payments received through a digital payment system (PayPal). At no time shall the Board office accept cash payments nor keep cash on hand in the Board office.
- b. Deferred Revenue
- i. Deferred revenue is income received through:
 1. Licensure renewal fees **received** during the biennial licensure renewal process (October - December of even-numbered years).
 2. Licensure renewal fees **submitted received** after the December 31 deadline. ~~Late fees are not considered deferred revenue.~~
 3. New licensing fees collected during the first, second and third quarters of the biennium (January 1 - June 30 each year, and July 1 - December 31 of odd-numbered years).
 4. Registration and registration renewal fees collected from psychological assistants, psychological interns, and psychological trainees during the first, second and third quarters of the biennium (January 1 - June 30 each year, and July 1 - December 31 of odd-numbered years).
 - ~~5. New license and registration fees collected during the fourth quarter of the biennium (July 1 - December 31 of even-numbered years) is not deferred revenue.~~
 - ii. Income that is not deferred revenue are:
 1. Licensure renewal late fees.
 2. New license and registration fees collected during the fourth quarter of the biennium (July 1 - December 31 of even-numbered years).
 - iii. Deferred revenue is held for use over the biennium (2nd half of fiscal year 1, all of fiscal year 2 and the 1st half of fiscal year 3). It shall be allocated to the general fund based on the four quarters of the biennium on January 1 and July 1 of each year.
 1. For example, if \$200,000 is received during the renewal period,

- a. \$50,000 will be allocated on January 1 of the odd-numbered year for use during the first quarter of the biennium (January 1 - June 30 of the odd-numbered year);
 - b. \$50,000 will be allocated on July 1 of the odd-numbered year for use during the second quarter of the biennium (July 1 - December 31 of the odd-numbered year);
 - c. \$50,000 will be allocated on January 1 of the even-numbered year for use during the third quarter of the biennium (January 1 - June 30 of the even-numbered year);
 - d. \$50,000 will be allocated on July 1 of the even-numbered year for use during the fourth quarter of the biennium (July 1 - December 31 of the even-numbered year).
 - iv. License fees received by the Board outside of the normal license renewal period (October - December of even-numbered years) will be partially recognized and/or deferred upon receipt incrementally and proportionately according to the remaining number of "biennial quarters" left in the current biennial licensing cycle.
 - v. By action of the Board, monies classified as deferred revenue may be moved to the savings account until it is time to move them to the checking account for operational use. Inter-Account Bank Transfers shall be conducted in accordance with the Fund Balance policy.
4. Annual Operating Budget - Preparation and Adoption
- a. The annual budget is an expression of the goals and policy priorities of the Board within the scope of funds available from all sources. It is generally incremental, where the previous year's spending is used to estimate the next year's budget.
 - b. Balanced Budget. The Board shall strive to create a structurally balanced budget, in which recurring revenues are equal to or greater than recurring expenses.
 - c. Preparation of Budget. The budget shall be prepared in compliance with state law and accepted accounting principles.
 - i. The budget shall be based on, but is not limited to:

1. Salaries and benefits based on current staffing and the adopted salary schedule.
 2. Known operating expenses, contracts and leases.
 3. Projected and deferred revenues.
 - ii. Adoption.
 1. The tentative budget should be presented to the Board at a publicly posted meeting not later than May of each year.
 2. The final budget should be approved by the Board at a publicly posted meeting not later than June of each year.
 - iii. Adjustments. The Board shall review the adopted budget quarterly to ensure spending aligns to estimated expenses and revenues. Adjustments may be made by action of the Board.
5. Carry-over Funds.
 - a. Carry-over fund balances shall be managed with care. A carry-over balance from one fiscal year to the next may be built into the current fiscal year's budget and/or biennium with approval of the Board.
 - b. Any carry-over balance not merged into the current fiscal year budget or current biennium may be moved to the Operating Reserve Fund (generally a savings account) upon Board approval.
6. Chart of Accounts and General Ledger
 - a. The Board shall designate a Chart of Accounts (Appendix A) specific to its operational needs and the needs of its financial statements. The Chart of Accounts is structured so that financial statements can be shown by expense type and income.
 - b. The general ledger is automated and maintained using accounting software. All input and balancing is the responsibility of the executive director with oversight of the bookkeeper and approval by the Secretary/Treasurer.
7. End of Month and Fiscal Year End Close
 - a. The executive director will review and sign off on all month- and year-end journal entries. They will be filed for audit trail purposes.
 - b. The income and expense accounts review will include reconciliation to amounts received and expended and verification that payroll expenses match the payroll reports including federal and state payroll tax filings.

- c. All appropriate government filings including those required by the State will be completed and filed with the appropriate agency.
8. Financial Reports
 - a. The Bookkeeper will prepare the monthly and annual financial reports for distribution to the executive director. The reports will include: balance sheet, general ledger, statement of income and expenses, budget versus actual report and any other requested reports.
 - b. Monthly, quarterly and annual financial reports will be submitted to the Board for review and approval.
 9. Accounting and personnel records will be kept in the Board office and, when possible, in a digital format.
 10. Division of Responsibilities
 - a. Board. The Board shall:
 - i. Review and approve the annual fiscal budget.
 - ii. Review monthly financial statements and information.
 - iii. Review the executive director's performance annually and establish the salary through adoption of an HR policy with salary schedule.
 - iv. Appoint a voting member of the Board as Secretary/Treasurer on an annual basis.
 - v. Reviews and approves all contracts and leases.
 1. The Board president or, in the absence of the Board president, Secretary/Treasurer shall be the primary signatory on contracts and leases.
 - vi. Reviews and approves all non-budgeted expenditures of \$1,000 or more.
 - vii. Reviews and approves inter-account bank transfers.
 - viii. Reviews internal controls and accounting policies and procedures.
 - ix. Chooses and contracts with an annual external auditor for compliance with state law.
 - x. Reviews annual external audit and puts findings into practice, in conjunction with the executive director.
 - xi. Chooses and contracts with a bookkeeper to work with the executive director to provide additional oversight of the finances.

- b. Secretary/Treasurer of the Board. The Secretary/Treasurer shall:
 - i. Present monthly financial reports to the Board which include a statement of the bank balances, budget-to-actual report of income and expenses, general ledger, accounts payable / receivable, and deferred revenues. An expanded financial report shall be presented quarterly (January, April, July, October).
 - ii. Be an authorized signer on the bank accounts and credit card.
 - iii. Monitors financial reports as part of financial oversight procedures, including bank statements, budget-to-actuals, and general ledger.
 - iv. Develop, in conjunction with the executive director, the annual fiscal budget.
 - v. Review and consider for approval all non-budgeted expenditures of \$500-999 or more.
- c. Executive Director. The executive director shall:
 - i. Conduct the general bookkeeping duties, with oversight by the bookkeeper, including but not limited to:
 - 1. Overall responsibility for data entry into accounting system and integrity of accounting system data and maintain general ledger
 - 2. Process invoices and payments including checks, credit cards and electronic payments (e.g., Zelle, PayPal); make bank deposits
 - 3. Process payroll
 - 4. Prepares monthly and year-end financial reports
 - 5. Manages Accounts Receivable, including deferred revenues
 - ii. Create and monitor an appropriate annual fiscal budget, in conjunction with the Secretary/Treasurer, including but not limited to review of financial reports including cash flow projections.
 - iii. Maintain internal controls through the creation, review and revision of financial policies and procedures to ensure consistency and transparency.
 - iv. Maintain all financial records.
 - v. Review all contracts in accordance with State of Nevada contracting procedures.

- vi. Request, as needed, inter-account bank transfers.
- vii. Serves as on-site signatory for all bank accounts.
- viii. Reviews bank statements for any irregularities and provides to the bookkeeper for monthly bank reconciliations.

d. Independent Contractors

i. Bookkeeper

- 1. Reconciles all bank accounts
- 2. Provides training in accounting software to executive director and Secretary / Treasurer
- 3. Assists with annual external audit of finances and internal controls
- 4. Makes tax payments
- 5. Processes end of year W-2s and 1099's, as applicable

ii. Certified Public Accountant

- 1. Conducts, in accordance with state law, the annual external audit and presents findings to the Board prior to submission to the State

Review

- 1. These procedures will be reviewed annually and revised as needed by the Director and Secretary/Treasurer.

