

**PROPOSED REGULATION OF THE
BOARD OF APPLIED BEHAVIOR ANALYSIS**

LCB File No. R005-24

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Proposed/Adopted NAC
pages 38 - 66

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

AUTHORITY: §§ 1-29, 31-33, 35, 39-44, 46-49, 51-54, 56, 62, 63 and 65, NRS 641D.240; § 30, NRS 641D.240 and 641D.300; §§ 34 and 36-38, NRS 641D.240 and 641D.360; § 45, NRS 641D.240 and 641D.380; §§ 50 and 57, NRS 641D.240 and 641D.710; § 55, NRS 641D.240, 641D.600 and 641D.710; §§ 58, 59 and 64, NRS 641D.240, 641D.700 and 641D.710; §§ 60 and 61, NRS 622.400 and 641D.240.

A REGULATION relating to applied behavior analysis; removing and repealing provisions relating to the regulation of behavior analysts, assistant behavior analysts and the practice of applied behavior analysis; making conforming changes; defining terms relating to applied behavior analysis; revising requirements to obtain, renew, reinstate or place on inactive status a license as a behavior analyst or assistant behavior analyst; revising requirements to obtain or renew a registration as a registered behavior technician; prescribing the date on which a license or registration issued by the Board of Applied Behavior Analysis expires; providing for the administration by the Board of a state examination to obtain a license issued by the Board; authorizing a licensee or registrant to request certain letters from the Board; requiring a licensee or registrant to provide certain information to the Board; prescribing certain fees; prescribing requirements governing the supervision of certain persons engaged in the practice of applied behavior analysis; adopting by reference certain provisions of publications published by the Behavior Analyst Certification Board, Inc.; prescribing certain requirements relating to a licensee or registrant's treatment of a patient or client; revising the grounds for disciplinary action against a licensee or registrant; prescribing certain procedures relating to complaints filed with the Board; authorizing the Board to recover certain fees and costs; prescribing requirements relating to the filing of certain petitions with the Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law previously required the Board of Psychological Examiners to regulate the practice of psychology as well as behavior analysts, assistant behavior analysts and the practice of applied behavior analysis. (NRS 641.100, as that section existed before January 1, 2019) Senate Bill No. 286 (S.B. 286) of the 2017 Legislative Session transferred the responsibility for the regulation of behavior analysts, assistant behavior analysts and the practice of applied

details for long document

behavior analysis from the Board of Psychological Examiners to the Board of Applied Behavior Analysis. (NRS 641.100, as amended by section 60 of Senate Bill No. 286, chapter 588, Statutes of Nevada 2017, at page 4246, and NRS 641D.240 and 641D.600) S.B. 286 additionally imposed certain responsibilities upon the Aging and Disability Services Division of the Department of Health and Human Services with respect to the licensing of behavior analysts and assistant behavior analysts, the registration of registered behavior technicians and the regulation of those persons and the practice of applied behavior analysis. (Chapter 588, Statutes of Nevada 2017, at page 4218) Senate Bill No. 258 (S.B. 258) of the 2019 Legislative Session and Senate Bill No. 217 (S.B. 217) of the 2021 Legislative Session transferred those responsibilities from the Division to the Board of Applied Behavior Analysis. (Chapter 410, Statutes of Nevada 2019, at page 2533; chapter 289, Statutes of Nevada 2021, at page 1587) S.B. 286, S.B. 217 and S.B. 258 each provided, in general, that previously adopted regulations governing the regulation of behavior analysts, assistant behavior analysts and the practice of applied behavior analysis remained in effect until the Board of Applied Behavior Analysis repealed or replaced them. (Section 75 of chapter 588, Statutes of Nevada 2017, at page 4246; section 55 of chapter 410, Statutes of Nevada 2019, at page 2567; section 98 of chapter 289, Statutes of Nevada 2017, at page 1657)

Sections 2, 6-9 and 12-21 of this regulation remove references to behavior analysts, assistant behavior analysts and the practice of applied behavior analysis from the existing regulations of the Board of Psychological Examiners that are otherwise applicable to psychologists. **Sections 3-5 and 9-11** of this regulation make conforming changes by renumbering certain provisions to account for the removal of such references. **Section 65** of this regulation repeals provisions of existing regulations of the Board of Psychological Examiners that pertain only to behavior analysts, assistant behavior analysts or the practice of applied behavior analysis. **Sections 1, 6, 7, 12, 20 and 22** of this regulation make conforming changes by removing references to such repealed sections.

Sections 63-65 of this regulation revise and repeal certain regulations of the Board of Applied Behavior Analysis to remove provisions setting forth certain duties and responsibilities of the Division with respect to the licensing of behavior analysts and assistant behavior analysts, the registration of registered behavior technicians and the regulation of those persons and the practice of applied behavior analysis.

Sections 24-29 of this regulation define certain terms relating to the practice of applied behavior analysis.

Existing law sets forth certain requirements to apply for and obtain a license as a behavior analyst or assistant behavior analyst or registration as a registered behavior technician. (NRS 641D.300, 641D.310) **Section 30** of this regulation sets forth additional requirements for a person to be eligible to obtain such a license or registration. **Section 31** of this regulation authorizes the Board to request that a person who submits an application provide additional information, submit to an oral interview or both. **Section 32** of this regulation sets forth conditions under which an application will be deemed complete and certain time periods for the expiration or withdraw of an application. **Section 32** also provides that any fee submitted with an application which is: (1) expired is nonrefundable; and (2) withdrawn will be refunded less a fee for record processing. **Section 33** of this regulation provides that a license or registration issued by the Board expires on December 31 of each even-numbered year.

Existing law authorizes the Board to make and promulgate regulations governing the examination of applicants for licensure. (NRS 641D.240) **Section 65** of this regulation repeals

provisions requiring an applicant for a license as a behavior analyst or assistant behavior analyst to pass an examination administered by the Division and setting forth various requirements concerning the examination. (NAC 641D.120) **Section 40** of this regulation instead requires an applicant for a license to pass an examination administered by the Board. **Section 40** sets forth certain requirements for: (1) the administration and content of the examination; and (2) an applicant to take or retake the examination.

Existing law sets forth requirements for the renewal of a license as a behavior analyst or assistant behavior analyst or registration as a registered behavior technician. (NRS 641D.360) **Section 34 and 35** of this regulation, respectively, additionally require a person seeking to renew his or her license or registration to submit certain information and materials to the Board. Existing law requires the Board to adopt regulations that require, as a prerequisite for the renewal of a license as a behavior analyst or assistant behavior analyst, each licensee to complete continuing education. (NRS 641D.360) **Section 65** repeals provisions setting forth certain continuing education requirements for licensees and imposing certain powers and duties on the Division with respect to the enforcement of those requirements. (NAC 641D.140, 641D.160) **Section 37** of this regulation instead sets forth certain continuing education requirements for licensees and authorizes the Board to conduct audits of licensees to ensure compliance with the requirements and take disciplinary action under certain circumstances. **Section 34** requires a licensee to retain and, upon request of the Board, provide evidence of the completion of the requirements for continuing education. **Section 38** of this regulation sets forth the conditions under which the Board may extend the period of time in which a licensee must complete requirements for continuing education.

Section 36 of this regulation authorizes the holder of a license or registration that is expired to reinstate that license or registration under certain circumstances.

Existing regulations authorize a licensee to have his or her license placed on inactive status for up to 3 years by submitting a request to the Division and paying a fee. Existing regulations additionally set forth procedures and requirements for the renewal of a license on inactive status and for the restoration of such a license to active status. (NAC 641D.180) **Section 63** of this regulation: (1) removes the 3-year limitation on the amount of time in which a license may remain on inactive status; (2) requires a request for the placement of a license on inactive status to instead be submitted to the Board; and (3) revises the procedures and requirements for the renewal of a license on inactive status and restoration of such a license to active status.

Section 39 of this regulation authorizes a person who holds a license or registration issued by the Board to request that the Board send a letter to another organization or state verifying the person's license or registration and indicating whether the person is in good standing.

Section 41 of this regulation requires each licensee or registrant to file certain information with the Board and notify the Board of any changes to that information. **Section 42** of this regulation sets forth certain requirements relating to the display of a license or registration. **Section 43** of this regulation requires a licensee or registrant to notify the Board of a change in his or her legal name after the issuance of a license or registration, provide certain proof of the change and pay a fee. **Section 44** of this regulation requires a licensee or registrant to respond within 30 days to a communication from the Board and take certain other actions upon request of the Board.

Existing law requires the Board to prescribe by regulation fees for any services provided by the Board. (NRS 641D.380) **Section 65** repeals provisions concerning fees charged by the

Division. (NAC 641D.200) **Section 45** of this regulation sets forth fees for various services provided by the Board.

Existing law authorizes an assistant behavior analyst, behavior technician or certain persons who are not licensed or registered by the Board to practice applied behavior analysis under the supervision of a licensed behavior analyst or certain other persons. (NRS 641D.130, 641D.610) **Section 65** repeals certain requirements for the supervision of a person engaged in the practice of applied behavior analysis. (NAC 641D.090, 641D.300) **Section 46** of this regulation adopts by reference certain guidelines contained in certain publications published by the Behavior Analyst Certification Board, Inc., for the supervision of such persons. **Section 47** of this regulation sets forth certain qualifications for a licensee who supervises a person engaged in the practice of applied behavior analysis. **Section 48** of this regulation requires a supervisor to maintain all records relating to the supervision of a person engaged in the practice of applied behavior analysis and notify the Board within 30 days after such supervision is completed or terminated.

Existing law requires a behavior analyst, assistant behavior analyst or registered behavior technician to comply with any applicable requirements concerning ethics prescribed by the Behavior Analyst Certification Board, Inc. (NRS 641D.600) **Section 49** of this regulation adopts by reference the standards of practice and conduct for licensees and registrants which are contained in the "Ethics Code for Behavior Analysts" and the "RBT Ethics Code (2.0)" published by the Behavior Analyst Certification Board, Inc.

Section 51 of this regulation provides that the parent or legal guardian of a child or protected person who is receiving treatment possesses the authority to make decisions concerning that treatment.

Section 52 of this regulation sets forth certain requirements for the maintenance of records relating to the patients or clients or a licensee or registrant. **Section 53** of this regulation sets forth requirements for maintaining the confidentiality of information obtained by a licensee or registrant in the course of his or her practice, teaching or research or in the performance of any other services relating to his or her profession.

