

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the adoption of Regulations of the State of Nevada Board of Psychological Examiners

The State of Nevada Board of Psychological Examiners ("Board") will hold a public hearing at 8:35 a.m. on November 12, 2021. The public hearing 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/84548644504>. To access the meeting via audio only, dial 1-669-900-6833 and enter the meeting ID: **845 4864 4504**. 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 purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulations that pertain to Chapter 641 of the Nevada Administrative Code. 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 hearing and will be forwarded to the Board for their consideration.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need for and the purpose of the proposed regulation or amendment.

LCB File No. R174-20: A REGULATION relating to psychology; adopting by reference the *Code of Conduct* adopted by the Association of State and Provincial Psychology Boards; and providing other matters properly relating thereto.

2. A statement explaining how to obtain the approved or revised test of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063.

A copy of the proposed regulations can be obtained at the Board's website by going to www.psyexam.nv.gov, or by contacting the Board of Psychological Examiners at 775-688-1268 or 4600 Kietzke Lane, Bldg B-116, Reno, NV 89502. A reasonable fee for copying may be charged.

3. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include:

(a) Both adverse and beneficial effects; and

There should be no increased cost to Psychologists in Nevada as a result of adoption of any of the proposed regulations and, therefore, no adverse or beneficial effects.

(b) Both immediate and long-term effects.

There should be no increased cost to Psychologists in Nevada as a result of adoption of any of the proposed regulations and, therefore, no immediate or long-term effects.

4. A statement identifying the methods used by the agency in determining the impact on a small business prepared pursuant to subsection 3 of NRS 233B.0608.

The request for input regarding impact was sent to licensees of the Board of Psychological Examiners. A workshop to present the proposed changes and hear public input was held on August 14, 2020.

5. The estimated cost to the agency for enforcement of the proposed regulation.

The Board believes that the cost of enforcement of the proposed regulation will be minimal.

6. A description of the citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

The Board is not aware of any overlapping or duplicating of federal or state regulations.

7. If the regulation is required pursuant to federal law, a citation and description of the federal law.

The Board is not aware of any requirement to federal law.

8. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

There should be no duplication of a federal regulation.

9. Whether the proposed regulation establishes a new fee or increases an existing fee.

There are no new fees or increases to an existing fee in any of the proposed regulations.

Persons wishing to comment upon the proposed action of the State of Nevada Board of Psychological Examiners may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to State of Nevada Board of Psychological Examiners, 4600 Kietzke Lane, Bldg B-116, Reno, NV 89502. Written submissions must be received by the State of Nevada Board of Psychological Examiners on or before Thursday, November 11, 2021 at 5:00 p.m. If no

person who is directly affected by the proposed action appears to request time to make an oral presentation, the State of Nevada Board of Psychological Examiners may proceed immediately to act upon any written submissions.

A copy of this notice and the regulations to be adopted will be available at the State of Nevada Board of Psychological Examiners for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been sent to persons on the agenda's mailing list, licensed psychologists, posted at the Board's website (<http://psyexam.nv.gov>) and the State of Nevada website (<https://notice.nv.gov/>) and the office of the Board of Psychological Examiners (4600 Kietzke Lane, Bldg B-116, Reno, Nevada).

Posted October 12, 2021

**PROPOSED REGULATION OF THE
BOARD OF PSYCHOLOGICAL EXAMINERS**

LCB File No. R174-20

July 1, 2021

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

AUTHORITY: § 1, NRS 641.100.

A REGULATION relating to psychology; adopting by reference the *Code of Conduct* adopted by the Association of State and Provincial Psychology Boards; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Board of Psychological Examiners to adopt regulations prescribing the qualifications for the issuance or renewal of a license by the Board and authorizes the Board to adopt regulations governing the practice of psychology. (NRS 641.100) Existing regulations set forth the standards of conduct which a psychologist, licensed behavior analyst or licensed assistant behavior analyst must follow in the provision of services. (NAC 641.200-641.255) A violation of those standards of conduct constitutes unprofessional conduct and is grounds for disciplinary action or the denial of an application for an initial license or the renewal of a license. (NAC 641.200) Existing regulations also adopt by reference the *Ethical Principles of Psychologists and Code of Conduct* for incorporation into the standards of conduct which must be followed. (NAC 641.250) This regulation adopts by reference the provisions set forth in the most recent edition of the *Code of Conduct* adopted by the Association of State and Provincial Psychology Boards, unless the Board gives notice that the most recent edition is not suitable for this State and except to the extent that those provisions conflict with the provisions of the standards of conduct set forth in existing regulations, in which case the existing regulations are controlling.

Section 1. NAC 641.250 is hereby amended to read as follows:

641.250 1. The provisions set forth in the most recent edition of the *Ethical Principles of Psychologists and Code of Conduct* adopted by the American Psychological Association are hereby adopted by reference and incorporated herein, unless the Board gives notice that the most recent edition is not suitable for this State pursuant to subsection ~~2~~ 3 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, are controlling. A copy of the publication may be obtained free of charge from the American Psychological Association at 750 First Street, N.E., Washington, D.C., 20002-4242, Attention: Service Center, at the Internet address <http://www.apa.org/ethics/code.html> or by telephone at (202) 336-5500.

2. *The provisions set forth in the most recent edition of the Code of Conduct adopted by the Association of State and Provincial Psychology Boards are hereby adopted by reference and incorporated herein, unless the Board gives notice that the most recent edition is not suitable for this State pursuant to subsection 3 and except to the extent that those provisions conflict with the provisions of NAC 641.200 to 641.255, inclusive, in which case the provisions of NAC 641.200 to 641.255, inclusive, are controlling. A copy of the publication may be obtained free of charge from the Association of State and Provincial Psychology Boards at 215 Market Road, Tyrone, GA 30290, Attention: Member Services, at the Internet address <http://www.asppb.net> or by telephone at (678) 216-1175.*

3. If the publication adopted by reference pursuant to subsection 1 *or* 2 is revised, the Board will review the revision to ensure its suitability for this State. If the Board determines that the revision is not suitable for this State, the Board will hold a public hearing to review its determination within 6 months after the date of publication of the revision and give notice of that hearing. If, after the hearing, the Board does not revise its determination, the Board will give notice within 30 days after the hearing that the revision is not suitable for this State. If the Board does not give such notice, the revision becomes part of the publication adopted by reference pursuant to subsection 1 ~~[.]~~ *or* 2.