Addendum

A. Chart of Accounts

Income		
2550	Fund Balance	<ul style="list-style-type: none"> ● Retained Earnings; Kept as Savings account
2600	Deferred Revenue	<ul style="list-style-type: none"> ● Account # used to hold monies deferred to a future quarter of the fiscal biennium. ● Used from January 1 of the odd-numbered year through June 30 of the even-numbered year.
4010	Psychologist Application	<ul style="list-style-type: none"> ● Overarching account # for incoming fees related to applications. It is broken up by

		<p>psychologist, psychological assistant, psychological intern and psychological trainee.</p> <ul style="list-style-type: none"> Account #s 4010, 40100, 40101, 40102 and 40103 are only used in the 6 months prior to the start of a new renewal period (July 1 - December 31 of even-numbered years). Otherwise, these fees are placed in deferred revenue.
40100	Psychologist Application	<ul style="list-style-type: none"> This is the account for fees received for applications of psychologists. Fee is \$150
40101	Psychological Assistant Application	<ul style="list-style-type: none"> This is the account for fees received for applications of psychological assistants Fee is \$150; waived if paid as an intern or trainee
40102	Psychological Intern Application	<ul style="list-style-type: none"> This is the account for fees received for applications of psychological interns Fee is \$150; waived if paid as a trainee
40103	Psychological Trainee Application	<ul style="list-style-type: none"> This is the account for fees received for applications of psychological trainees Fee is \$150
4015	Psychologist State Exam	<ul style="list-style-type: none"> Account # for fees received from applicants taking the Nevada State Exam Fee is \$200
4020	Psychologist Biennial Fee (licenses, registrations, deferred revenue)	<ul style="list-style-type: none"> Income collected from 40201 and 40202 <ul style="list-style-type: none"> Renewed active licenses New licenses Deferred revenue transferred on January 1 each year and July 31 of odd-numbered years
40201	Prorated psychologist biennial	<ul style="list-style-type: none"> Income collected from new licenses Amount is prorated against the biennial renewal fee of \$600
40202	Inactive psychologist biennial	<ul style="list-style-type: none"> Income collected from renewed inactive licenses \$100

40203	Reinstatement of Psychologist	<ul style="list-style-type: none"> ● Income collected for an application to reinstate a license <ul style="list-style-type: none"> ○ Psychologist must also pay prorated fee (40201) once approved
40204	Temporary License	<ul style="list-style-type: none"> ● Currently inactive <ul style="list-style-type: none"> ○ Income collected from issuance of a temporary license
4028	Registration Fee	<ul style="list-style-type: none"> ● Fee for initial registration of a psychological assistant, intern, or trainee
40281	Registration Fee: Psychological assistant	<ul style="list-style-type: none"> ● Fee for initial registration of a psychological assistant ● Fee for initial registration of a psychological assistant ● \$150
4025	New License	<ul style="list-style-type: none"> ● Hard copy license
40251	New License	<ul style="list-style-type: none"> ● Hard copy license for new licensees ● \$25
40252	License: Change, Duplicate, Reinstatement	<ul style="list-style-type: none"> ● Hard copy license ● \$30
40282	Registration Fee: Psychological intern	<ul style="list-style-type: none"> ● Fee for initial registration of a psychological intern ● Fee for initial registration of a psychological intern ● \$75
40283	Registration Fee: Psychological intern	<ul style="list-style-type: none"> ● Fee for initial registration of a psychological trainee ● Fee for initial registration of a psychological trainee ● \$30
4030	Non-Resident Consultant	<ul style="list-style-type: none"> ● Fee for application of a non-resident consultant ● \$100
4040	CE App Fee	<ul style="list-style-type: none"> ● Application fee for review of continuing education program for the sponsoring organization
4045	Verification of	<ul style="list-style-type: none"> ● Fee for verification of licensure request by

	Licensure	licensee
4048	Request for Public Records	<ul style="list-style-type: none"> • Fee for reproduction of public records
4050	Renewal Late Fees	<ul style="list-style-type: none"> • Income collected from licensees who do not pay the renewal fee by the deadline of December 31 of the even-numbered year • \$200
4076	Restitution of Legal Costs	<ul style="list-style-type: none"> • Restitution of costs for legal matters
4078	Legal Fines recovered	<ul style="list-style-type: none"> • Costs Recovered for disciplinary matters
4080	Corporation / Firm Registration	<ul style="list-style-type: none"> • Fee for registration of a firm, partnership or corporation which engages in or offers to engage in the practice of psychology • NRS 641.2265 and NAC 641.1505
3377	Mediation Review	
4090	Other Income	
4999	Interest	
Payroll Expenses		
5100	Board Salary	<ul style="list-style-type: none"> • Salary of Board members • \$150 per Board meeting attended; Paid no more than once per month • Board members who are state employees are generally not eligible for salary
5175	Wages, Staff Salary	<ul style="list-style-type: none"> • Combination of all wages / salary
51751	Salary: Executive Director	<ul style="list-style-type: none"> • Salary of executive director
51752	Salary: Executive Assistant	<ul style="list-style-type: none"> • Salary of part-time assistant
51753	Salary: Investigator	<ul style="list-style-type: none"> • Salary of investigator(s)
TBD	Staff Benefits Reserve	<ul style="list-style-type: none"> • Reserve money for vacation payout of staff who separate from service
5250	Workers Compensation	<ul style="list-style-type: none"> • Expense for workers compensation
5300	PERS	<ul style="list-style-type: none"> • Retirement benefit expense • Only executive director

5800	Employer FICA	
5810	Employer Medicare	
5900	Board Other	<ul style="list-style-type: none"> • This number is inactive
Operating Expenses		
6000	Travel Expenses	<ul style="list-style-type: none"> • Combination of all travel expenses
6100	Out of State Travel	<ul style="list-style-type: none"> • Total of all out-of-state travel expenses
6101	Out of State Travel - Meals	<ul style="list-style-type: none"> • Monies paid for meals during out-of-state travel • Expense based on GSA rates
6102	Out of State Travel - Lodging	<ul style="list-style-type: none"> • Monies paid for lodging during out-of-state travel • Allowable lodging expense based on GSA rates unless lodging is at the location of the event
6103	Out of State Travel - Baggage, incidentals	<ul style="list-style-type: none"> • Monies paid for baggage and incidentals during out-of-state travel • Expense based on GSA rates
6104	Out of State Travel - Auto Rental	<ul style="list-style-type: none"> • Monies paid for rental car during out-of-state travel • Expense based on GSA rates • Car rental should be pre-approved by the Board
6105	Out of State Travel - Auto, Public Carrier	<ul style="list-style-type: none"> • Monies paid for transportation (e.g. taxi, ride hailing service) during out-of-state travel • Expense based on GSA rates
6106	Out of State Travel - Air Travel	<ul style="list-style-type: none"> • Monies paid for air travel during out-of-state travel • Expense based on GSA rates
6110	Out of State Travel - Misc	<ul style="list-style-type: none"> • Monies paid for meals during out-of-state travel • Meal reimbursement based on GSA rates
6200	In-State Travel	<ul style="list-style-type: none"> • Total in-state travel line items
6201	In-State Travel - Meals	<ul style="list-style-type: none"> • Monies paid for meals during in-state travel

		<ul style="list-style-type: none"> • Meal reimbursement based on GSA rates
6202	In-State Travel - Lodging	<ul style="list-style-type: none"> • Monies paid for lodging during in-state travel • Expense based on GSA rates
6203	In-State Travel - Baggage, incidental	<ul style="list-style-type: none"> • Monies paid for meals during in-state travel • Expense based on GSA rates
6204	In-State Travel - Room Rental	<ul style="list-style-type: none"> • Monies paid for room rental (e.g. meeting space) in-state • Expense based on GSA rates
6205	In-State Travel - Auto Rental	<ul style="list-style-type: none"> • Monies paid for rental car during in-state travel • Expense based on GSA rates
6206	In-State Travel - Personal Auto	<ul style="list-style-type: none"> • Monies paid for mileage when using personal vehicle during in-state travel • Reimbursement based on IRS rates
6207	In-State Travel - NV Auto Public Carrier	<ul style="list-style-type: none"> • Monies paid for ground transportation (e.g. taxi, ride hailing service) during in-state travel • Expense based on GSA rates
6250	In-State Travel - Air Travel	<ul style="list-style-type: none"> • Monies paid for in-state air travel • Expense based on GSA rates
7015	Supplies	<ul style="list-style-type: none"> • General office supplies • Includes 70151
70151	Supplies	<ul style="list-style-type: none"> • Combined into 7015
7020	Office Expense	<ul style="list-style-type: none"> • Total office expenses
70202	Office Furniture	<ul style="list-style-type: none"> • Office furniture includes, but is not limited to, desks, chairs, filing cabinets, tables
7040	Office Expense - Print Copy	<ul style="list-style-type: none"> • Cost of printing, including in-office printing costs and use of outside printing service (mailers, licenses, envelopes)
7041	Office Expense - Print Copy - State Exam	<ul style="list-style-type: none"> • Printing cost for state exam • This account is inactive
85100	Office Expenses - Shredding	<ul style="list-style-type: none"> • Office expense for shredding service
7050	Office Expenses - Rent	<ul style="list-style-type: none"> • Rent for office space