Existing law authorizes the Board to take disciplinary action against a licensee or registrant. (NRS 641D.250, 641D.700, 641D.720) Existing law sets forth certain grounds for such disciplinary action and requires the Board to adopt regulations establishing additional grounds. (NRS 641D.700, 641D.710) Existing regulations: (1) make a conviction of certain crimes and the commission of certain other acts grounds for disciplinary action; and (2) set forth procedures and requirements concerning the imposition of disciplinary action. (NAC 641D.600) **Section 64** of this regulation revises the grounds for disciplinary action and changes certain references from the Division to the Board. **Sections 54 and 55** of this regulation prohibit a licensee or registrant from performing or failing to perform certain acts. **Section 50** of this regulation provides that a violation of the provisions governing applied behavior analysis constitutes unprofessional conduct, which is grounds for disciplinary action. **Section 57** of this regulation sets forth certain additional acts which constitute unprofessional conduct. **Section 58** of this regulation provides that, if the Board determines a licensee or registrant is guilty of unprofessional conduct and does not suspend or revoke his or her license or registration, the Board will impose certain conditions on the use of the license or registration.

Existing law authorizes, and in some cases requires, a person to file a complaint with the Board if the person is aware of the existence of grounds for disciplinary action against a licensee or registrant. (NRS 641D.760) **Section 56** of this regulation sets forth procedures for the filing

and review of such a complaint. **Section 59** of this regulation provides that the Board will refer certain complaints to the Behavior Analyst Certification Board, Inc., for investigation and will accept findings of the Behavior Analyst Certification Board, Inc., pursuant to such an investigation under certain circumstances.

Existing law authorizes the Board under certain circumstances to recover from a person reasonable attorney's fees and costs, including fees for certain witnesses, that the Board incurs as part of its investigative, administrative and disciplinary proceedings against the person. (NRS 622.400) **Section 60** of this regulation provides that the Board may recover from a person reasonable attorney's fees and costs relating to any disciplinary proceeding involving the person. **Section 61** of this regulation entitles a witness who participates in a proceeding held by the Board to receive certain fees and reimbursement.

Section 62 of this regulation provides that the Board may act on its own motion and sets forth requirements to petition for a formal hearing or the adoption, amendment or repeal of a regulation of the Board.

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

641.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC ~~{641.003}~~ *641.005* to 641.014, inclusive, have the meanings ascribed to them in those sections.

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

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

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

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

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

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

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

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

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

2. The applicant must present to the Board:

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

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

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

(d) Proof that the program:

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

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

(3) Has an identifiable faculty composed primarily of psychologists and a psychologist who is responsible for the program.

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

(5) Includes supervised practical, internship, field or laboratory training appropriate to the practice of psychology.

(e) Proof that the curriculum encompasses at least 3 academic years of full-time graduate study, not including any internships. The Board will count only 12 semester hours or 18 quarter hours of preparation of a dissertation toward the 3 academic years of full-time graduate study.

(f) Proof that the program requires at least 60 semester hours or 90 quarter hours of credit in courses in substantive psychology. Dissertation hours may be counted toward the minimum hours required.

(g) Proof that the applicant, while in the program, completed the equivalent of courses consisting of 3 semester hours in the following areas:

(1) Scientific and professional ethics and standards.

(2) Research design and methodology.

(3) Statistics.

(4) Psychometrics.

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

(I) Physiological psychology;

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

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

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

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

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

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

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

(IV) Psychology of persons with disabilities.

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

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

(a) The Association of State and Provincial Psychology Boards; or

(b) The director of clinical training of a doctoral program that is accredited by the American Psychological Association and approved by the Board of Psychological Examiners.

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

5. The Board may establish a subcommittee to review the academic credentials of an applicant and present a recommendation to the Board. In determining whether to approve the academic credentials of an applicant pursuant to subsection 3 or 4, the Board will consider any recommendation from the Association of State and Provincial Psychology Boards, the director of clinical training of a doctoral program that is accredited by the American Psychological Association, or a designee of the director of clinical training of a doctoral program that is accredited by the American Psychological Association, as applicable, and the recommendation of the subcommittee, if any, but is not bound to follow such recommendations.

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

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

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

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

2. The applicant must submit to the Board:

(a) Transcripts, syllabi, university catalog descriptions, a description of the training program, professional competency evaluations conducted of the applicant while in the program, letters from the directors of the departments of the institution where the program is conducted or other suitable documents showing that the program substantially complies with the accreditation standards for doctoral programs in the *Standards of Accreditation for Health Service Psychology* of the American Psychological Association, which is available, free of charge, at the Internet address <https://www.apa.org/ed/accreditation/standards-of-accreditation.pdf>, and Section C

of the *Implementing Regulations* of the Commission on Accreditation of the American Psychological Association, which is available, free of charge, at the Internet address <https://accreditation.apa.org/policies>; and

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

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

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

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

(1) The integration of empirical evidence and practice;

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

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

(c) That the program:

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

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

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

- (I) Are members of an identifiable core faculty of the program; and
- (II) Together with other core faculty of the program have primary responsibility for the program's design, implementation, evaluation and quality.

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

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

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

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

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

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

(d) That the program requires a student to complete successfully at least 3 academic years, or the equivalent, of full-time graduate study which includes at least 2 years, or the equivalent, of academic training and at least 1 year, or the equivalent, in full-time residence. A person seeking to satisfy the requirement for 1 year in full-time residence based on equivalent experience must demonstrate that the experience achieved all the purposes of the requirement, including, without limitation, mentoring, supervision and evaluation regarding the development of professional

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

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

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

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

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

(8) Supervision.

(9) Consultation, interprofessional and interdisciplinary skills.

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

(a) The Association of State and Provincial Psychology Boards; or

(b) The director of clinical training of a doctoral program that is accredited by the American Psychological Association and approved by the Board of Psychological Examiners.

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

6. The Board may establish a subcommittee to review the academic credentials of an applicant and present a recommendation to the Board. In determining whether to approve the academic credentials of an applicant pursuant to subsection 4 or 5, the Board will consider any recommendation from the Association of State and Provincial Psychology Boards, the director of clinical training of a doctoral program that is accredited by the American Psychological Association, or a designee of the director of clinical training of a doctoral program that is accredited by the American Psychological Association, as applicable, and the recommendation of the subcommittee, if any, but is not bound to follow such recommendations.

7. If the Board finds that the training program completed by an applicant pursuant to this section is not equivalent to a program accredited by the American Psychological Association, the

applicant may petition the Board for reconsideration. A decision of the Board upon reconsideration, or a decision of the Board to deny such a petition, is a final decision for the purposes of chapter 233B of NRS.

Sec. 5. NAC 641.0623 is hereby amended to read as follows:

641.0623 1. An applicant for licensure as a psychologist who has completed a training program outside the United States that is not accredited by the American Psychological Association must establish to the satisfaction of the Board that the program is equivalent to a program accredited by the Association.

2. The applicant must submit to the Board:

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

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

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

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

(e) Suitable documents showing that the training program completed by the applicant substantially complies with the accreditation standards for doctoral programs in the *Standards of*

Accreditation for Health Service Psychology of the American Psychological Association, which is available, free of charge, at the Internet address

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

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

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

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

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

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

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

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

(c) That the program:

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

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

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

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

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

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

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

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

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

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

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

(d) That the program requires a student to complete successfully at least 3 academic years, or the equivalent, of full-time graduate study which includes at least 2 years, or the equivalent, of academic training and at least 1 year, or the equivalent, in full-time residence. A person seeking

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

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

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

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

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

- (5) Communication and interpersonal skills.
- (6) Assessment.
- (7) Intervention.
- (8) Supervision.
- (9) Consultation, interprofessional and interdisciplinary skills.

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

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

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

recommendation from the National Register of Health Service Psychologists and the recommendation of the subcommittee, if any, but is not bound to follow such recommendations.

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

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

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

Sec. 6. NAC 641.132 is hereby amended to read as follows:

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

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

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

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

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

4. If a licensee does not satisfy the continuing education requirement, his or her license will not be renewed and he or she will be subject to disciplinary action. The Board may grant a licensee a 60-day extension if the licensee submits to the Board, on or before December 1 immediately preceding the expiration of his or her license, a written request for an extension which includes a compelling explanation for his or her inability to complete the continuing education requirement during the immediately preceding 2 years.

Sec. 7. NAC 641.133 is hereby amended to read as follows:

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

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

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

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

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

- (a) The submission of an application for the restoration of the license;
- (b) The payment of the appropriate fee as set forth in NAC 641.019 for the restoration to active status of a license on inactive status;
- (c) The submission of proof of completion of the requirements for continuing education for the 2 years immediately preceding the date of the application;
- (d) If the applicant has engaged in the practice of psychology ~~{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.]~~

Sec. 8. NAC 641.1503 is hereby amended to read as follows:

641.1503 1. An application for licensure as a psychologist shall be deemed withdrawn and all fees for the application are forfeited if:

(a) The application is not completed as described in NRS 641.170 within 2 years after the date on which the Board first received the application materials; or

(b) The applicant has not taken the national examination required pursuant to NRS 641.180 within 2 years after the date on which the Board first received the application materials.

2. ~~[An application for licensure as a licensed behavior analyst or a licensed assistant behavior analyst shall be deemed withdrawn and all fees for the application are forfeited if the application is not completed as described in NRS 641.170 within 2 years after the date on which the Board first received the application.]~~

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

Sec. 9. NAC 641.151 is hereby amended to read as follows:

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

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

(a) A training program which is accredited by the American Psychological Association or a program which meets the requirements of:

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

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

(b) An institution which meets the requirements of subsection ~~{3}~~ 2 of NAC 641.050.

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

4. A person who has obtained the amount of postdoctoral supervised experience required pursuant to paragraph (b) of subsection 2 of NAC 641.080 or paragraph (c) of subsection 3 of NAC 641.080 in the District of Columbia or another state or territory of the United States, but has not completed the other requirements for licensure as a psychologist, must register as a psychological assistant. A psychological assistant may not renew his or her registration pursuant to this subsection if it would cause the psychological assistant to be registered as a psychological assistant for more than 2 years unless otherwise approved by the Board.

Sec. 10. NAC 641.1515 is hereby amended to read as follows:

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

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

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

(b) An institution which meets the requirements of subsection {3} 2 of NAC 641.050.

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

4. After a psychological intern has obtained the amount of predoctoral supervised experience required pursuant to paragraph (a) of subsection 2 of NAC 641.080 or paragraph (b) of subsection 3 of NAC 641.080, he or she may not apply for renewal of his or her registration as a psychological intern.

Sec. 11. NAC 641.1516 is hereby amended to read as follows:

641.1516 1. Unless otherwise approved by the Board, a person may apply to the Board for registration as a psychological trainee only after he or she has provided to the Board proof that he or she is currently enrolled on at least a part-time basis to obtain a doctoral degree from:

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

(b) An institution which meets the requirements of subsection {3} 2 of NAC 641.050.

