

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY NRS
233B.066**

LCB FILE R005-24

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 641D.

1. A clear and concise explanation of the need for the adopted regulation.

The purpose of the regulation is to provide clear and comprehensive regulations for the practice of applied behavior analysis.

The need for the regulations is to fully implement the requirements and provisions of NRS 641D, as approved at the 2023 Legislative Session.

Sections 1 – 22 remove and update provisions in NAC 641 no longer applicable due to transfer of authority from the Board of Psychological Examiners to the Board of Applied Behavior Analysis;

Sec 23 – 62 add new regulations pertaining to the requirements for eligibility for licensure and registration; renewal and reinstatement of a license or registration, supervision of an assistant behavior analyst and registered behavior technicians, continuing education and examination requirements, fees, adoption of certain publications and documents of the Behavior Analysis Certification Board pertaining to standards of practice and supervision, complaint and disciplinary action provisions and proceedings before the Board.

Sec 63 – 64 amend and update existing NAC 641D.190 pertaining to inactive licenses and NAC 641D.600 pertaining to grounds for disciplinary actions.

Sec 65 repeals various sections of NAC 641 and NAC 641D.

2. A description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

Copies of the proposed regulation, notices of workshops and notices of intent to act upon the regulation were sent by e-mail to all applied behavior analysis practitioners and persons who were known to have an interest in applied behavior analysis as well as any persons who had specifically requested such notice. These documents were also made available at the website of the Board of Applied Behavior Analysis, www.nvababoard.org.

A Workshop was held to solicit comments on the proposed regulations on February 20, 2024. Thereafter, on August 8, 2024, a Notice of Hearing and Intent to Act Upon Regulations was issued.

A copy of this summary of the public response to the adopted regulation may be obtained from the Board of Applied Behavior Analysis, 6170 Mae Anne Ave., Suite 1, Reno, Nevada 89523, 775-746-9429, or email to executivedirector@nvababoard.org.

3. The number of persons who:

(a)	Attended each workshop:	February 20, 2024	2
(b)	Attended public hearing:	September 11, 2024	5
(c)	Testified at hearing:	September 11, 2024	0
(d)	Submitted written comments:		0

4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing:

Information was not provided to the Board by attendees of the meetings/hearings.

- (a) Name;
- (b) Telephone number;
- (c) Business address;
- (d) Business telephone number;
- (e) Electronic mail address;
- (f) Name of entity or organization represented.

5. A description of how comments were solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

The Board conducted a survey of all licensees and registrants and sent communications to all individuals on the Board's Interested parties list serve regarding the proposed regulation, requesting public comments regarding whether the proposed regulations would impact small businesses. The Board received three (3) responses to the survey which indicated the proposed regulations would have no impact on small businesses.

A workshop was held to solicit comments on the proposed regulations on February 20, 2024, and a public hearing was held on September 11, 2024, wherein additional public comments were solicited. There were 3 small businesses represented.

A summary of the responses and public comments received is on file at the Board of Applied Behavior Analysis. Interested parties may request a copy of the summary of responses and public comments by submitting a written request addressed to the Board of Applied Behavior Analysis, 6170 Mae Anne Ave., Suite 1, Reno, Nevada 89523.

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The Board of Applied Behavior Analysis adopted the regulation on September 11, 2024 without change. There were no revisions or changes requested as a result of the public Workshop, or

public Hearing. No written public comments, written or oral, were received requesting revisions or changes to the regulation.

7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:

a. Both adverse and beneficial effects:

Business Impact: There will be no adverse economic effect on the business of the practice of applied behavior analysis. The Board does not have regulatory authority over businesses providing ABA services in the state, only the licensed/registered professionals providing the services. The proposed regulation will have a beneficial effect on the practice of applied behavior analysis in that the practitioners/businesses will be provided clarity in NAC 641D by providing concise information on the requirements to practice applied behavior analysis in the State of Nevada. The implementation of this regulation will help applied behavior analysis practitioners to provide needed care to citizens of Nevada in a safe and effective manner.

Public Impact: There will be no adverse economic effect on the public. The proposed regulation will have a beneficial effect on the practice of applied behavior analysis in that the public will be provided clarity in NAC 641D by providing concise information on the requirements to practice applied behavior analysis in the State of Nevada by those licensed and registered. The implementation of this regulation will help citizens of Nevada receive care in a safe and effective manner.

b. Both immediate and long-term effects:

Business Impact: The regulation will have a positive immediate and long-term economic effect on the practice of applied behavior analysis for licensees and registrants. These regulations ensure clarity and consistency in regulation of the practice of applied behavior analysis, the licensing of applied behavior analysts and assistant applied behavior analysts, and the registration of registered behavioral technicians in Nevada.

Public Impact: The regulation will have a positive immediate and long-term economic effect on the practice of applied behavior analysis for Nevadans, ensuring clarity and consistency in regulation, the services they should expect from those licensed/registered in the State.

8. The estimated cost to the agency for enforcement of the adopted regulations.

There are no additional costs involved in the enforcement of these adopted regulations.

9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

The Board of Applied Behavior Analysis is not aware of any similar federal, state, or local standards regulating the applied behavior analysis profession. These adopted regulations do not duplicate any federal, state, or local standards.

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

The Board of Applied Behavior Analysis is not aware of any similar federal regulations of the same activity in which the adopted regulations are more stringent.

11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

The regulation establishes fees as authorized in NRS 641D; the fees are established in an amount sufficient to pay the costs of operations and enforcement of the law and regulations.

New fees have been added for:

Late renewal fee: A fee of \$50 will be collected for licenses/registrations that are expired by no more than 60 days.

Reinstatement fee: A fee of \$500 or \$325 will be collected for LBA/LaBA licenses that have been expired for a period of more than 60 days, but less than two years.

The estimated amount collected annually/2 year budget:

First year: \$5,325

Second year: \$2,825

Total: \$8150

Late renewals:

50 X \$50 = \$2500 first year only – 60 day limit -only applicable at renewal

Reinstatements:

5 X \$500= \$2500

1 X \$325= \$325

The revenue from these fees would be used to support the continued/expanding services related to the operations, licensing, monitoring of the 3500+ licensed professionals in the state and enforcement of the law and regulations.

Existing fees have not been increased for applications, licenses, or registrations of applied behavior analysis practitioners. The initial application, license or registration fees have been *reduced by 50%* for individuals with military affiliations. Certain miscellaneous fees have been eliminated as no longer necessary.