7100	Postage	<ul style="list-style-type: none"> • Office expense for postage
7111	Property & Contents Insurance	
7200	Utilities	<ul style="list-style-type: none"> • Combination of information technology, internet, and telephone
7210, 307910	DoIt Web SV	<ul style="list-style-type: none"> • Information technology expense for state website maintenance
7290	Telephone	<ul style="list-style-type: none"> • Telephone expense. May be telephone carrier or state information technology
72901	Long Distance	<ul style="list-style-type: none"> • Long distance telephone expense. May be telephone carrier or state information technology
72902	Internet	<ul style="list-style-type: none"> • Internet/web use and maintenance expense. May be telephone carrier or state information technology
72903	Teleconference	<ul style="list-style-type: none"> • Inactive
7294	DoIT VPN	<ul style="list-style-type: none"> • State Information Technology for web
7500	Copy Lease	<ul style="list-style-type: none"> • Monthly lease of copy machine
7770	Software	<ul style="list-style-type: none"> • Software purchases and subscriptions (i.e. Google, Exam administration, forms creation)
7777	Database	<ul style="list-style-type: none"> • Monthly operation and maintenance of licensee database
8000	Legal & Professional Fees	<ul style="list-style-type: none"> • Monthly legal and associated expenses
8010	Legal	<ul style="list-style-type: none"> • Monthly legal costs
8011	Hearing Expense	<ul style="list-style-type: none"> • As needed, costs associated with hearings related to a complaint
8015	Tort Claim	<ul style="list-style-type: none"> • Annual cost for State Tort Claim account
8025	Repairs	<ul style="list-style-type: none"> • As needed
8050	Professional Services	<ul style="list-style-type: none"> • Annual external auditor, • Monthly fee for bookkeeper
8055	Lobbyist	<ul style="list-style-type: none"> • Monthly fee for lobbyist
8100	Exam Administration	<ul style="list-style-type: none"> • Cost associated with administration and operation of state exam
8250	Dues & Reg	<ul style="list-style-type: none"> • Cost associate with Conference Registration, etc.

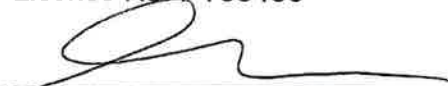
8255	Membership	<ul style="list-style-type: none"> ASPPB Annual Dues
8400	Staff Development	<ul style="list-style-type: none"> Cost of approved staff training
8500	Admin Services	<ul style="list-style-type: none"> Combination of expenses from legislative counsel bureau and/or other State agencies
8520	LCB	<ul style="list-style-type: none"> Cost of Legislative Counsel Bureau review of regulations or associated activities
8550	State Misc	<ul style="list-style-type: none"> Cost of state agency activities, as needed
8600	Moving Expenses	<ul style="list-style-type: none"> Cost of moving, as needed
9001	Banking Fees	<ul style="list-style-type: none"> Costs levied by bank
9002	Bank Charges	<ul style="list-style-type: none">
9011	Fees Collected	<ul style="list-style-type: none"> Costs levied by PayPal (These fees are charged to the applicant, licensee – not the Board)
90100	Miscellaneous Expense	<ul style="list-style-type: none">
TBD	Uncategorized Expense	<ul style="list-style-type: none">

costs, including court costs and attorney fees, which may be sustained by the persons and/or entities named in this section as a result of said claims, suits, and actions.

IT IS SO STIPULATED:

BEN G. ADAMS,
License No. PY08466

Dated: 3/30/23


BEN G. ADAMS

STATE OF NEVADA,
BOARD OF PSYCHOLOGICAL
EXAMINERS

Dated: _____

By: _____
LAURA M. ARNOLD
Executive Director

Approved as to form:

AARON D. FORD
Attorney General

By: 

Harry B. Ward
Deputy Attorney General
100 North Carson Street
Carson City, Nevada 89701
Telephone: (775) 684-1216
Attorney for Petitioner,
*State of Nevada, Board of
Psychological Examiners*

**Nevada Board of Psychological Examiners
Board Meeting Staff Report**

DATE: April 7, 2023

ITEM:

15. (For Possible Action) Discussion and Possible Action on Governor Lombardo's Executive Orders:

- A. 2023-003 Requiring the Board's Comprehensive Review of its Regulations, due May 1, 2023; and
- B. 2023-004 Requiring Nevada the Board's report to the Office of the Governor and the Director of the Legislative Counsel Bureau detailing all regulations that restrict entry into the profession the Board regulates, due April 1, 2023.

SUMMARY:

15A - The Governor's office has required each executive branch department, agency, board, and commission to undertake a comprehensive review of its regulations and provide a report to his office by May 1, 2023, that details how those regulations can be streamlined, clarified, reduced or otherwise improved to ensure that they provide for the general welfare of the State without unnecessarily inhibiting economic growth. Board President Owens and the executive director have prepared a draft report in response to the Executive Order, and have completed the Template provided by the Governor's office to accompany the report. The report and completed template will be submitted to the Governor's office by the May 1, 2023, deadline.

15B – The Governor's office has also required that each Nevada occupational and professional licensing board provide, by April 1, 2023, a report to the Office of the Governor and the Director of the Legislative Counsel Bureau detailing all regulations that restrict entry into any occupation or profession regulated by the board. President Whitney Owens and the executive director prepared the required report and completed the Excel spreadsheet template that the Governor's office provided to accompany the report. Both the report and the template were submitted via email and U.S. Mail to the Governor's office and the Director of the Legislative Counsel Bureau on March 30, 2023.



EXECUTIVE ORDER 2023-003

Order Freezing the Issuance of New Regulations and Requiring a Review of Existing Regulations by All Executive Branch Agencies, Departments, Boards and Commissions

WHEREAS, state regulations should protect workers, consumers and the environment, while promoting entrepreneurship and economic growth; and

WHEREAS, state regulations can become outdated, result in unintended consequences, create conflicts or impose an unnecessary burden on citizens, businesses or government entities; and

WHEREAS, it is in the best interest of the state of Nevada that its regulatory environment be concise, transparent, stable, balanced, predictable and thoughtfully constructed; and

WHEREAS, Nevada's current regulatory structure is too often unfocused and inefficient, contains regulations that are obsolete and includes regulations that are unnecessarily onerous, thereby limiting the economic potential of the State; and

WHEREAS, Article 5, Section 1 of the Nevada Constitution provides that, "The Supreme Executive Power of this State shall be vested in a Chief Magistrate who shall be Governor of the State of Nevada;

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and laws of the State of Nevada, it is hereby ordered as follows:

SECTION 1

Every executive branch department, agency, board and commission shall undertake a comprehensive review of the regulations subject to its enforcement. On or before, May 1, 2023 each department, agency, board and commission shall provide a report to the Governor's office detailing how the regulation subject to its enforcement can be streamlined, clarified, reduced or otherwise improved to ensure those regulations provide for the general welfare of the State without unnecessarily inhibiting economic growth.

SECTION 2:

As part of its report, every executive branch department, agency, board and commission shall provide a list of not less than ten (10) regulations recommended for removal, ranking them in descending order of priority.

SECTION 3:

Prior to submitting their respective reports, every executive branch department, agency, board and commission shall hold a public hearing, after having provided reasonable notice consistent with Chapter 233B of the Nevada Revised Statutes, to key industry stakeholders, to: (i) vet their recommended changes; (ii) solicit input as to the merits of those changes and (iii) identify other regulatory changes stakeholders feel are worthy of consideration. Stakeholder input shall be reflected in the summary of findings and recommendations included in each submitted report.

SECTION 4:

Unless specifically exempt from this Executive Order as set forth in Section 5, no new regulations shall be proposed, approved or acted on by any executive branch agency, department, board or commission until such time as this Executive Order is rescinded.