2. Initial registration as a psychological trainee is valid for 2 years.

3. Registration as a psychological trainee may be renewed once for 2 years and for a second renewal period of 1 year unless otherwise approved by the Board.

Sec. 12. NAC 641.200 is hereby amended to read as follows:

641.200 1. The provisions of NAC 641.200 to ~~{641.255,}~~ 641.250, inclusive:

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

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

2. A violation of the provisions of NAC 641.200 to ~~{641.255,}~~ 641.250, inclusive, constitutes unprofessional conduct and is a ground for disciplinary action or the denial of an application for an initial license or the renewal of a license.

Sec. 13. NAC 641.204 is hereby amended to read as follows:

641.204 An organization is a patient or client of a psychologist ~~{, licensed behavior analyst or licensed assistant behavior analyst}~~ if the professional contract between the organization and the psychologist ~~{, licensed behavior analyst or licensed assistant behavior analyst}~~ requires the psychologist ~~{, licensed behavior analyst or licensed assistant behavior analyst}~~ to provide services primarily to the organization rather than to the persons in the organization.

Sec. 14. NAC 641.206 is hereby amended to read as follows:

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

1. Issues directly affecting the physical or emotional safety of the child or protected person, including, without limitation, sexual relationships or other exploitive dual relationships.

2. Issues which the parent or legal guardian has specifically agreed, before the child or protected person receives professional services, must be reserved to the child or protected person, including, without limitation, confidential communications between the psychologist ~~or licensed behavior analyst or licensed assistant behavior analyst~~ and the child or protected person during the course of the professional relationship.

Sec. 15. NAC 641.219 is hereby amended to read as follows:

641.219 1. A psychologist ~~or 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 ~~or 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 ~~or licensed behavior analyst or licensed assistant behavior analyst~~ shall comply with all other state and federal laws and regulations concerning the maintenance of records, including a law or

regulation which requires him or her to maintain records for a longer period than required by this subsection.

3. A psychologist ~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall comply with all state and federal laws governing a patient's or client's right to have access to his or her records.

4. A psychologist ~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ who provides supervision of a licensed behavior analyst or licensed assistant behavior analyst shall maintain for not less than 5 years after the last date of supervision, a record of the supervisory session, including, but not limited to, information regarding the type, place and general content of the session.

Sec. 16. NAC 641.224 is hereby amended to read as follows:

641.224 1. If a psychologist ~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ provides services to an organization, information he or she obtains in the course of providing the services is confidential, including any personal information concerning a person in the organization if the information was properly obtained within the scope of his or her professional contract with the organization. Personal information concerning a person in the organization is subject to the confidential control of the organization unless the person who disclosed the information had a reasonable expectation that the information was disclosed pursuant to a separate professional relationship with the psychologist ~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ and would not be disclosed to the organization.

2. During the course of a professional relationship with a patient or client and after the relationship is terminated, a psychologist ~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall protect all confidential information obtained in the course of his or her

practice, teaching or research, or in the performance of any other services related to his or her profession. Except as otherwise provided in this section, a psychologist ~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ may disclose confidential information only if he or she obtains the informed written consent of the patient or client.

3. A psychologist ~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ may disclose confidential information without the informed written consent of a patient or client if the psychologist ~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ believes that disclosure of the information is necessary to protect against a clear and substantial risk of imminent serious harm by the patient or client to the patient or client or another person and:

(a) The disclosure is limited to such persons and information as are consistent with the standards of the profession of psychology ~~[or applied behavior analysis]~~ in addressing such problems.

(b) If the patient or client is an organization, the psychologist ~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ has made a reasonable but unsuccessful attempt to correct the problems within the organization.

4. A psychologist ~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ may disclose confidential information without the informed written consent of a patient or client if:

(a) A member of the judiciary, or a court magistrate or administrator to whom authority has been lawfully delegated, orders the disclosure; or

(b) Disclosure is required by a state or federal law or regulation, including a law or regulation that requires a psychologist ~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ to report the abuse of a child or elderly person.

5. If a psychologist ~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ renders services to more than one person, including services rendered to an organization, family, couple, group, or a child and a parent, the psychologist ~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall, before he or she begins to render the services, explain to each person the relevant limitations on confidentiality during the course of the professional relationship. If appropriate, the psychologist ~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall grant to each person an opportunity to discuss and accept the limitations on confidentiality that will apply.

6. If a patient or client is a child or has a legal guardian, a psychologist ~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall, before he or she renders services, inform the patient or client to the extent that the patient or client can understand, of any legal limitations on the confidentiality of communications with the psychologist.

7. With the written consent of a patient, a psychologist ~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall provide in a timely manner to another responsible professional who is treating the patient or client any information which is important for the professional to know in making decisions concerning the ongoing diagnosis and treatment of the patient or client.

8. If a psychologist ~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ uses the case history of a patient or client in his or her teaching, research or published reports, he or she shall exercise reasonable care to ensure that all confidential information is appropriately disguised to prevent the identification of the patient or client.

9. A psychologist ~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall:

(a) Store and dispose of any written, electronic or other records in a manner which ensures the confidentiality of the content of the records;

(b) Limit access to the records of his or her patients or clients to protect the confidentiality of the information contained in the records;

(c) Ensure that all persons working under his or her authority comply with the requirements of this section to protect the confidentiality of each patient or client; and

(d) Obtain the informed written consent of a patient or client before the psychologist ~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ electronically records or allows another person to observe a diagnostic interview or therapeutic session with the patient or client.

10. As used in this section, "confidential information" means information disclosed by a patient or client to a psychologist ~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ during the course of a professional relationship, or otherwise obtained by the psychologist ~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ during the course of the relationship, if there is a reasonable expectation that because of the relationship between the patient or client and the psychologist ~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ or the circumstances under which the information was obtained, the information will not be disclosed by the psychologist ~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ without the informed written consent of the patient or client.

Sec. 17. NAC 641.229 is hereby amended to read as follows:

641.229 1. A psychologist ~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall not begin or continue a professional relationship with a patient or client if the psychologist ~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ is impaired, or has received notification from the Board that the Board reasonably suspects him or her to be

impaired, because of mental, emotional, physiological, pharmacological or substance misuse problems. If such a problem develops during the course of a professional relationship, the psychologist ~~[- licensed behavior analyst or licensed assistant behavior analyst]~~ shall:

- (a) Terminate the relationship;
- (b) Notify the patient or client in writing of the termination; and
- (c) Assist the patient or client in obtaining services from another professional.

2. A psychologist ~~[- licensed behavior analyst or licensed assistant behavior analyst]~~ shall not begin or continue a professional relationship with a patient or client if the objectivity or competency of the psychologist ~~[- licensed behavior analyst or licensed assistant behavior analyst]~~ is impaired, or if the psychologist ~~[- licensed behavior analyst or licensed assistant behavior analyst]~~ has received notification from the Board that the Board reasonably suspects his or her objectivity or competency to be impaired, because the psychologist ~~[- licensed behavior analyst or licensed assistant behavior analyst]~~ has or had a family, social, sexual, emotional, financial, supervisory, political, administrative or legal relationship with the patient or client or a person associated with or related to the patient or client.

3. If a psychologist ~~[- licensed behavior analyst or licensed assistant behavior analyst]~~ has rendered professional services to a person, the psychologist ~~[- licensed behavior analyst or licensed assistant behavior analyst]~~ shall not:

- (a) Engage in any verbal or physical behavior with the person which is sexually seductive, demeaning or harassing;
- (b) Engage in sexual contact with the person; or
- (c) Enter into a financial or other potentially exploitive relationship with the person,

→ for at least 2 years after the termination of the professional relationship, or for an indefinite time if the person is clearly vulnerable to exploitive influence by the psychologist ~~[-licensed behavior analyst or licensed assistant behavior analyst]~~ because of an emotional or cognitive disorder.

Sec. 18. NAC 641.234 is hereby amended to read as follows:

641.234 1. If a psychologist ~~[-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 ~~[-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 ~~[-licensed behavior analyst]~~ offers to other professionals an assessment procedure or automated interpretation service, he or she shall:

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

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

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

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

Sec. 19. NAC 641.239 is hereby amended to read as follows:

641.239 1. A psychologist ~~{, licensed behavior analyst or licensed assistant behavior analyst}~~ shall not directly or by implication misrepresent:

(a) His or her professional qualifications, including the education he or she has received, the experience he or she has acquired or the areas of his or her professional competence.

(b) His or her affiliations or the purposes or characteristics of the institutions and associations with which he or she is associated.

2. A psychologist ~~{, licensed behavior analyst or licensed assistant behavior analyst}~~ shall correct any other person who the psychologist ~~{, licensed behavior analyst or licensed assistant behavior analyst}~~ knows has misrepresented the professional qualifications or affiliations of the psychologist . ~~{, licensed behavior analyst or licensed assistant behavior analyst.}~~

3. A psychologist ~~{, licensed behavior analyst or licensed assistant behavior analyst}~~ shall not include false or misleading information in his or her public statements concerning the professional services he or she offers.

4. A psychologist ~~{, licensed behavior analyst or licensed assistant behavior analyst}~~ shall not guarantee that satisfaction or a cure will result from the performance of his or her professional services.

5. A psychologist ~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall not associate with or permit his or her name to be associated with any service or product in a manner which misrepresents:

- (a) The service or product;
- (b) The degree of his or her responsibility for the service or product; or
- (c) The nature of his or her association with the service or product.

6. A psychologist shall not distort, misuse or suppress any psychological finding, and shall attempt to prevent, using all reasonable means, the distortion, misuse or suppression of any psychological finding by any institution of which he or she is an employee.

Sec. 20. NAC 641.241 is hereby amended to read as follows:

641.241 1. A psychologist ~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall not aid or abet another person in misrepresenting the person's professional credentials or illegally engaging in the practice of psychology . ~~[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,]~~ 641.250, inclusive, do not relieve

a psychologist ~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ of the duty to file any report otherwise required by state or federal law or regulation.

