

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 July 8, 2022. The meeting 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/81489625610>. To access the meeting via audio only, dial 1-669-900-6833 and enter the meeting ID: 814 8962 5610. 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 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. 127-21: A regulation relating to psychology; revising provisions relating to certain requirements for continuing education in cultural competency and diversity; 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 <http://psyexam.nv.gov/About/Amendments/>, 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 the 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 the 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 all licensees of the Board of Psychological Examiners. A workshop to hear public input for LCB File No. R127-21 was held on September 10, 2021. Further notice and request for comment on potential impact was provided to all licensees via email on February 15, 2022.

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

The Board believes that the cost of enforcement of the proposed regulations 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 July 7, 2022, 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 regulation 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 regulations 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, all licensed psychologists in Nevada, posted at the Board's website at <http://psyexam.nv.gov> and the State of Nevada website at <https://notice.nv.gov/> and the following physical location: Board of Psychological Examiners, 4600 Kietzke Lane, Bldg B-116, Reno, NV

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

LCB File No. R127-21

April 15, 2022

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

AUTHORITY: § 1, NRS 641.100, 641.110 and 641.220, as amended by section 4 of Assembly Bill No. 327, chapter 188, Statutes of Nevada 2021, at page 889; § 2, NRS 641.100 and 641.220, as amended by section 4 of Assembly Bill No. 327, chapter 188, Statutes of Nevada 2021, at page 889.

A REGULATION relating to psychology; requiring a psychologist wishing to renew his or her license to complete continuing education concerning cultural competency and diversity, equity and inclusion; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the Board of Psychological Examiners to adopt regulations governing the practice of psychology and licensure of psychologists. (NRS 641.100, 641.110) Existing law requires the Board to adopt regulations regarding continuing education requirements for psychologists, and requires such regulations to include at least 2 hours of instruction relating to cultural competency and diversity, equity and inclusion. (NRS 641.220, as amended by section 4 of Assembly Bill No. 327, chapter 188, Statutes of Nevada 2021, at page 889) Existing law requires a psychologist who wishes to renew his or her license to complete the continuing education requirements set forth by the Board. (NRS 641.220, as amended by section 4 of Assembly Bill No. 327, chapter 188, Statutes of Nevada 2021, at page 889)

Section 1 of this regulation adds the requirement for instruction relating to cultural competency and diversity, equity and inclusion to the continuing education required of a psychologist wishing to renew his or her license. **Section 2** of this regulation adds cultural competency and diversity, equity and inclusion to the list of subjects which are acceptable for a continuing education course or program.

Section 1. NAC 641.136 is hereby amended to read as follows:

641.136 1. To renew his or her license, a psychologist must certify to the Board that during the 2 years immediately preceding the date he or she submits an application for renewal, he or she has completed 30 hours of continuing education in courses 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. *At least 2 hours must include instruction relating to cultural competency and diversity, equity and inclusion.* Not more than 15 hours may be obtained from an approved home study course. A licensee may not receive credit for continuing education for a course in which he or she is the instructor.

2. Except as otherwise provided in subsection 3, the Board will accept the following types of continuing education courses or programs:

(a) Formally organized workshops, seminars or classes which maintain an attendance roster and are conducted by or under the auspices of an accredited institution of higher education offering graduate instruction.

(b) Workshops, seminars or classes which maintain an attendance roster and are certified or recognized by a state, national or international accrediting agency, including, but not limited to:

- (1) The American Psychological Association;
- (2) The American Psychiatric Association;
- (3) The American Medical Association;
- (4) The American Association for Marriage and Family Therapy;
- (5) The American Counseling Association;
- (6) The International Congress of Psychology; or
- (7) The National Association of Social Workers.

(c) Other workshops, classes, seminars and training sessions in psychology or a closely related discipline which have a formal curriculum and attendance roster and receive approval by the Board.

(d) Home study courses in psychology or a closely related discipline that are approved by the Board.

3. Before a licensee may receive credit for continuing education for a course in scientific and professional ethics and standards and common areas of professional misconduct ~~[or]~~, *for* a course in evidence-based suicide prevention and awareness, *or for a course relating to cultural competency and diversity, equity and inclusion*, the licensee 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.

Sec. 2. NAC 641.137 is hereby amended to read as follows:

641.137 1. A continuing education course or program must be approved by the Board pursuant to NAC 641.136 or 641.138 and:

- (a) Be presented in accordance with accepted educational principles at a doctoral or postdoctoral level which is appropriate for professional psychologists;
- (b) Be at least 1 hour in length, not including breaks; and
- (c) Be primarily related to the study of psychology or have a potential application to the practice of psychology.

2. The subjects acceptable for a continuing education course or program include, but are not limited to:

- (a) Scientific and professional ethics and standards;
- (b) Forensic issues;
- (c) Research design and methodology;
- (d) Tests and measurements;

- (e) Psychotherapeutic techniques;
- (f) Biological bases of behavior, including physiological psychology, comparative psychology, neuropsychology, human sexuality and psychopharmacology;
- (g) Cognitive and emotional bases of behavior, including learning, memory, perception, cognition, thinking, motivation and emotion;
- (h) Social bases of behavior, including social, group, cultural and ethnic processes, sex roles, and organization and systems therapy;
- (i) Differences in persons, including personality therapy, human development, abnormal psychology, psychopathology and the psychology of persons with disabilities; ~~and~~
- (j) Evidence-based suicide prevention and awareness ~~and~~; *and*
- (k) *Cultural competency and diversity, equity and inclusion. Instruction in cultural competency and diversity, equity and inclusion:*

(1) May include the training provided pursuant to NRS 449.103, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without

limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that the holder of a license may need to better understand, as determined by the Board.