SECTION 5:

The following regulations are not subject to the suspension set forth in Section 4:

- (a) Regulations that affect public health;
- (b) Regulations that affect public safety and security;
- (c) Regulations that are necessary in the pursuit of federal funds and certifications;
- (d) Regulations that affect the application of powers, functions and duties essential to the operation of the executive branch agency, department, board or commission at issue;
- (e) Regulations that affect pending judicial deadlines; and
- (f) Regulations necessary to comply with federal law.

Executive

[Governor](#)

[Lt. Governor](#)

[Secretary of State](#)

[Attorney General](#)

[State Treasurer](#)

[State Controller](#)

Alerts

[Amber Alerts](#)

[Consumer Affairs](#)

[Weather Alerts](#)

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Until the suspension of this Executive Order, each executive branch department, agency, board and commission that intends to continue with the enactment of a proposed regulation under an exception to the freeze set forth in Section 4 shall submit a report to the Governor's office identifying which exemption the proposed regulation falls within and detailing the problem the regulation addresses or the value to the public of the regulation, how the regulation addresses the problem or the benefits provided by the regulation, why alternate forms of regulation are insufficient to address the problem and whether other regulations currently address the problem.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed at the State Capitol in Carson City, this 12th day of January, in the year two thousand twenty-three.

Select Language | ▼



[Signature]
Governor

[Signature]
Secretary of State

[Signature]
Deputy

Informational Report – Executive Order 2023-003

Pursuant to Executive Order 2023-003, a report must be submitted with the following information:

Section 1 - Comprehensive Review of Regulations

Every executive branch department, agency, board and commission shall undertake a comprehensive review of the regulations subject to its enforcement. On or before, May 1, 2023 each department, agency, board and commission shall provide a report to the Governor's office detailing how the regulation subject to its enforcement can be streamlined, clarified, reduced or otherwise improved to ensure those regulations provide for the general welfare of the State without unnecessarily inhibiting economic growth.

The report must include for each regulation identified in the comprehensive review that can be streamlined, clarified, reduced, or otherwise improved to ensure that the regulation provide for the general welfare of the State without unnecessarily inhibiting economic growth:

1. The citation of the regulation with clear indication of the proposed modification in blue italics and matters to be omitted in red and bracketed.
2. A clear and concise explanation on why such change should occur.
3. Information for each public meeting held to discuss the proposed regulation change, as mandated by Section 3 of Executive Order 2023-003, which must include:
 - a. The date of the meeting(s) and number of persons who attended;
 - b. Information for each person who provided public oral or written comment or testimony on the regulation:
 - i. Name of person;
 - ii. Name of entity or organization represented and address (if applicable);
 - iii. Contact telephone number;
 - iv. Electronic mail address; and
 - c. A summary of each person's public oral or written comment or testimony.
4. The estimated impact on any business, person, or agency if the change is to occur, which must include:
 - a. The adverse and beneficial effects;
 - b. The positive or negative economic impact; and
 - c. Cost savings to the state or agency.
5. In the event your agency has sufficient justification for an exemption to this Executive Order, as described below and in Section 5, please submit a list of requests for any such exemption to dktedford@gov.nv.gov. Qualifying purposes for an exemption include:
 - a. Regulations that affect public health;
 - b. Regulations that affect public safety and security;
 - c. Regulations that are necessary in the pursuit of federal funds and certifications;
 - d. Regulations that affect the application of powers, functions and duties essential to the operation of the executive branch agency, department, board or commission at issue;
 - e. Regulations that affect pending judicial deadlines; and
 - f. Regulations necessary to comply with federal law.

Section 2 – Regulation for Removal

As part of its report, every executive branch department, agency, board and commission shall provide a list of not less than ten (10) regulations recommended for removal, ranking them in descending order of priority.

The report must include for each of the ten (10) regulations recommended for removal (ranked in descending order of priority):

1. The citation of the regulation with matters to be omitted in red and bracketed.
2. A clear and concise explanation of the need for the elimination of the regulation.
3. Information for each public meeting held to discuss the proposed regulation elimination, as mandated by Section 3 of Executive Order 2023-003, which must include:
 - a. The date of the meeting(s) and the number of persons who attended;
 - b. Information for each person who provided public oral or written comment or testimony on the regulation:
 - i. Name of person;
 - ii. Name of entity or organization represented and address (if applicable);
 - iii. Contact telephone number;
 - iv. Electronic mail address; and
 - c. A summary of each person's public oral or written comment or testimony.
4. The estimated impact on any business, person, or agency if the change is to occur, which must include:

- a. The adverse and beneficial effects;
- b. The positive or negative economic impact; and
- c. Cost savings to the state or agency.

Section 3 - Mandatory Meeting and Report

Prior to submitting their respective reports, every executive branch department, agency, board and commission shall hold a public hearing, after having provided reasonable notice consistent with Chapter 233B of the Nevada Revised Statutes, to key industry stakeholders, to: (i) vet their recommended changes; (ii) solicit input as to the merits of those changes and (iii) identify other regulatory changes stakeholders feel are worthy of consideration. Stakeholder input shall be reflected in the summary of findings and recommendations included in each submitted report.

Executive Order 2023-03 – Template

Name of department, agency, board, or commission: State of Nevada Board of Psychological Examiners

Address: 4600 Kietzke Lane, Suite B-116

City: Reno, Nevada

Zip: 89502

Telephone: (775-688-1268)

Name of Director: Laura M. Arnold

Director Email: nbop@govmail.state.nv.us

Section 1 - Comprehensive Review of Regulations / Section 3 – Mandatory Meeting and Report

The above-named department, agency, board, or commission conducted a comprehensive review of the regulations subject to its enforcement that can be streamlined, clarified, reduced, or otherwise improved to ensure those regulations provide for the general welfare of the State without unnecessarily inhibiting economic growth. The regulations identified for Section 1 of Executive Order 2023-03 are listed below with the information as required on page 1 of the instruction sheet on the following pages of the report:

Regulation/ Information as required on page 1	Page number
1. NAC CHAPTER 641 TITLE	3
2. NAC 641.090 - Fees.	4-5, 23
3. NAC 641.050 - Education: Adoption of list of accredited programs; accredited educational institutions.	5-6
4. NAC 641.123 - Renewal of license.	6
5. NAC 641.133 - Placement of license on inactive status; renewal or restoration to active status.	7
6. NAC 641.1503 - Incomplete application; failure to take national Examination; reapplication.	7-8
7. NAC 641.204 - Determination of organization as patient or client.	8
8. NAC 641.206 - Authority of parent or guardian to make decisions concerning treatment; issues for which child or protected person is patient or client.	8
9. NAC 641.219 - Maintenance and availability of records.	8-9
10. NAC 641.224 - Confidential information.	9-11
11. NAC 641.229 - Impairment of license; limitation on contract with current or former patient or client.	11
12. NAC 641.234 - Assessment procedures: Communication of results to patient or client; limitations on use.	12
13. NAC 641.239 - Misrepresentation of professional qualifications, affiliations, services, products or psychological finding.	12-13
14. NAC 641.241 - Aiding in unlawful practice of psychology or applied behavior analysis; improper delegation of professional responsibilities; reporting of violation and exception.	13
15. NAC 641.245 - Violation of law or regulation; use of fraud, misrepresentation or deception; improper filing of reports; violation of probation; failure to pay child support or to comply with certain warrants or subpoenas relating to determination of paternity or child support.	13-14

16. NAC 641.1519 – 641.159 - Provisions generally governing supervision	14-15
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Section 2 – Regulation for Removal / Section 3 – Mandatory Meeting and Report

The above-named department, agency, board or commission conducted a comprehensive review of the regulations subject to its enforcement and identified the following ten (10) or more regulations recommended for removal. The regulations identified for Section 2 of Executive Order 2023-03, ranked in descending order of priority, are listed below with the information as required on page 1 of the instruction sheet on the following pages of the report:

Regulation/Information as required on page 1	Page number
1. NAC 641.003 - “Applied behavior analysis” defined	15
2. NAC 641.008 - “Licensed assistant behavior analyst” defined	15
3. NAC 641.0085 - “Licensed behavior analyst” defined.	16
4. NAC 641.029 - Issuance of license to behavior analyst; provisional licenses.	16
5. NAC 641.031 - Issuance of license to assistant behavior analyst; Provisional licenses.	17
6. NAC 641.063 - Educational requirements for behavior analysts and assistant behavior analysts: Submission of proof that unaccredited program is equivalent to accredited program.	18
7. NAC 641.083 - Supervision of licensed assistant behavior analysts and autism behavior interventionists.	18
8. NAC 641.113 - State examination of applicants for licensure as licensed behavior analyst or licensed assistant behavior analyst: Content; reexamination; fee; prohibited acts.	18-19
9. NAC 641.1363 - Continuing education: Requirements for renewal of license as a licensed behavior analyst or licensed assistant behavior analyst; courses and programs.	19-20
10. NAC 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.	20-21
11. NAC 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.	21

12. NAC 641.255 - Professional and Ethical Compliance Code for Behavior Analysts”: Adoption by reference; controlling provisions; revision.	22
13. NAC 641.1505 - Registration; notification of certain changes; exemption from requirements.	22-23
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**STATE OF NEVADA
BOARD OF PSYCHOLOGICAL EXAMINERS**

**Response to Governor Joe Lombardo's
Executive Order 2023-003**

May 1, 2023

**STATE OF NEVADA
BOARD OF PSYCHOLOGICAL EXAMINERS**

**Response to Governor Joe Lombardo’s
Executive Order 2023-003**

May 1, 2023

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STATE OF NEVADA
BOARD OF PSYCHOLOGICAL EXAMINERS

Response to Governor Joe Lombardo's
Executive Order 2023-003

May 1, 2023

The Nevada Board of Psychological Examiners (NBOPE) responds to Governor Joe Lombardo's Executive Order 2023-003, as follows:

Section 1: Comprehensive Review of Regulations - Regulations that can be streamlined, clarified, reduced or otherwise improved to ensure those regulations provide for the general welfare of the State without unnecessarily inhibiting economic growth.

NBOPE values streamlined and clear regulations, as they improve clarity for both licensees and provide protection of the public. In its review of its regulations, NBOPE has identified several provisions that can be streamlined, clarified, reduced, or otherwise improved. Those regulation revisions reflect what NBOPE has identified: (1) to be clear about the profession it regulates; and (2) concern supervision and training.

A. Regulation revisions that will reflect what NBOPE has identified in Section 2 for removal to clarify and avoid confusion about NBOPE's regulation of only Psychologists.

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

Initially, NRS Chapter 437 governed Applied Behavior Analysis. NRS Chapter 641D has since replaced that chapter, and is what currently governs Applied Behavior Analysis. NRS Chapter 641D does not cite to any accompanying administrative code provisions, and other than what is included in NAC Chapter 641, there do not appear to be any such published administrative code provisions.

As a result of the creation of what is now NRS Chapter 641D, NRS Chapter 641, which governs Psychologists, no longer has any reference to Applied Behavior Analysis or its practitioners, except to state that its provisions ***do not apply*** to anyone:

“...who is licensed as a behavior analyst or an assistant behavior analyst or registered as a registered behavior technician pursuant to chapter 641D of NRS, while engaged in the practice of applied behavior analysis as defined in NRS 641D.080[.]”

See NRS 641.029. Thus, the field of behavior analysis is outside the purview of NBOPE’s oversight and authority.

The published version of NAC Chapter 641 that is publicly available reflects the version as it was updated in 2016. That is not to say NAC Chapter 641 has not been updated numerous times since 2016. It has, and those adopted changes can be found on NBOPE’s website (psyexam.nv.gov) as “NAC 641 Changes” under the Rules/Regs tab (psyexam.nv.gov/About/Amendments/). They are:

- R133-17 (Approved Regulation of the Board of Psychological Examiners, Effective December 19, 2018)
- R074-18 - Approved Regulation of the Board of Psychological Examiners, Effective January 30, 2019
- R169-18 - Approved Regulation of the Board of Psychological Examiners, Effective January 30, 2019
- R171-18 - Approved Regulation of the Board of Psychological Examiners, Effective January 30, 2019
- R057-19 - Approved Regulation of the Board of Psychological Examiners, Filed December 22, 2021
- R114-19 - Approved Regulation of the Board of Psychological Examiners, Filed December 22, 2021

The Legislature, however, has not yet integrated those changes into the publicly available version of NAC Chapter 641. Thus, the current, published version of NAC Chapter 641 is as it was in 2016.

Of the regulations’ updates, only R057-19 addressed that 2017 legislation separating the field of Applied Behavior Analysis from Psychology. To that end, R057-19 made conforming changes to NAC 641.019 by removing references to the fees NBOPE charged to and collected from Behavior Analysts. NAC Chapter 641, however, remained replete with regulations that address Applied Behavior Analysis, Behavior Analysts, and Assistant Behavior Analysts. As a result, in 2022, NBOPE’s executive director requested removal of those regulations from NAC Chapter 641 to reduce confusion and streamline our regulations. The Legislative Counsel Bureau,

however, denied that request, resulting in NAC Chapter 641 containing numerous regulation provisions that are obsolete and that create confusion for both Behavior Analysts and the public.

Because Behavior Analysts are no longer under NBOPE's purview, the provisions that concern or relate to them should be revised or removed from NAC Chapter 641. Those provisions that should be revised for purposes of Section 1 of this report are as follows¹:

1. *Revise the Chapter Title to remove "Behavior Analysts," "Assistant Behavior Analysts," and "Autism Behavior Interventionists"² from the chapter's Title, leaving only "Psychologists."*

~~CHAPTER 641 – PSYCHOLOGISTS[, LICENSED BEHAVIOR ANALYSTS, LICENSED ASSISTANT BEHAVIOR ANALYSTS, AUTISM BEHAVIOR INTERVENTIONISTS, PSYCHOLOGICAL ASSISTANTS, PSYCHOLOGICAL INTERNS AND UNLICENSED PERSONNEL]~~

This revision to NAC Chapter 641's title would make it consistent with NRS Chapter 641's title, which is "Psychologists."

2. *Revise NAC Chapter 641 provisions that include reference to Behavior Analysts, assistant Behavior Analysts, and/or Autism Behavior Interventionists.*

In addition to conforming changes that may be required, some of which are included below, the provisions of NAC Chapter 641 that should be revised to remove reference to Behavior Analysts, assistant Behavior Analysts, and/or Autism Behavior Analysts are as follows:

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¹ Those provisions related to Behavior Analysts that should be removed in their entirety are identified in Section 2 of this Report.

² It does not appear that "Autism Behavior Interventionists" is a term that continues to be used. There is only one provision in NAC Chapter 641 that specifically addresses it (NAC 641.083, identified in Section 2 for removal), and there are no other NAC Chapter titles that include that title. The only reference a search of the NRS revealed is how that term was previously defined in NRS Chapter 641 before it was repealed.

NAC 641.019 Fees.³ (NRS 641.100, 641.110, 641.228)

1. The Board will charge and collect the following fees:

For an application for licensure.....	\$100
For the state examination for licensure administered by the Board pursuant to NAC 641.112 or 641.113.....	Actual costs to the Board plus \$100
For the issuance of an initial license.....	25
For the biennial renewal or reinstatement of a license as a psychologist...	500
For the biennial renewal or reinstatement of a license as a licensed behavior analyst.....	400
For the biennial renewal or reinstatement of a license as a licensed assistant behavior analyst.....	275
For the registration of a firm, partnership or corporation.....	300
For the placement of a license on inactive status.....	100
For the biennial renewal of a license on inactive status.....	100
For the restoration to active status of a license as a psychologist on inactive status if the restoration occurs during the first year of the biennium in which the license was issued or renewed.....	400
For the restoration to active status of a license as a psychologist on inactive status if the restoration occurs during the second year of the biennium in which the license was issued or renewed.....	150
For the restoration to active status of a license as a licensed behavior analyst on inactive status if the restoration occurs during the first year of the biennium in which the license was issued or renewed.....	300

³ The changes noted below were made in the R057-19 update, cited above. For the reasons explained above, however, those changes do not appear in the published and publicly-available version of NAC Chapter 641.