Sec. 21. NAC 641.245 is hereby amended to read as follows:

641.245 1. A psychologist ~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall not violate any law or regulation which governs the practice of psychology . ~~{or applied behavior analysis, as applicable.}~~

2. A psychologist ~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall not use fraud, misrepresentation or deception:

- (a) To obtain a license or pass an examination required for licensure;
- (b) To assist another person in obtaining a license or passing an examination required for licensure;
- (c) In billing a patient or client or other person who is responsible for payment;
- (d) In providing his or her professional services;
- (e) In reporting the results of any evaluation or service related to the practice of psychology ; ~~{or applied behavior analysis, as applicable;}~~ or
- (f) To conduct any other activity related to the practice of psychology . ~~{or applied behavior analysis, as applicable.}~~

3. A psychologist ~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall not willfully make or file any false report, fail to file any report required by law or by the Board, willfully impede or obstruct any such filing, or induce another person to engage in any act prohibited by this subsection.

4. A psychologist ~~[, licensed behavior analyst or licensed assistant behavior analyst]~~ shall not violate any condition, limitation or term of probation imposed upon him or her by the Board.

5. A psychologist ~~{, licensed behavior analyst or licensed assistant behavior analyst}~~ shall not:

(a) Fail to make timely payments for the support of one or more children pursuant to a court order; or

(b) Fail to comply with any warrant or subpoena relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of one or more children.

Sec. 22. NAC 641.250 is hereby amended to read as follows:

641.250 1. The provisions set forth in the most recent edition of the *Ethical Principles of Psychologists and Code of Conduct* adopted by the American Psychological Association are hereby adopted by reference and incorporated herein, unless the Board gives notice that the most recent edition is not suitable for this State pursuant to subsection 3 and except to the extent that those provisions conflict with the provisions of NAC 641.200 to ~~{641.255,}~~ 641.250, inclusive, in which case the provisions of NAC 641.200 to ~~{641.255,}~~ 641.250, inclusive, are controlling. A copy of the publication is available, free of charge, at the Internet address <https://www.apa.org/ethics/code>.

2. The provisions set forth in the most recent edition of the *Code of Conduct* adopted by the Association of State and Provincial Psychology Boards are hereby adopted by reference and incorporated herein, unless the Board gives notice that the most recent edition is not suitable for this State pursuant to subsection 3 and except to the extent that those provisions conflict with the provisions of NAC 641.200 to ~~{641.255,}~~ 641.250, inclusive, in which case the provisions of NAC 641.200 to ~~{641.255,}~~ 641.250, inclusive, are controlling. A copy of the publication is available, free of charge, at the Internet address <http://www.asppb.net>.

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

Sec. 23. Chapter 641D of NAC is hereby amended by adding thereto the provisions set forth as sections 24 to 62, inclusive, of this regulation.

Sec. 24. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 25 to 29, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. 25. *“Hour of continuing education” means 50 minutes of continuing education, not including time for meals or breaks.*

Sec. 26. *“Licensee” means a behavior analyst or assistant behavior analyst.*

Sec. 27. *“Registrant” means a registered behavior technician.*

Sec. 28. *“Supervision” means a collaborative process for the responsible, periodic review and inspection of all aspects of any practice of applied behavior analysis.*

Sec. 29. *“Supervisor” means a person authorized by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, to supervise an assistant behavior analyst or a registered behavior technician.*

Sec. 30. To be eligible to obtain a license as a behavior analyst or assistant behavior analyst or registration as a registered behavior technician, a person must:

- 1. Submit to the Board an application and all applicable accompanying materials as required by NRS 641D.300 to 641D.350, inclusive;*
- 2. Pay each applicable fee, as set forth in section 45 of this regulation;*
- 3. Not have been convicted of a crime listed in NAC 641D.600;*
- 4. For a license as a behavior analyst or assistant behavior analyst, submit to the Board proof that the person:*

(a) Has not been the subject of any disciplinary action by and is not the subject of any outstanding complaints or charges pending before:

- (1) A licensing or certifying authority of another jurisdiction; or*
- (2) The Behavior Analyst Certification Board, Inc., or any successor in interest to that organization; and*

(b) Has passed the state examination administered by the Board pursuant to section 40 of this regulation; and

- 5. For a license as an assistant behavior analyst or registration as a registered behavior technician, provide to the Board notice of employment and supervision that complies with NRS 641D.610 and the provisions of the "Board Certified Behavior Analyst Handbook," "Board Certified Assistant Behavior Analyst Handbook" or "Registered Behavior Technician Handbook," as applicable, adopted by reference in section 46 of this regulation.*

Sec. 31. For any application submitted to the Board, the Board may request additional information or an oral interview, or both, as the Board designates.

Sec. 32. 1. *An application for the issuance of a license or registration must be deemed to be complete before the Board will approve the application and issue a license or registration.*

2. An application will be deemed complete if:

(a) The applicant has complied with all of the requirements set forth in sections 30 and 31 of this regulation; and

(b) The Board has received a report on the criminal history of the applicant from the Federal Bureau of Investigation and any other law enforcement agency the Board deems necessary.

3. An application which is not deemed complete within 180 days after the date on which the application is submitted expires unless the applicant submits to the Board a request for an extension and the Board approves the request.

4. An applicant may withdraw his or her application by submitting to the Board a written request for withdrawal within 60 days after the date on which the applicant submitted the application.

5. Any fees submitted to the Board with an application that is:

(a) Expired are nonrefundable; and

(b) Withdrawn will be refunded, less a fee of \$50 for record processing.

Sec. 33. *A license or registration issued by the Board, including, without limitation, a license which has been placed on inactive status pursuant to NAC 641D.180 expires at midnight on December 31 of each even-numbered year.*

Sec. 34. 1. *To renew his or her license, a licensee must submit to the Board:*

- (a) *An application for renewal and all accompanying materials as required by NRS 641D.330 and 641D.360;*
- (b) *Payment of the applicable fee for renewal as set forth in section 45 of this regulation;*
- and*
- (c) *The evidence required by paragraph (c) of subsection 1 of NRS 641D.360, which must consist of:*

(1) Documentation indicating that the licensee holds a current certification as a Board Certified Behavior Analyst, Board Certified Behavior Analyst - Doctoral or Board Certified Assistant Behavior Analyst, as applicable, issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization; and

(2) Documentation indicating that the licensee has satisfied the continuing education requirements set forth in paragraphs (b) and (c) of subsection 1 of section 37 of this regulation.

2. In addition to the requirements set forth in subsection 1, each licensee who applies to renew his or her license must certify that:

(a) The licensee has satisfied the continuing education requirements set forth in section 37 of this regulation; and

(b) The documentation submitted pursuant to subparagraph (2) of paragraph (c) of subsection 1 is true and accurate.

3. Each licensee shall retain evidence of the completion of the continuing education required by section 37 of this regulation for at least 7 years after the completion of that continuing education. Evidence of completion of the continuing education required by:

(a) Paragraph (a) of subsection 1 of section 37 of this regulation includes, without limitation, documentation of completion from the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization.

(b) Paragraphs (b) and (c) of subsection 1 of section 37 of this regulation includes, without limitation, a certificate of completion or similar document attesting that the licensee completed the continuing education and containing the name of the licensee, the date on which the licensee attended the course and the number of hours of continuing education completed.

4. Upon request of the Board, a licensee must provide evidence of his or her completion of continuing education.

Sec. 35. 1. *To renew his or her registration, a registrant must submit to the Board:*

(a) An application for renewal and all accompanying materials as required by NRS 641D.330 and 641D.360;

(b) Payment of the fee for renewal, as set forth in section 45 of this regulation;

(c) The evidence required by subparagraph (2) of paragraph (c) of subsection 1 of NRS 641D.360 which must consist of documentation indicating that the registrant holds a current certification as a Registered Behavior Technician issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization;

(d) Notice of employment and supervision that complies with NRS 641D.610 and the applicable provisions of the publications adopted by reference in section 46 of this regulation; and

(e) For the third renewal of the registration and every third renewal thereafter, at least 90 days before the expiration of the registration, proof that the registrant has complied with the requirements set forth in subsection 2 of NRS 641D.360.

2. *A registrant is not required to complete any continuing education to renew his or her registration as a registered behavior technician.*

Sec. 36. 1. *A license or registration that has been expired for not more than 60 days may be reinstated retroactively to the date of expiration of the license or registration if the licensee or registrant satisfies all requirements for renewal of the license or registration and pays the fee for the late renewal of a license or registration set forth in section 45 of this regulation.*

2. *A registration as a registered behavior technician that has been expired for more than 60 days may not be reinstated.*

3. *To reinstate a license as a behavior analyst or an assistant behavior analyst that has been expired for a period of at least 60 days but less than 2 years, a person must:*

(a) Submit to the Board:

(1) A request for reinstatement;

(2) Documentation indicating that the person holds a current certification as a Board Certified Behavior Analyst, Board Certified Behavior Analyst - Doctoral or Board Certified Assistant Behavior Analyst, as applicable, issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization;

(3) Documentation indicating that the person has satisfied the continuing education requirements set forth in paragraphs (b) and (c) of subsection 1 of section 37 of this regulation during the 2-year period immediately preceding the date on which the person submits a request for reinstatement;

(4) Payment for the applicable fee for reinstatement of the license as set forth in section 45 of this regulation;

(5) Proof that the person has not been the subject of any disciplinary action by and is not the subject of any outstanding complaints or charges pending against him or her before:

(I) A licensing or certifying authority of another jurisdiction; or

(II) The Behavior Analyst Certification Board, Inc., or any successor in interest to that organization; and

(6) For the reinstatement of a license as an assistant behavior analyst, proof of employment and supervision upon reinstatement of the license that complies with NRS 641D.610 and the applicable provisions of the publications adopted by reference in section 46 of this regulation.

(b) Have passed the state examination administered by the Board pursuant to section 40 of this regulation within the year immediately preceding the date on which the person submits a request for reinstatement; and

(c) Certify that the person has not engaged in the practice of applied behavior analysis in this State on or after the date on which the license expired.

4. A license that is reinstated pursuant to subsection 3:

(a) Will not be reinstated retroactively; and

(b) Will contain a new license number and date of issuance.

Sec. 37. 1. Except as otherwise provided in section 38 of this regulation, during the 2 years immediately preceding the date on which a licensee submits an application for the renewal of his or her license, the licensee must complete:

(a) The continuing education required by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, to maintain his or her certification;

(b) At least 2 hours of instruction in evidence-based suicide prevention and awareness; and

(c) *At least 6 hours of instruction in cultural competency and diversity, equity and inclusion.*

2. *If a licensee misrepresents the completion of continuing education, he or she will be subject to discipline, including, without limitation, suspension, revocation or nonrenewal of his or her license.*

3. *The Board may conduct random audits of licensees to ensure compliance with the requirements set forth in this section.*

Sec. 38. 1. *The Board may grant a licensee an extension to complete all or part of the requirements for continuing education set forth in section 37 of this regulation if the licensee:*

(a) *Submits a written request for an extension; and*

(b) *Provides evidence satisfactory to the Board of an extenuating circumstance which does not allow for the completion of the required continuing education before the date on which the license will expire.*

2. *If the Board grants an extension, the licensee must complete the continuing education not more than 60 days after the date on which the license expires.*

3. *If the Board does not grant an extension, or if the continuing education is not completed within the period specified in subsection 2:*

(a) *The Board will deny the application for renewal of the license; and*

(b) *The license will be deemed to expire on the date specified in section 33 of this regulation.*

4. *As used in this section, "extenuating circumstance" includes, without limitation, extreme:*

(a) *Illness or injury;*

(b) Financial hardship; or

(c) Family hardship.

Sec. 39. 1. A person who holds or previously held a license or registration issued by the Board who is not in good standing may request that the Board send a letter of written verification to another organization or state verifying his or her license or registration if the person submits to the Board:

(a) A written request for such a letter; and

(b) The fee for a letter of written verification set forth in section 45 of this regulation.

2. A person who holds a license or registration issued by the Board who is in good standing may request that the Board send a letter of good standing to another organization or state verifying his or her license or registration if the person submits to the Board:

(a) A written request for such a letter; and

(b) The fee for a letter of good standing set forth in section 45 of this regulation.

3. A letter which the Board provides to another organization or state pursuant to subsection 1 or 2 must contain, without limitation:

(a) The name of the person who holds or previously held the license or registration;

(b) The professional title of the person;

(c) The license or registration number of the person;

(d) A statement identifying whether the person is in good standing; and

(e) A statement identifying whether any disciplinary action is pending or has been taken against the person.

4. For the purposes of this section, a person is in good standing if he or she:

(a) Has substantially complied with the laws and regulations governing the practice of applied behavior analysis in this State; or

(b) Has been subject to disciplinary action and:

(1) The disciplinary action did not result in the suspension or revocation of the person's license or registration; and

(2) The person has successfully completed or is complying with any terms and conditions imposed by the Board pursuant to the disciplinary action.

Sec. 40. 1. *The Board will administer a state examination to each applicant for a license as a behavior analyst or 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 and regulations relevant to the practice of applied behavior analysis in this State.

3. An applicant for licensure must take and pass the state examination within 30 days after the date on which the applicant submits his or her application for licensure.

4. The fee for the state examination set forth in section 45 of this regulation must be paid when the application is submitted.

5. An applicant who fails the state examination may retake the examination upon payment of the fee for the state examination set forth in section 45 of this regulation.

6. An applicant shall not:

(a) Share access to the site of 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.

Sec. 41. 1. *Each licensee or registrant shall file with the Board:*

(a) His or her contact information, including, without limitation, his or her current residential address;

(b) The name of his or her employer; and

(c) The address of his or her place of employment.

2. *A licensee or registrant shall notify the Board of any change in his or her residential address within 30 days after the date of the change.*

3. *If the Board is required to deliver any notice by mail to a licensee or registrant, the Board will mail the notice to the last residential address of the licensee or registrant which was filed with the Board.*

Sec. 42. *A licensee or registrant:*

1. *Shall display his or her license or registration in a conspicuous place on the premises of his or her office or place of employment. A licensee or registrant practicing outside of an office must have his or her license or registration available for production upon request.*

2. *Shall not alter his or her license or registration.*

Sec. 43. *If a licensee or registrant changes his or her legal name after his or her license or registration is issued, the licensee or registrant must submit to the Board, within 30 days after the change:*

1. *Proof satisfactory to the Board that his or her name was legally changed; and*

2. *Payment of the fee for a change of name on a license or registration set forth in section 45 of this regulation.*

Sec. 44. *A licensee or registrant shall respond within 30 days after receiving a communication from the Board and shall provide to the Board any relevant information and make available any relevant records with respect to an inquiry or request from the Board.*

Sec. 45. 1. *The Board will charge and collect the following fees:*

(a) For a behavior analyst:

<i>For an application for licensure.....</i>	<i>\$100</i>
<i>For the issuance of an initial license.....</i>	<i>400</i>
<i>For the biennial renewal of a license.....</i>	<i>400</i>
<i>For the late renewal of a license.....</i>	<i>50</i>
<i>For the reinstatement of a license.....</i>	<i>500</i>
<i>For the placement of a license on inactive status.....</i>	<i>100</i>
<i>For the biennial renewal of a license on inactive status.....</i>	<i>100</i>
<i>For the restoration to active status of a license on inactive status if the restoration occurs during the first year of the biennium in which the license was issued or renewed.....</i>	<i>300</i>
<i>For the restoration to active status of a license on inactive status if the restoration occurs during the second year of the biennium in which the license was issued or renewed.....</i>	<i>100</i>

(b) For an assistant behavior analyst:

<i>For an application for licensure.....</i>	<i>\$100</i>
<i>For the issuance of an initial license.....</i>	<i>275</i>
<i>For the biennial renewal of a license.....</i>	<i>275</i>
<i>For the late renewal of a license.....</i>	<i>50</i>

<i>For the reinstatement of a license</i>	<i>325</i>
<i>For the placement of a license on inactive status</i>	<i>100</i>
<i>For the biennial renewal of a license on inactive status.....</i>	<i>100</i>
<i>For the restoration to active status of a license on inactive status if the restoration occurs during the first year of the biennium in which the license was issued or renewed.....</i>	<i>175</i>
<i>For the restoration to active status of a license on inactive status if the restoration occurs during the second year of the biennium in which the license was issued or renewed.....</i>	<i>40</i>
<i>(c) For a registered behavior technician:</i>	
<i>For the issuance of an initial registration.....</i>	<i>\$70</i>
<i>For the biennial renewal of a registration</i>	<i>70</i>
<i>For the late renewal of a registration.....</i>	<i>50</i>
<i>(d) For the state examination administered by the Board pursuant to section 40 of this regulation.....</i>	<i>Actual costs to the Board plus \$100</i>
<i>(e) For a dishonored payment.....</i>	<i>\$25</i>
<i>(f) For a change of name on a license or registration.....</i>	<i>\$25</i>
<i>(g) For a letter of written verification or letter of good standing requested pursuant to section 39 of this regulation.....</i>	<i>\$15</i>

2. *The Board will determine annually the actual costs to the Board for the state examination administered by the Board pursuant to section 40 of this regulation for the purposes of determining the fee charged and collected pursuant to subsection 1.*

3. *If an applicant for an initial license or registration is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran, the Board will charge one-half of the fee set forth in subsection 1 for an initial license or registration.*

4. *The fees for an initial license or the reinstatement of a license that has been expired for at least 60 days but less than 2 years will be prorated quarterly, based on the date of application for the initial license or the date of the request for reinstatement of the license.*

Sec. 46. 1. *The provisions which set forth the guidelines for the supervision of assistant behavior analysts and registered behavior technicians which are contained in the most recent versions of the "Board Certified Behavior Analyst Handbook," "Board Certified Assistant Behavior Analyst Handbook" and "Registered Behavior Technician Handbook" provided by the Behavior Analyst Certification Board, Inc., or any successor in interest to that 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 this chapter, in which case the provisions of this chapter will control. A copy of the publications adopted by reference pursuant to this subsection may be obtained, free of charge, from the Behavior Analyst Certification Board, Inc., at the Internet address <https://www.bacb.com>.*

2. *If a 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. 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.

Sec. 47. *A licensee who supervises an assistant behavior analyst, a registered behavior technician or a person who does not hold a license or registration issued by the Board must:*

- 1. Meet the qualifications required by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, for supervising a person engaged in the practice of applied behavior analysis; and*
- 2. Hold an active license issued by the Board to practice applied behavior analysis.*

Sec. 48. *1. A supervisor shall maintain all records relating to the supervision of a person engaged in the practice of applied behavior analysis, including, without limitation, records required to be maintained pursuant to section 52 of this regulation, for not less than 7 years after the last date of supervision. Upon request, such records must be made available for inspection by the Board.*

2. A supervisor shall notify the Board within 30 days after his or her supervision of a person engaged in the practice of applied behavior analysis is completed or terminated.

Sec. 49. *1. The provisions which set forth the standards of practice and conduct for behavior analysts, assistant behavior analysts and registered behavior technicians which are contained in the most recent versions of the "Ethics Code for Behavior Analysts" and the "RBT Ethics Code (2.0)" provided by the Behavior Analyst Certification Board, Inc., or any*

successor in interest to that 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 this chapter, in which case the provisions of this chapter will control. A copy of the provisions adopted by reference pursuant to this subsection may be obtained, free of charge, from the Behavior Analyst Certification Board, Inc., at the Internet address <https://www.bacb.com>.

2. If a 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. 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.

Sec. 50. 1. The provisions of this chapter:

(a) Apply to the conduct of any licensee, registrant or person who applies for licensure or registration pursuant to this chapter and chapter 641D of NRS, including, without limitation, conduct during any period of education, training or employment required for licensure or registration.

(b) Constitute the standards of conduct which a licensee or registrant shall follow in the provision of services.

2. *A violation of the provisions of this chapter constitutes unprofessional conduct and is grounds for disciplinary action or the denial of an application for an initial license or registration or the renewal or reinstatement of a license or registration.*

Sec. 51. *If a licensee, registrant or person being supervised by a licensee 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 licensee, registrant or person being supervised by a licensee 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; and*

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 licensee, registrant or person being supervised by a licensee and the child or protected person during the course of the professional relationship.*

Sec. 52. 1. *A licensee shall maintain a record for each patient or client for not less than 7 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 7 years after the last date that service was rendered or for 1 year after the patient or client reaches 21 years of age, whichever is longer. A licensee shall comply with all other state and federal laws and regulations concerning the maintenance of records, including, without limitation, a law or*

regulation which requires him or her to maintain records for a longer period than required by this subsection.

2. A licensee shall comply with all state and federal laws governing the right of a patient or client to have access to his or her records.

Sec. 53. 1. During the course of a professional relationship with a patient or client and after the relationship is terminated, a licensee or registrant 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 licensee or registrant may disclose confidential information only if the patient or client provides informed written consent.

2. A licensee or registrant 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, without limitation, a law or regulation that requires a licensee or registrant to report the abuse of a child or elderly person.

3. As used in this section, "confidential information" means information disclosed by a patient or client to a licensee or registrant during the course of a professional relationship, or otherwise obtained by the licensee or registrant during the course of the relationship, if there is a reasonable expectation that because of the relationship between the patient or client and the licensee or registrant or the circumstances under which the information was obtained, the

information will not be disclosed by the licensee or registrant without the informed written consent of the patient or client.