[For the restoration to active status of a license as a licensed behavior analyst on inactive status if the restoration occurs during the second year of the biennium in which the license was issued or renewed.....]	—[100]
[For the restoration to active status of a license as a licensed assistant behavior analyst on inactive status if the restoration occurs during the first year of the biennium in which the license was issued or renewed.....]	—[175]
[For the restoration to active status of a license as a licensed assistant behavior analyst on inactive status if the restoration occurs during the second year of the biennium in which the license was issued or renewed.....]	—[40]
For the registration of a nonresident consultant.....	100
For reproduction and mailing of material for an application.....	25
For a dishonored check.....	15
For a change of name on a license.....	25
For a duplicate license.....	25
For copies of the provisions of NRS relating to the practice of psychology [and applied behavior analysis] and the rules and regulations adopted by the Board.....	25
For a letter of good standing.....	15
For the review and approval of a course or program of continuing education.....	25

NAC 641.050 Education: Adoption of list of accredited programs; accredited educational institutions. (NRS 641.100, 641.110, 641.170)

1. For the purposes of paragraph (d) 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>**.

~~[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>**]~~

2. For the purposes of subsections 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.

NAC 641.132 Renewal of license. (NRS 641.100, 641.110, 641.220, 641.232)

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 or 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.

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NAC 641.133 Placement of license on inactive status; renewal or restoration to active status. (NRS 641.100, 641.110, 641.160, 641.170)

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 ~~[or 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 ~~[or 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 ~~[or 641.113, as applicable].~~

NAC 641.1503 Incomplete application; failure to take national examination; reapplication. (NRS 641.100, 641.110, 641.170, 641.172)

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.]~~

2. An application for registration as a psychological assistant shall be deemed withdrawn if the application is not completed within 2 years after the date on which the Board first received the application materials.

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

NAC 641.204 Determination of organization as patient or client. (NRS 641.100, 641.232)

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.

NAC 641.206 Authority of parent or legal guardian to make decisions concerning treatment; issues for which child or protected person is patient or client. (NRS

641.100, 641.232) 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.

NAC 641.219 Maintenance and availability of records. (NRS 641.100, 641.232)

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.

NAC 641.224 Confidential information. (NRS 641.100, 641.232)

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.

NAC 641.229 Impairment of licensee; limitation on contact with current or former patient or client. (NRS 641.100, 641.232)

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.

NAC 641.234 Assessment procedures: Communication of results to patient or client; limitations on use. (NRS 641.100, 641.232)

1. If a psychologist ~~[or 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 ~~[or 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 ~~[or 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.

NAC 641.239 Misrepresentation of professional qualifications, affiliations, services, products or psychological findings. (NRS 641.100, 641.232)

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.

NAC 641.241 Aiding in unlawful practice of psychology or applied behavior analysis; improper delegation of professional responsibilities; reporting of violation and exception. (NRS 641.100, 641.232)

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~~[or 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, 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.

NAC 641.245 Violation of law or regulation; use of fraud, misrepresentation or deception; improper filing of reports; violation of probation; failure to pay child support or to comply with certain warrants or subpoenas relating to determination of paternity or child support. (NRS 641.100, 641.232)

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.

B. NBOPE's efforts toward regulation revisions that will clarify and streamline provisions addressing the supervision and training of psychological trainees, interns, and assistants.

Since January 2022, NBOPE has undertaken the strategic plan goal of streamlining regulations relating to supervision and training of psychological trainees, interns, and assistants. Some of the current regulations pertaining to supervision are unclear and overly restrictive in nature, resulting in confusion and need for clarification.

In November of 2022, our Board voted to create a supervision subcommittee comprised of board members, as well as psychologists in the community, to work on streamlining and revamping these regulations to provide clearer guidelines for supervision and training. During its February 2023 Board Meeting, NBOPE selected the members of the subcommittee, and is currently creating the subcommittee's meeting schedule. NBOPE expects to have the subcommittee's recommendations to the board by August of 2023, when the subcommittee is expected to have completed its work, and with the goal of completing the regulation changes by the beginning of 2024. Through its subcommittee, NBOPE will be reviewing and streamlining the following regulations⁴:

⁴ Until NBOPE's subcommittee convenes and undertakes its review and makes its recommendations for revisions, the specific changes that will be recommended and made will not be known and, therefore, cannot be specified in the form requested in Executive Order 2023-003

NAC 641.1519	Qualifications of supervisor.
NAC 641.152	Supervision; assignment of psychological assistant to specialist.
NAC 641.153	Agreement regarding employment.
NAC 641.154	Wages; compensation of supervisor; emphasis of supervision.
NAC 641.156	Psychological assistants: Presence of supervisor.
NAC 641.1567	Duties of supervisor regarding preparation and maintenance of records and notification of Board.
NAC 641.157	Duties of supervisor regarding weekly meetings and individual supervision; grounds for discipline of supervisor.
NAC 641.158	Limitations on number of assistants, interns and supervisors.
NAC 641.159	Log of experience.

Section 2: Regulations for Removal – The Regulations NBOPE recommends for removal, in order of priority.

In addition to its review of NAC Chapter 641 in reference to its efforts to streamline, clarify, reduce, or otherwise improve its regulations, NBOPE has identified several provisions for removal from its regulations. Those regulations identified for removal: (1) concern or address the behavior analysis field, over which NBOPE no longer has regulatory authority; and (2) reflects the reality of NBOPE’s operations.

A. Code provision removals that will clarify and avoid confusion about NBOPE’s specific regulatory authority.

As more fully explained above, NBOPE no longer regulates the field of behavior analysis and, therefore, does not regulate behavior analysis practitioners (licensed behavior analysts and licensed assistant behavior analysts). Thus, in addition to the NAC Chapter 641 provisions identified in Section 1(A), above, to be revised to be more streamlined and clear, and for the same reasons discussed in Section 1(A), the following twelve (12) NAC Chapter 641 code sections should be removed in their entirety:

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

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

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

~~[NAC 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.]~~

~~[NAC 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.]~~

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~~[NAC 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.]~~

~~[NAC 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.]~~

~~[NAC 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.]~~

**** NOTE – R057-19 deleted reference to NAC 641.113 from NAC 641.019 (Fees), but NAC 641.113, itself, still remains in NAC Chapter 641.**

~~**[NAC 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 distance education 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 distance education 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 distance education 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.]~~

~~[NAC 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.]~~

~~**[NAC 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.]~~~~

~~[NAC 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://baeb.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.]~~

B. Code provision removals that will reflect the reality of NBOPE’s operations.

NAC Chapter 641 includes a regulation regarding the registration of firms, partnerships, and corporation with the Board (NAC 641.1505), and includes its fees regulation an accompanying registration fee (NAC 641.019). The Board, however, has chosen not to register firms, partnerships, and corporations, rendering NAC 641.1505 unnecessary. For that reason, it is a regulation NBOPE identifies for removal, as follows:

~~[NAC 641.1505 — Registration; notification of certain changes; exemption from requirements. (NRS 641.100, 641.113)~~

~~—1.— Except as otherwise provided in subsection 3, a firm, partnership or corporation that engages in or offers to engage in the practice of psychology must register with the Board and pay the fee for registration before it commences to engage in or offer to engage in the practice of psychology.~~

~~—2.— A firm, partnership or corporation shall notify the Board of any change in ownership or of the addition or departure of any psychologist associated with the firm, partnership or corporation within 30 days after the change. The firm, partnership or corporation must complete a new registration for any change in ownership.~~

~~—3.— The following entities are exempt from the requirements of this section:~~

~~—(a) A federal, state or local governmental agency or institution.~~

~~—(b) A firm or corporation that bears the name of a psychologist who is the only person practicing under the name of the firm or corporation.~~

~~—(c) A firm, partnership or corporation that is formed for the sole purpose of sharing administrative expenses, including, without limitation, rent, services for billing patients and clerical support, if:~~

~~—(1) The place of business of the firm, partnership or corporation is not identified by the name of the firm, partnership or corporation;~~

~~—(2) Records of patients, correspondence concerning patients and materials for billing patients do not display the name of the firm, partnership or corporation;~~

~~—(3) The name of the firm, partnership or corporation is not used in any advertising by the firm, partnership or corporation;~~

~~—(4) The firm, partnership or corporation does not hold a business license issued by a county, city or town to engage in the practice of psychology; and~~

~~—(5) Professional liability insurance is not held in the name of the firm, partnership or corporation.]~~

**** It should be noted, however, that NAC 641.1505 cannot be removed until NBOPE seeks to repeal NRS 641.2265, which:**

- *requires* a business entity that engages in the practice of psychology to register with the Board,
- *requires* the Board to adopt a regulation for business entity registration, and
- *makes it a misdemeanor* for psychological practice business entities to violate the requirement that they register with the Board.