Sec. 54. *1. A licensee or registrant shall not:*

(a) Aid or abet another person in misrepresenting the person's professional credentials or illegally engaging in the practice of applied behavior analysis.

(b) 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.

2. If a licensee or registrant has substantial reason to believe that a person has violated any provision of this chapter or chapter 641D of NRS, he or she shall inform the Board in writing of the violation, except that if the licensee or registrant 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 this chapter do not relieve a licensee or registrant of the duty to file any report otherwise required by state or federal law or regulation.

Sec. 55. *A licensee or registrant shall not:*

1. Violate any law or regulation which governs the practice of applied behavior analysis.

2. Use fraud, misrepresentation or deception:

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

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

(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 applied behavior analysis; or

(f) To conduct any other activity related to the practice of applied behavior analysis.

3. 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. Violate any condition, limitation or term of probation imposed upon him or her by the Board.

5. Fail to make timely payments for the support of one or more children pursuant to a court order.

6. 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.

7. Fail to comply with the mandatory reporting requirements for abuse or neglect of a child required pursuant to NRS 432B.220.

Sec. 56. 1. *Any person who believes that a licensee or registrant has violated a provision of this chapter or chapter 641D of NRS may file a complaint with the Board on a form provided by the Board.*

2. The Board may, on its own, initiate a complaint against a licensee or registrant.

3. A complaint must, without limitation:

(a) Identify one or more grounds for disciplinary action; and

(b) Contain a statement of facts in sufficient detail to enable the Board to understand the allegations.

4. The Board, in consultation with legal counsel, will review each complaint and decide if the complaint merits an investigation.

5. For any proceedings regarding a complaint filed against an assistant behavior analyst or registered behavior technician, the Board may require that the assistant behavior analyst or registered behavior technician be accompanied by the supervisor who signed, dated or reviewed a record regarding a patient or client related to the complaint.

Sec. 57. *In addition to the acts specified in NRS 641D.700, the following acts, among others, constitute unprofessional conduct:*

1. Engaging in the practice of applied behavior analysis when unable to do so with reasonable skill and safety to patients and clients because of the use of alcohol or any controlled substance, or because of any mental or physical condition or illness suffered by the licensee or registrant;

2. Being guilty of negligence in the practice of applied behavior analysis;

3. Allowing another person to use the license or registration issued to the licensee or registrant;

4. Failing to report or otherwise concealing information related to a violation of this chapter or chapter 641D of NRS which could result in harm to the public health and welfare;

5. Intentionally making or filing a false or misleading report;

6. Failing to file a report which is required by law or a third person or intentionally obstructing or attempting to obstruct another person from filing such a report;

7. *Intentionally harassing, abusing or intimidating a patient, client, employer, employee, colleague or other person, either physically or verbally, including, without limitation, sexual harassment, abuse or intimidation;*

8. *Failing to notify the Board of disciplinary action imposed upon the licensee, registrant or applicant for licensure by a regulatory authority in another jurisdiction in which the licensee, registrant or applicant currently holds or held a license or registration;*

9. *Divulging, without the consent of a patient or client, information gained within the context of a professional relationship with the patient or client, unless otherwise required by law;*

10. *Failing to obtain the informed consent of a patient or client before engaging in scientific research involving the patient or client;*

11. *Violating a provision of the "Ethics Code for Behavior Analysts" or "RBT Ethics Code," as applicable, adopted by reference in section 49 of this regulation;*

12. *Violating a provision of the "Board Certified Behavior Analyst Handbook," "Board Certified Assistant Behavior Analyst Handbook" or "Registered Behavior Technician Handbook," as applicable, adopted by reference in section 46 of this regulation;*

13. *Referring or appearing to refer a patient or client to a third person to receive a fee or other consideration from the third person;*

14. *Recommending or prescribing therapeutic devices or modalities sold by a third person to receive a fee or other consideration from the third person;*

15. *Advertising in a manner that tends to deceive or mislead the public or advertising deceptive or misleading information;*

16. *Making false statements, providing false information or omitting pertinent information in connection with an application for or renewal of a license or registration;*
17. *Misrepresenting or falsifying credentials, including, without limitation, those relating to education, training, experience and areas of competency;*
18. *Practicing or offering to practice beyond the scope authorized by law; and*
19. *Performing professional services which the licensee or registrant knows he or she is not competent to perform.*

Sec. 58. *If the Board determines that a licensee or registrant is guilty of committing any acts that constitute unprofessional conduct pursuant to section 57 of this regulation and does not suspend or revoke his or her license or registration, the Board will impose, as it deems appropriate, one or more of the following conditions on the use of that license or registration:*

1. *The acceptance of a public reprimand by the Board;*
2. *A fine of not more than \$5,000;*
3. *Probation for a specified period or until further order of the Board;*
4. *The successful completion of a program of counseling, remedial education or treatment approved by the Board;*
5. *Supervision of the professional work of the licensee or registrant by a person approved by the Board;*
6. *The repayment to a patient or client of all money collected by the licensee or registrant in connection with the unprofessional conduct;*
7. *The successful completion of a physical or mental examination or an examination testing the competence of the person; or*
8. *Such other disciplinary action as the Board considers necessary and appropriate.*

Sec. 59. 1. Upon a determination that a complaint filed with the Board alleges a violation of any provision of a publication adopted by reference in section 46 or 49 of this regulation, the Board will refer the complaint to the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, for investigation of the complaint.

2. If the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, finds the allegations in the complaint referred pursuant to subsection 1 are substantiated and imposes disciplinary action, the Board will accept the findings of the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, and deem the complaint valid. The Board may impose disciplinary action pursuant to this subsection in accordance with the provisions of this chapter.

Sec. 60. Pursuant to NRS 622.400, the Board may recover from a person reasonable attorney's fees and costs relating to any disciplinary proceedings involving the person.

Sec. 61. A witness who participates in a proceeding held by the Board is entitled to receive fees and reimbursement for mileage in the same amounts and under the same conditions as for witnesses in the courts of this State.

Sec. 62. 1. The Board may act on its own motion. Any other request for the adoption, amendment or repeal of a regulation of the Board or for a formal hearing by the Board must be submitted to the Board as a petition.

2. Any interested person may submit a petition to the Board for the adoption, amendment or repeal of a regulation of the Board or for a formal hearing by the Board.

3. The petition must be in writing and addressed to the President of the Board.

4. *An original and two legible copies of the petition must be filed with the Board. The Board may, when appropriate, direct that a copy of each petition be made available to any other person who the Board determines may be affected by the petition.*

5. *The petition must contain:*

(a) *The full name and mailing address of the petitioner;*

(b) *If the adoption of a new regulation is proposed, the body or substance of the proposed regulation and the supporting facts and arguments for the adoption thereof;*

(c) *If the amendment or repeal of an existing regulation is proposed, the specific section of the Nevada Administrative Code that the petitioner is proposing to amend or repeal and the supporting facts and arguments for the amendment or repeal thereof;*

(d) *If a formal hearing by the Board is requested, the relevant facts which support the request; and*

(e) *A statement that the petition is made in accordance with the applicable provisions of the Nevada Revised Statutes and the Nevada Administrative Code.*

6. *The petition must be signed by the petitioner. The signature constitutes a representation by the signer that:*

(a) *He or she has read the petition;*

(b) *To the best of his or her knowledge, information and belief, the statements made therein are true; and*

(c) *The petition is not interposed for delay.*

7. *Upon receipt of such a petition, the Board will, if necessary, request the petitioner clarify the request.*

Sec. 63. NAC 641D.180 is hereby amended to read as follows:

641D.180 1. A ~~{behavior analyst or assistant behavior analyst}~~ licensee may have his or her license placed on inactive status ~~{for not more than 3 years}~~ by submitting a written request to the Division and paying the fee required by ~~{NAC 641D.200}~~ *section 45 of this regulation*.

2. A person whose license is placed on inactive status shall not engage in the practice of applied behavior analysis while the license is inactive.

3. To renew a license that has been placed on inactive status and keep the license on inactive status, a person must submit to the ~~{Division}~~ *Board*:

(a) An application to renew the license; and

(b) The fee required by ~~{NAC 641D.200}~~ *section 45 of this regulation* for the biennial renewal of a license on inactive status.

4. A person whose license is placed on inactive status *is not required to complete any continuing education to renew the license*.

5. *A person whose license is place on inactive status may {apply to} request that the {Division to} Board restore the license to active status. The Board {may} will restore the license to active status upon {the completion of an investigation of the criminal history of the applicant in the manner prescribed in paragraph (b) of subsection 1 of NRS 641D.300 which demonstrates that the applicant has not been convicted of a crime listed in NRS 641D.700 or NAC 641D.600 and receipt of:}*

(a) ~~{The application;}~~ *Submission of a written request for the restoration of the license;*

(b) ~~{The}~~ *Payment of the fee required by {NAC 641D.200} section 45 of this regulation* for the restoration to active status of a license on inactive status;

(c) ~~{Proof}~~ *Submission of proof that the {applicant is currently certified by} person complete the {Behavior Analyst Certification Board, Inc., or any successor in interest to that organization,*

~~as a Board Certified Behavior Analyst or Board Certified Assistant Behavior Analyst, as applicable;]~~ *requirements for continuing education set forth in section 37 of this regulation during the 2 years immediately preceding the date the request is submitted;*

(d) If the ~~{applicant}~~ *person* has engaged in the practice of applied behavior analysis in another jurisdiction while his or her license was on inactive status, proof that the ~~{applicant}~~ *person* is in good standing with no disciplinary proceedings pending against him or her in that jurisdiction ~~{or before the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization;}~~ ; and

(c) ~~{An investigation of the criminal history of the applicant in the manner prescribed in paragraph (b) of subsection 1 of NRS 641D.300; and~~

~~—(f) Any other proof}~~ *If the Board {may require to determine whether the applicant} determines that it is {qualified and competent} necessary, successful completion of the state examination administered by the Board pursuant to {engage in the practice} section 40 of {applied behavior analysis;} this regulation.*

Sec. 64. NAC 641D.600 is hereby amended to read as follows:

641D.600 1. In addition to the grounds specified in NRS 641D.700 and ~~{NAC 641D.140,}~~ *section 57 of this regulation*, the Board may take disciplinary action against a ~~{behavior analyst, assistant behavior analyst}~~ *licensee* or ~~{registered behavior technician}~~ *registrant* who:

(a) Is convicted of:

- (1) Murder, voluntary manslaughter or mayhem;
- (2) Assault or battery with intent to kill or to commit sexual assault or mayhem;
- (3) Sexual assault, statutory sexual seduction, incest or lewdness, indecent exposure, prostitution, solicitation for prostitution or any other sexually related crime;

(4) A crime involving domestic violence;

(5) Abuse or neglect of a child or contributory delinquency;

(6) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS, within the immediately preceding 7 years;

(7) Abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;

(8) A violation of any provision of NRS 422.450 to 422.590, inclusive;

(9) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property, within the immediately preceding 7 years;

(10) Any felony involving the use or threatened use of force or violence against the victim or the use of a firearm or other deadly weapon; or

(11) An attempt or conspiracy to commit any of the offenses listed in this paragraph.