NBOPE intends to address NRS 641.2265 in a future Legislative session, after which NAC 641.1505 can be removed. When that occurs, the following provision of NAC 641.090, which governs the Board’s fees and is cited in its entirety in Section 1(A) above, should be removed as well:

NAC 641.019 Fees. (NRS 641.100, 641.110, 641.228)

1. The Board will charge and collect the following fees:

...

For the registration of a firm, partnership or corporation.....	300
....	

*** END OF REPORT ***

[Skip to Main Content](#)



Nevada Governor Joe Lombardo



EXECUTIVE ORDER 2023-004

Order Directing All Nevada Occupational and Professional Licensing Boards to Suspend the Issuance of Any New Regulations, Show Cause for All Occupational Licensing Requirements and to Provide a Recommended Pathway for Facilitating Licensure Reciprocity

WHEREAS, Nevada's economic growth and vitality is dependent upon the depth and quality of the State's workforce; and

WHEREAS, Nevada currently has 1.7 job openings for every unemployed person actively looking for work and there are acute shortages of employees in core sectors of the economy, including, without limitation, education, health care and technology; and

WHEREAS, Nevada has been identified nationally as having among the nation's most onerous occupational licensing requirements, and it is in the State's best long-term economic interest to have a fair, open, competitive and inclusive economy; and

WHEREAS, the Sunset Subcommittee of the Nevada State Legislature identified financial disparities and expressed concerns with practices of Nevada's occupational and professional licensing boards including, without limitation, those involving hearing officers, training, operating reserves, fines and fee structures, electronic access and payments, use of outside counsel and lobbyists and centralized coordination of expenditures; and

WHEREAS, The State Division of Internal Audits concluded that the current composition and actions of Nevada occupational and professional licensing Boards may expose the State to anti-trust liability; and

WHEREAS, it is in the best interest of Nevada that its occupational and professional licensing boards are seeking opportunities to attract and retain qualified workers to the State and not create unnecessary barriers to entry; and

WHEREAS, Nevada's occupational and professional licensing boards are subject to oversight by both the legislative and executive branch of government; and

WHEREAS, Article 5, Section 1 of the Nevada Constitution provides: "The supreme executive power of this State, shall be vested in a Chief Magistrate who shall be Governor of the State of Nevada."

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and laws of the State of Nevada and the United States, it is hereby ordered as follows:

SECTION 1:

Effective immediately and until the suspension of this order, all Nevada occupational and professional licensing boards shall suspend the creation of any new regulations that limit or otherwise impact the ability persons to enter any occupation or profession in Nevada.

SECTION 2:

Before April 1, 2023, all Nevada occupational and professional licensing boards shall provide a report to the Office of the Governor and the Director of the Legislative Counsel Bureau detailing all regulations that restrict entry into any occupation or profession regulated by the board. Section 1 of the report shall include, at a minimum, all pertinent regulations, fees and other costs, examinations and any other requirements for entry into any occupation or profession regulated by the board. Section 2 of the report shall include, at a minimum, the board's justification for the regulations, fees and other costs,

examinations and other requirements set forth in Section 1 of the report. Section 2 shall also include an analysis of the number of states that currently license

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[State Controller](#)

each profession or occupation regulated by the board. Section 3 of the report shall provide, at a minimum, any recommended revisions to the current regulatory construct that would expedite licensure for new workers. Finally, Section 4 of the report shall identify state compacts or any other pathways to professional licensure reciprocity that exist regionally, nationally or internationally. Section 4 shall also include a summary of states currently providing reciprocity for each profession or occupation regulated by the board to include those states that do not license the profession or occupation, and therefore, do not require reciprocity. To the extent Nevada does not currently participate in any identified reciprocity opportunity, the board's report shall provide a justification as to why Nevada does not currently participate and shall set forth an action plan should the state decide it should participate in such a reciprocity program.

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SECTION 3:

To the extent an occupation or profession is currently licensed in Nevada but is not subject to licensure requirements in the majority of states (26 or more), licensure shall be presumed to be unnecessary and that board shall provide a recommendation for phasing out such a licensing requirement by July 1, 2023.

SECTION 4:

To the extent an occupation or profession that is currently licensed in Nevada allows for licensing reciprocity in the majority of states (26 or more), reciprocity shall be presumed to be possible and appropriate, and the board shall provide a recommendation for implementing a program for reciprocity participation by July 1, 2023.

SECTION 5:

Failure for any board to fully comply with the provisions of this order shall trigger an immediate operational and financial audit of the board by the Division of Internal Audits as well as recommendation to the Legislature that the board be subject to sanctions.

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IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Nevada to be affixed at the State Capitol, this 12th day of January, in the year two thousand and twenty-three.



[Signature]
Governor

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[Signature]
Secretary of State

Version 3. *[Signature]* Deputy

**STATE OF NEVADA
BOARD OF PSYCHOLOGICAL EXAMINERS**

**Response to Governor Joe Lombardo's
Executive Order 2023-004**

April 1, 2023

The Nevada Board of Psychological Examiners (NBOPE) responds to Governor Joe Lombardo's Executive Order 2023-004, as follows:

Introduction:

NBOPE licenses psychologists in the State of Nevada. The provisions of Chapter 641 of Nevada's Administrative Code (NAC) are NBOPE's regulations. Its title is:

Psychologists, Licensed Behavior Analysts, Licensed Assistant Behavior Analysts, Autism Behavior Interventionists, Psychological Assistants, Psychological Interns and Unlicensed Personnel

Prior to Nevada's 2017 Legislative Session, NBOPE governed licensing and oversight of psychologists and behavior analysts. During the 2017 session, however, the Legislature transferred the licensing and oversight of behavior analysts from NBOPE to the Board of Applied Behavior Analysts it created.¹ As a result, Nevada Revised Statutes (NRS) Chapter 641, which governs Psychologists, no longer has any reference to Applied Behavior Analysis or its practitioners, except to state that its provisions *do not apply* to anyone

“...who is licensed as a behavior analyst or an assistant behavior analyst or registered as a registered behavior technician pursuant to chapter 641D of NRS, while engaged in the practice of applied behavior analysis as defined in NRS 641D.080[.]”

See NRS 641.029. Thus, the field of behavior analysis is outside the purview of NBOPE's oversight and authority.

The published version of NAC Chapter 641 that is publicly available reflects the version as it was updated in 2016. That is not to say NAC Chapter 641 has not been updated numerous times since 2016. It has, and those adopted changes can be found on NBOPE's website (psyexam.nv.gov) as “NAC 641 Changes” under the Rules/Regs tab

¹ Initially, NRS Chapter 437 governed Applied Behavior Analysis. NRS Chapter 641D has since replaced that chapter, and is what currently governs Applied Behavior Analysis. NRS Chapter 641D does not cite to any accompanying administrative code provisions.

(psyexam.nv.gov/About/Amendments/). Although NBOPE has sought to remove from NAC Chapter 641 reference to and provisions regarding applied behavior analysts, the Nevada Legislature has not permitted that change. The ongoing inclusion of behavior analysts in NAC Chapter 641, however, does not change the fact that NBOPE only governs psychologists and the practice of psychology. To that end, this response only concerns psychologists and the practice of psychology in Nevada.

Report (E.O. 2023-004, Section 2):

In response to Section 2 of Governor Lombardo’s Executive Order 2023-004, requiring professional licensing boards to provide a report detailing all regulations that restrict entry into the profession regulated by the board, NBOPE responds as follows:

1. All pertinent regulations, fees and other costs, examinations, and any other requirements for entry into any occupation or profession regulated by the board.

Licensure in Nevada generally requires that an applicant has:

- graduated with a doctorate degree from an educational institution or program that is American Psychological Association (APA) accredited or equivalent to APA accreditation
- completed two years of supervision and training, comprised of:
 - o 2,000 hours of pre-doctoral (internship) training, and
 - o 1,750 hours of post-doctoral experience
- a passing score on the national Examination for Professional Practice in Psychology (EPPP):
 - o The EPPP Part-1 is generally required for licensure. If an applicant has taken and passed the EPPP Part 1 in another state, a retake is not required for licensure.
 - o The EPPP Part-2 is required for applicants not already licensed in another jurisdiction.
- a passing score on the Nevada State Exam (jurisprudence and ethics)
- paid all fees associated with licensure (the Board collects fees for the application, the State Exam, and for final licensure).

The provisions of Nevada Administrative Code Chapter 641 (Psychologists) that govern the licensing requirements for psychologists are:

- 641.025 Issuance of license to psychologist licensed not less than 20 years in another state or Canada.