(b) ~~{Employs in a business related to applied behavior analysis any person who has been convicted of a crime listed in paragraph (a).~~

~~—(e)}~~ Has a substantiated report of child abuse or neglect filed against him or her and practices applied behavior analysis for a facility, hospital, agency, program or home, as defined in NRS 449.119, that provides residential services to children.

2. The license of a ~~{behavior analyst or assistant behavior analyst}~~ *licensee* or registration of a ~~{registered behavior technician}~~ *registrant* who is charged with a crime listed in paragraph (a) of subsection 1 is automatically suspended pending a hearing to be held by the Board not later

than 14 days after the suspension. At the hearing, the Board may determine to continue the suspension until final resolution of the criminal charges if it finds by a preponderance of the evidence that the ~~{behavior analyst, assistant behavior analyst}~~ licensee or ~~{registered behavior technician}~~ registrant committed the crime with which he or she is charged.

3. A ~~{behavior analyst, assistant behavior analyst}~~ licensee or ~~{registered behavior technician}~~ registrant shall provide written notice to the ~~{Division}~~ Board within 24 hours after being charged with a crime listed in paragraph (a) of subsection 1.

4. The Board may impose disciplinary action upon finding by a preponderance of the evidence that ~~{any}~~ :

(a) *Any of the grounds for disciplinary action listed in this section , subsection 3 of section 37 of this regulation or NRS 641D.700 exist ~~{-}~~ ; or*

(b) *The person who is the subject of the disciplinary action has committed any act constituting unprofessional conduct pursuant to this chapter.*

5. As used in this section, “preponderance of the evidence” has the meaning ascribed to it in NRS 233B.0375.

Sec. 65. NAC 641.003, 641.008, 641.0085, 641.029, 641.031, 641.063, 641.083, 641.113, 641.1363, 641.209, 641.213, 641.255, 641D.090, 641D.100, 641D.120, 641D.140, 641D.160, 641D.200 and 641D.300 are hereby repealed.

TEXT OF REPEALED SECTIONS

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

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

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

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

1. The Board will issue a license as a licensed behavior analyst to an applicant who:
 - (a) Meets the requirements of subsection 2 of NRS 641.170;
 - (b) Has been certified as a behavior analyst by the Behavior Analyst Certification Board, Inc., or its successor organization;
 - (c) Has not been convicted of a felony;
 - (d) Has not been subject to disciplinary action as a behavior analyst in another jurisdiction;
 - (e) Does not have any outstanding complaints or charges pending against him or her as a behavior analyst in another jurisdiction;
 - (f) Has not previously been denied licensure by the Board;
 - (g) Has passed the state examination administered by the Board pursuant to NAC 641.113;

(h) Submits to the Board the appropriate application and fees and three letters of professional reference that attest without reservation to the professional competence, moral character and current fitness to practice of the applicant; and

(i) Complies with subsection 1 of NRS 641.160 by submitting:

(1) A complete set of the applicant's fingerprints to the Board with written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation; or

(2) Verification to the Board that the applicant's fingerprints were forwarded to the Central Repository by the law enforcement agency or other authorized entity taking the fingerprints.

2. The Board may require an applicant to appear before the Board to demonstrate the applicant's:

(a) Moral character;

(b) Current fitness to practice as a licensed behavior analyst; and

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

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

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

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

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

- (a) Meets the requirements of subsection 3 of NRS 641.170;
- (b) Has been certified as an assistant behavior analyst by the Behavior Analyst Certification Board, Inc., or its successor organization;
- (c) Has not previously been convicted of a felony;
- (d) Has not been subject to disciplinary action as an assistant behavior analyst in another jurisdiction;
- (e) Does not have any outstanding complaints or charges pending against him or her as an assistant behavior analyst in another jurisdiction;
- (f) Has not previously been denied licensure by the Board;
- (g) Has passed the state examination administered by the Board pursuant to NAC 641.113;
- (h) Submits to the Board the appropriate application and fees and three letters of professional reference that attest without reservation to the professional competence, moral character and current fitness to practice of the applicant; and
- (i) Complies with subsection 1 of NRS 641.160 by submitting:
 - (1) A complete set of the applicant's fingerprints to the Board with written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation; or

(2) Verification to the Board that the applicant's fingerprints were forwarded to the Central Repository by the law enforcement agency or other authorized entity taking the fingerprints.

2. The Board may require an applicant to appear before the Board to demonstrate the applicant's:

- (a) Moral character;
- (b) Current fitness to practice as a licensed assistant behavior analyst; and
- (c) Intent to practice as a licensed assistant behavior analyst in a manner consistent with the applicant's education, training and experience.

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

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

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

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

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

641.083 Supervision of licensed assistant behavior analysts and registered behavior technicians. (NRS 641.100, 641.110)

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 a registered behavior technician must supervise the registered behavior technician during at least 10 percent of the hours the registered behavior technician 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 registered behavior technician who is being supervised by the supervisor.

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

1. The Board will administer a state examination to each applicant for a license as a licensed behavior analyst or a licensed assistant behavior analyst.

2. The state examination will consist of questions addressing the practice of applied behavior analysis, including, without limitation, federal and state laws, ethical principles and codes of professional conduct relevant to the practice of applied behavior analysis in this State. At least 30 days before the state examination is administered, the Board will furnish a description of the content to be covered in the examination to each applicant.

3. An applicant who fails the state examination:

(a) Once or twice may retake the state examination.

(b) Three times may not retake the state examination unless the applicant requests permission and obtains approval from the Board to retake the state examination for a fourth time. The applicant must submit to the Board a written request to retake the state examination and a written plan explaining the steps the applicant will take to pass the state examination. The Board will approve the request to retake the state examination if the Board determines that the written plan submitted by the applicant is likely to result in the applicant passing the state examination.

(c) Four or more times may not retake the state examination except as otherwise provided in this paragraph, and his or her application for licensure pursuant to NRS 641.160 is deemed denied. A person whose application is deemed denied pursuant to this paragraph may, not earlier than 18 months after the date on which he or she is notified by the Board that he or she failed that state examination for the immediately preceding time, request permission in writing from the

Board to reapply for licensure and retake the state examination. The Board will, if good cause is shown, approve the request.

4. The fee for the state examination must be paid before the examination is administered. A fee must be paid each time the applicant takes the state examination.

5. An applicant shall not:

- (a) Remove any notes taken during the state examination;
- (b) Record the state examination by electronic or other means; or
- (c) Engage in any other conduct that results in the disclosure of the contents of the state examination.

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

1. To renew his or her license, a licensed behavior analyst or licensed assistant behavior analyst must certify to the Board that during the 2 years immediately preceding the date he or she submits an application for renewal, the applicant has completed 30 hours of continuing education that is approved by the Board. At least 6 hours must include instruction in scientific and professional ethics and standards, and common areas of professional misconduct. At least 2 hours must include instruction in evidence-based suicide prevention and awareness. Not more than 15 hours may be obtained from an approved home study course.

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

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

(a) A workshop, seminar, class or home study course in psychology, applied behavior analysis or a closely related discipline which maintains an attendance roster and which is:

(1) Conducted under the auspices of an accredited college or university offering undergraduate- or graduate-level instruction; or

(2) Certified or recognized by a state, regional, national or international accrediting agency, including, without limitation:

(I) The American Association for Marriage and Family Therapy;

(II) The American Counseling Association;

(III) The American Medical Association;

(IV) The American Psychiatric Association;

(V) The American Psychological Association;

(VI) The Association for Behavior Analysis International;

(VII) The Behavior Analyst Certification Board, Inc.;

(VIII) The International Congress of Psychology; and

(IX) The National Association of Social Workers; or

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

4. Before a licensed behavior analyst or a licensed assistant behavior analyst may receive credit for continuing education for a course in scientific and professional ethics and standards, and common areas of professional misconduct or a course in evidence-based suicide prevention and awareness, he or she must submit information concerning the course to the Board for

approval of the course, unless the Board has previously approved the course. The Board will make available at its office a list of courses and programs that are currently approved by the Board.

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

A licensed behavior analyst or licensed assistant behavior analyst:

1. Shall limit his or her practice and supervision to the areas in which he or she has acquired competence through education, training and experience.
2. Shall not, except in an emergency in which the life or health of a person is in danger, practice or offer to practice beyond the scope of his or her license, or perform any professional service which the licensed behavior analyst or licensed assistant behavior analyst knows, or has reason to know, that he or she is not competent to perform.
3. Shall not engage in conduct in the practice of applied behavior analysis which evidences moral unfitness to practice the profession.
4. Shall maintain competence in the areas in which he or she practices through continuing education, consultation or other methods, in conformance with current standards of scientific and professional knowledge.
5. Shall use every reasonable effort to ensure that all services provided to clients are adequate in degree and scope, and conform to the highest professional standards.
6. Shall, if acquiring experience in a method, service or technique for treatment or evaluation that is either new to the licensed behavior analyst or licensed assistant behavior analyst or new to the profession:

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

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

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

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

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

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

(a) Another professional; or

(b) Appropriate technical or administrative resources.

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

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

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

(a) Shall display his or her license in a conspicuous place on the premises of his or her office or place of employment. A licensed behavior analyst or licensed assistant behavior analyst practicing outside of an office must have his or her wallet card, obtained pursuant to NAC 641.029 or 641.031 available for production upon request.

(b) Shall respond within 30 days after receiving communication from the Board and shall make available any relevant records with respect to an inquiry or complaint about his or her professional conduct.

(c) Shall notify the Board in writing of a change of address or telephone number within 30 days after the change.

(d) Shall not mislead or withhold from a client, prospective client or other person who will be responsible for payment of the services of the licensed behavior analyst or licensed assistant behavior analyst information concerning the fee for professional services.

(e) Shall not directly or indirectly offer, give, solicit, receive or agree to receive any fee or other consideration for the referral of a client.

2. A licensed behavior analyst or licensed assistant behavior analyst who is a supervisor:

(a) Shall exercise appropriate supervision over any person who is authorized to practice applied behavior analysis under his or her supervision.

(b) Shall not exploit a person who is authorized to practice applied behavior analysis under his or her supervision.

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

1. The provisions which set forth the guidelines for conduct for behavior analysts which are contained in the most recent version of the "Professional and Ethical Compliance Code for

Behavior Analysts” provided by the Behavior Analyst Certification Board, Inc., or its successor organization, are hereby adopted by reference and incorporated herein, unless the Board gives notice that the most recent version is not suitable for this State pursuant to subsection 2, and except to the extent that those provisions conflict with the provisions of NAC 641.200 to 641.255, inclusive, in which case the provisions of NAC 641.200 to 641.255, inclusive, will control. A copy of the publication may be obtained free of charge from the Behavior Analyst Certification Board, Inc., at the Internet address <http://bacb.com/ethics-code/>.

2. If the publication adopted by reference in subsection 1 is revised, the Board will review the revision to ensure its suitability for this State. If the Board determines that the revision is not suitable for this State, the Board will hold a public hearing to review its determination within 6 months after the date of publication of the revision and give notice of that hearing to all licensed behavior analysts and licensed assistant behavior analysts. If, after the hearing, the Board does not revise its determination, the Board will give notice within 30 days after the hearing that the revision is not suitable for this State. If the Board does not give such notice, the revision becomes part of the publication adopted by reference in subsection 1.

641D.090 Adoption by reference of certain requirements and standards; most current version of adopted requirements or standards deemed adopted; exception. (NRS 641D.240, 641D.250, 641D.360, 641D.610)

1. The following publications are hereby adopted by reference as they existed on December 1, 2019, and any subsequent versions issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, which have been approved by the Board for use in this State:

(a) The continuing education requirements prescribed by the Behavior Analyst Certification Board, Inc., for a Board Certified Behavior Analyst available at no cost from the Behavior Analyst Certification Board, Inc., on the Internet at <https://www.bacb.com> or, if that Internet website ceases to exist, from the Division.

(b) The continuing education requirements prescribed by the Behavior Analyst Certification Board, Inc., for a Board Certified Assistant Behavior Analyst available at no cost from the Behavior Analyst Certification Board, Inc., on the Internet at <https://www.bacb.com> or, if that Internet website ceases to exist, from the Division.

(c) "Standards for Supervision of BCaBAs," available at no cost from the Behavior Analyst Certification Board, Inc., on the Internet at <https://www.bacb.com> or, if that Internet website ceases to exist, from the Division.

(d) "RBT Supervision and Supervisor Requirements," available at no cost from the Behavior Analyst Certification Board, Inc., on the Internet at <https://www.bacb.com> or, if that Internet website ceases to exist, from the Division.

2. Each new version of the publications described in subsection 1 shall be deemed approved by the Board unless the version is disapproved by the Board within 60 days after the date of publication by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization. The Board will review each version issued after the version in existence on December 1, 2019, to ensure its suitability for this State.

641D.100 Requirements for licensure or registration; issuance of provisional license; issuance of proof of licensure. (NRS 641D.240, 641D.250, 641D.310)

1. The Division shall issue a license as a behavior analyst or assistant behavior analyst or registration as a registered behavior technician to an applicant who:

(a) Complies with the requirements of subsection 2 and NRS 641D.300, 641D.310 and 641D.330;

(b) Has not been convicted of a crime listed in NRS 641D.700 or NAC 641D.600;

(c) Has not had any disciplinary action taken against him or her by and does not have outstanding complaints or charges pending against him or her before:

(1) A licensing, certifying or registering authority of another jurisdiction; or

(2) The Behavior Analyst Certification Board, Inc., or any successor in interest to that organization;

(d) Has not previously been denied licensure or registration, as applicable, in this State, except if the denial was based only on administrative reasons; and

(e) Submits to the Division three letters of professional reference that attest, without reservation, to the applicant's professional competence, moral character and current fitness to practice as a behavior analyst, assistant behavior analyst or registered behavior technician, as applicable.

2. In addition to the requirements set forth in subsection 1 and passing the examination required by NAC 641D.120, an applicant for a license as an assistant behavior analyst must submit to the Division evidence to be forwarded to the Board demonstrating that the applicant will be supervised by a psychologist or behavior analyst who is qualified as a supervisor by the Behavior Analyst Certification Board, Inc., or the successor in interest to that organization, in accordance with the current requirements prescribed by that organization for the supervision of Board Certified Assistant Behavior Analysts. Upon request, the applicant must submit such additional evidence as the Board requests.

3. In addition to the requirements set forth in subsection 1, an applicant for registration as a registered behavior technician must submit to the Division evidence to be forwarded to the Board demonstrating that the applicant will be supervised by a psychologist, behavior analyst or assistant behavior analyst who is qualified as a supervisor by the Behavior Analyst Certification Board, Inc., or the successor in interest to that organization, in accordance with the current requirements prescribed by that organization for the supervision of Registered Behavior Technicians. Upon request, the applicant must submit such additional evidence as the Board requests.

4. The Division may require any applicant for a license or registration to appear before the Board to demonstrate his or her:

- (a) Moral character;
- (b) Current fitness to practice as a behavior analyst, assistant behavior analyst or registered behavior technician, as applicable; or
- (c) Intent to practice as a behavior analyst, assistant behavior analyst or registered behavior technician, as applicable, in a manner consistent with his or her education, training and experience.

5. The Division may issue a provisional license to an applicant for a license as a behavior analyst or assistant behavior analyst who meets the requirements for licensure other than achieving a passing score on the examination as required by NAC 641D.120. A provisional license is valid for the period determined by the Division, which must not exceed 1 year, and may not be renewed.

6. The Division shall, in addition to issuing a license or registration to an applicant who meets the requirements of this section, issue to the applicant a card that is sized to fit in a wallet that indicates that the person is licensed or registered, as applicable.

641D.120 Examinations. (NRS 641D.240, 641D.250)

1. Each applicant for a license as a behavior analyst or assistant behavior analyst must pass an examination administered by the Division which tests the applicant's knowledge of the laws and regulations governing the practice of applied behavior analysis in this State.

2. The Division shall post on its Internet website a description of the content of the examination.

3. To take the examination, the applicant must pay the fee prescribed by NAC 641D.200. The fee must be paid each time the applicant takes the examination.

4. An applicant shall not:

- (a) Remove any notes taken during the examination from the site of the examination;
- (b) Record the examination by electronic or other means; or
- (c) Otherwise copy, disclose or disseminate any content of the examination.

5. Except as otherwise provided in subsection 6, an applicant who does not achieve a passing score may retake the examination.

6. Before an applicant may retake the examination more than two times, the applicant must obtain the approval of the Board by submitting to the Board a written request to retake the examination. Such a request must include, without limitation, a written plan of specific measures the applicant will take to prepare for the examination. The Board will approve such a request upon determining that the applicant is likely to receive a passing score on the examination if he or she follows the plan.

641D.140 Notification of need for renewal of license or registration; certification of continuing education. (NRS 641D.240, 641D.250, 641D.310, 641D.360, 641D.710)

1. Before the expiration of a license or registration, the Division shall notify the licensee or registrant of the need to renew the license or registration.
2. Each notification provided to a licensee as a behavior analyst or assistant behavior analyst must include, without limitation, a form to certify completion of the continuing education required by NAC 641D.160, which must be signed and included with the application for renewal. The Division may require the licensee to provide evidence of completion of the continuing education described on the form.
3. A licensee who misrepresents information concerning the completion of continuing education is subject to disciplinary action, which may include, without limitation, suspension, revocation or nonrenewal of the license. A licensee whose license has been suspended or is not renewed must complete the continuing education required by NAC 641D.160 before the Board will consider reinstating his or her license.
4. If a licensee does not satisfy the continuing education requirements, his or her license will not be renewed and he or she will be subject to disciplinary action. The Board may grant a licensee an extension for 60 days if the licensee submits a written request to the Board, on or before December 1 immediately preceding the expiration of his or her license, which provides a compelling explanation for not completing the continuing education.

641D.160 Continuing education. (NRS 641D.240, 641D.250, 641D.360)

1. A behavior analyst must complete, before each renewal of his or her license:
 - (a) The continuing education prescribed by the publication adopted by reference in paragraph (a) of subsection 1 of NAC 641D.090; and

(b) At least 2 hours of instruction on evidence-based suicide prevention and awareness, which may be completed as part of the continuing education described in paragraph (a) if practicable.

2. An assistant behavior analyst must complete, before each renewal of his or her license:

(a) The continuing education prescribed by the publication adopted by reference in paragraph (b) of subsection 1 of NAC 641D.090; and

(b) At least 2 hours of instruction on evidence-based suicide prevention and awareness, which may be completed as part of the continuing education described in paragraph (a) if practicable.

641D.200 Fees. (NRS 641D.240, 641D.250, 641D.300, 641D.340, 641D.350, 641D.360, 641D.380, 641D.880) The Division shall charge and collect the following fees:

1. Application for licensure as a behavior analyst or assistant behavior analyst \$100
2. Examination administered pursuant to section 24 of this regulation Actual cost
to the Division
plus \$100
3. Issuance of an initial license as a behavior analyst or assistant behavior analyst 25
4. Biennial renewal or reinstatement of a license as a licensed behavior analyst 400
5. Biennial renewal or reinstatement of a license as a licensed assistant behavior analyst 275

6. Biennial renewal of a registration as a registered behavior technician	70
7. Placement of a license on inactive status	100
8. Biennial review of a license on inactive status	100
9. 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
10. 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
11. 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
12. 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
13. Reproduction and mailing of material for an application	25
14. A dishonored check.....	35
15. A change of name on a license or registration	25
16. A duplicate license or registration.....	25
17. Copies of the provisions of NRS relating to the practice of applied behavior analysis and the rules and regulations adopted by the Board	25
18. Letter of good standing	15

19. Review and approval of a course or program of continuing
education..... 25

**641D.300 Supervision of assistant behavior analyst and registered behavior technician.
(NRS 641D.240, 641D.610)**

1. Supervision of:
 - (a) An assistant behavior analyst pursuant to NRS 641D.610 must comply with the publication adopted by reference in paragraph (c) of subsection 1 of NAC 641D.090.
 - (b) A registered behavior technician pursuant to NRS 641D.610 must comply with the publication adopted by reference in paragraph (d) of subsection 1 of NAC 641D.090.
2. A person who supervises an assistant behavior analyst or a registered behavior technician pursuant to NRS 641D.610 shall:
 - (a) Maintain documentation of such supervision for at least 7 years after the date on which the supervision occurred; and
 - (b) Provide that documentation to the Board or the Division upon the request of the Board.