- 641.028 Issuance of license to psychologist licensed not less than 5 years in another jurisdiction.
- 641.050 Education: Adoption of list of accredited programs; accredited educational institutions.
- 641.061 Educational requirements for psychologists: Submission of proof that unaccredited program completed before January 1, 2018, is equivalent to accredited program.
- 641.062 Educational requirements for psychologists: Submission of proof that unaccredited program completed on or after January 1, 2018, is equivalent to accredited program.
- 641.0625 Educational requirements for psychologists: Satisfaction of remaining requirements through program of respecialization or equivalent program.
- 641.080 Supervised experience: Applicant for licensure as psychologist.
- 641.112 State examination of applicant for licensure as a psychologist: Content; review of failed examination; reexamination; fee; prohibited acts.
- 641.120 National examination: Use; prerequisite for taking; reexamination.

Pursuant to NAC 641.019 (as amended since 2016), the Board charges and collects the following fees:

Application for licensure	\$150 (R169-18AP)
State Examination	\$200
Licensure:	
Renewal (biennial)	\$600 (R057-19)
New Licensure	\$600 (prorated based on licensure date within the biennia)
New license (certificate) fee	\$25

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2. *The Board's justification for its regulations, fees and other costs, examinations and other requirements stated above, and analysis of the states that currently license.*

A. Justification

NBOPE's justification for its licensing requirements is for the protection of and service to both the public and its licensees through its public meeting activities and its Board office operations. NBOPE cares about the mental and behavioral health of its licensees' clients and patients, as well as Nevada's communities. It also understands the risks associated with psychological practice and works to hold its profession accountable to the public by establishing education, training and practice standards, and by providing its licensees with the guidance needed to practice according to the law, professional ethics, and clinical best practices. NBOPE is guided by the values of efficiency, transparency, fairness, and equity in service of the public's interest, and as a self-funded Board, it seeks to ensure that its licensees are qualified and competent mental health care providers, and that it can adequately serve its applicants, licensees, and the public.

B. Other States that license psychologists

While licensing requirements vary from state to state, every state in the U.S. requires that psychologists be licensed. *See, i.e.* www.apaservices.org/practice/ce/state/state-info (American Psychological Association's compilation of information regarding State Licensure and Certification for Psychologists)

3. *Any recommended revisions to the current regulatory construct that would expedite licensure for new workers.*

NBOPE's current policy and regulatory constructs provide for an application process that is streamlined for compliance with the licensing requirements. In its efforts to maximize efficiency in its application process, NBOPE submits applicants to the Association of State and Provincial Psychology Boards (ASPPB) for verification of application information through its Psychology Licensure Universal System (PLUS). By the time the ASPPB returns an applicant's PLUS and the applicant's background check has been received, and assuming the information provided complies with Nevada's licensing requirements, all other administrative licensing matters for the applicant that the Board office handles have been completed and licensure can be completed.

NBOPE further expedites the application process by endorsement (*see* NRS 641.196 – Expedited license by endorsement as psychologist) and for applicants who:

- are licensed in one or more jurisdictions other than Nevada (NAC 641.028)
- have been continuously licensed for 20-years or more (NAC 641.025), and/or
- have a National Register of Health Science Psychologists Credential, an American Board of Professional Psychology (ABPP) Credential, and/or a Certificate of Professional Qualification (CPQ) in Psychology (NAC 641.028).

A revision that NBOPE would like to make to further expedite its licensing process would be to update its current online database to be more robust and interactive with its applicants by, for instance, allowing its applicants to upload documents directly to NBOPE through that database.

4. *Reciprocity*

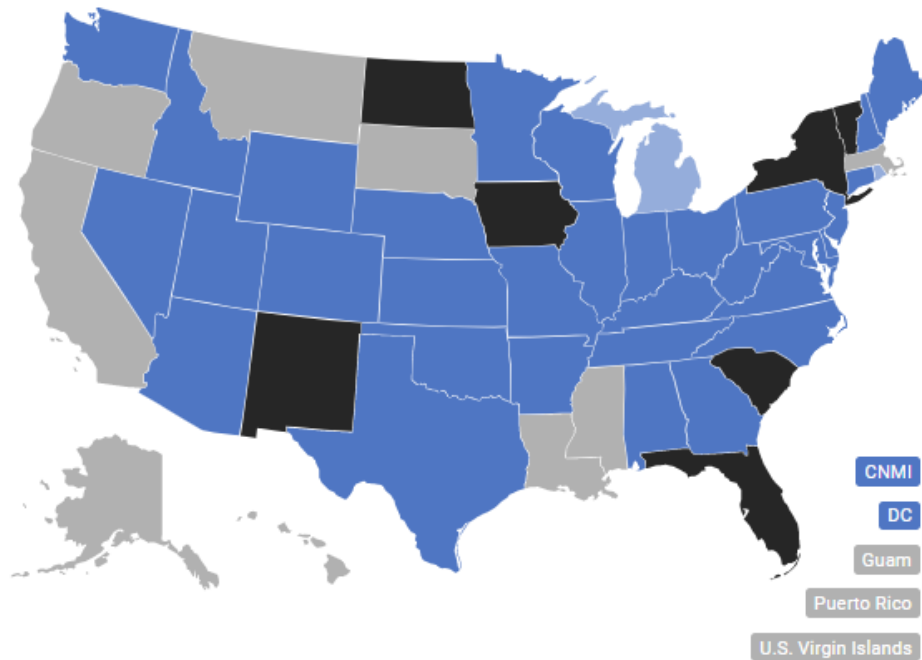
While Nevada does not have direct reciprocity with any other states, it is a participating state in the Psychology Interjurisdictional Compact (PSYPACT), which is an interstate compact designed to facilitate the practice of telepsychology and the temporary in-person, face-to-face practice of psychology across state boundaries. *See* psypact.org. Nevada enacted the Psychology Interjurisdictional Compact into law during the 2017 Legislative session. It is codified in NRS 641.227.

Currently, there are thirty-six (36) participating PsyPact states (36 enacted, 34 effective):

Alabama	Georgia	Missouri	Tennessee
Arizona	Idaho	Nebraska	Texas
Arkansas	Illinois	Nevada	Utah
Colorado	Indiana	New Hampshire	Virginia
Commonwealth of the Northern Mariana Islands	Kansas	New Jersey	Washington
Connecticut	Kentucky	North Carolina	West Virginia
Delaware	Maine	Ohio	Wisconsin
District of Columbia	Maryland	Oklahoma	Wyoming
	Minnesota	Pennsylvania	

See, PsyPact Map, next page

PsyPact Map



Map Key

- PSYPACT Participating State
- Enacted PSYPACT Legislation - practice under PSYPACT not permitted
- PSYPACT Legislation introduced

Through Nevada's enactment of PsyPact, Nevada licensees have the opportunity for reciprocity with PsyPact participating states, and licensees in PsyPact participating states have the opportunity for reciprocity with Nevada.

In addition to the opportunity for reciprocity through PsyPact, NBOPE's expedited application process for applicants by endorsement (NRS 641.196) and through primary source verification for who are licensed another jurisdiction or jurisdictions (NAC 641.028), who have been continuously licensed for 20-years or more (NAC 641.025), and/or have certain national credentials or certifications (NAC 641.028) (as noted in section 3, above) provides a process for licensing that is substantially similar to a process by which reciprocity would be addressed.

***** END OF REPORT *****

			Section 3: A response in column M is required in any cell that has not been blacked out, which is based on your response in column (G).	Section 4: A response in column N is required in any cell that has not been blacked out, which is based on your response in columns (I) and (J)
Does Nevada currently participate in any reciprocity program for the occupation or profession?	If Nevada does not currently participate in any reciprocity program for the occupation or profession, provide a justification as to why	Provide any recommended revisions to the current regulatory construct that would expedite licensure for the occupation or profession	Provide a recommendation for phasing out the licensing requirement for the occupation or profession that is not subject to licensure requirements in the majority of states (26 or more) (for any "No" answers in column (G))	Provide a recommendation for implementing a program for reciprocity for the occupation or profession that is currently licensed in Nevada, where a majority of states (26 or more) allows for reciprocity, but Nevada does not currently participate in any reciprocity program for the occupation or profession (for any "Yes" answers in column (I) combined with any "No" answers in column (J))

Yes

Nevada, along with a majority of other States, is a participating member of PSYPACT

An update to NBOPE's current online database to be more robust and interactive with its applicants by, for instance, allowing its applicants to upload documents directly to NBOPE through that database.
