

**NRS 233B Statements  
R095-23**

Statement pursuant to NRS 233B.0608(3)

*The Board of Psychological Examiners' determination is that there is no direct or significant burden upon a small business or the formation of a small business.*

Reasons for that are: The Nevada Board of Psychological Examiners (Board) conducted a regulations workshop on October 13, 2023, and public hearings on March 8, 2024, April 12, 2024, and June 7, 2024.

- In attendance at the October 13, 2023, workshop was 1 member of the public, 6 Board members, Board counsel, and Board staff. At the public workshop, there was no written or verbal public comment related to the proposed regulation revisions.
- The March 8, 2024, public hearing included 10 members of the public, 5 Board members, Board counsel, and Board staff. 4 members of the public provided verbal comment, and as a result of that public comment, the Board continued the hearing until a future Board meeting so that the proposed regulation could be further revised.
- The April 12, 2024, public hearing included 13 members of the public, 6 Board members, Board counsel, and Board staff. 2 members of the public provided written comment prior to the hearing, and 3 members of the public provided verbal comment. As a result of that public comment, the Board revised the R095-23 draft and submitted those revisions to the Legislative Counsel Bureau (LCB) for review and approval.
- On June 7, 2024, after the Board received an approved, revised R095-23 draft from the LCB, the Board conducted a public hearing that included 6 members of the public, 6 Board members, Board counsel and Board staff. There was no written or verbal public comment related to the proposed regulation revisions. The Board approved the adoption of the regulation revisions at the conclusion of the hearing.

The regulation was provided to all impacted parties through the public workshop and hearing notices. The workshop and hearing notices were sent to persons who were known to have an interest in the regulation's content, the Board's licensees, and to any specific person who requested notification regarding regulation changes. Because there was no comment at the October 13, 2023, workshop or the March 8, 2024, April 12, 2024, or June 7, 2024, public hearings that related to a burden on small businesses, the Board concluded that there would be no direct or significant burden on small businesses.

The regulation workshop and hearing notices were published at the following location:

State of Nevada Board of Psychological Examiners:

<i>Prior to March 1, 2024:</i> 4600 Kietzke Lane B-116 Reno, Nevada 89502 <sup>1</sup>	<i>After March 1, 2024:</i> 3080 South Durango Drive, Ste 102 Las Vegas, Nevada 89117 <sup>2</sup>
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<sup>1</sup> At the time the Board held its October 13, 2023, regulations workshop, the Board office was at this location.

<sup>2</sup> At the time the Board held its March 8, 2024, April 12, 2024, and June 7, 2024, regulations hearings, the Board office had moved to this location.

Notices were also posted to the Board's website ([psyexam.nv.gov](http://psyexam.nv.gov)) and were sent to all persons who were known to have an interest in the regulation, to the Board's licensees, and to all persons who had requested notice. No small business concerns were registered with the Board.

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I, Laura M. Arnold, the Executive Director of the Board of Psychological Examiners, sign this statement certifying that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in the statement is accurate and prepared properly.

*Laura M. Arnold*

Laura M. Arnold  
Executive Director

Statement Pursuant to NRS 233B.609 (1)

**1. A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.**

The Board solicited comments from affected businesses in the same manner as they were solicited from the public. The workshop and hearing notices were sent to persons who were known to have an interest in the Board's efforts to respond to AB244 by way of the proposed regulation revisions, to the Board's licensees, and to any specific person who requested notification regarding regulation changes. Those notices included information on how to receive a free copy of the proposed regulation, and the regulation documents were also made available through Nevada Board of Psychological Examiners' website ([psyexam.nv.gov](http://psyexam.nv.gov)) or by directly emailing the Board office at [NBOP@govmail.state.nv.us](mailto:NBOP@govmail.state.nv.us), and posted at the following locations:

*Prior to March 1, 2024:*

Nevada Board of Psychological Examiners  
4600 Kietzke Lane B-116  
Reno, Nevada 89502<sup>3</sup>

*After March 1, 2024:*

Nevada Board of Psychological Examiners  
3080 South Durango Drive, Ste 102  
Las Vegas, Nevada 89117<sup>4</sup>

The written and verbal public comments that the Board received during those noticed meetings/workshop/hearings generally concerned regulation wording to ensure clarity, distinctions in and/or definition of terms included in the regulation, the relationship between the regulation and NRS Chapter 629, references to applicable standards and how those standards address protected psychological test information/material, the fact that psychologists are not the only ones who can buy and use testing from test publishers, suggested regulation wording, and how the proposed regulation relates to the provisions of the APA code of conduct. The summary of the Board's discussions during those meetings/workshop/hearings may be obtained through the minutes, which will be provided and/or made available by contacting the Board office at [NBOP@govmail.state.nv.us](mailto:NBOP@govmail.state.nv.us) or locating them on the Board's website ([psyexam.nv.gov](http://psyexam.nv.gov)).

**2. The manner in which the analysis was conducted.**

The Board conducted a public regulation workshop during its October 13, 2023, meeting to discuss language changes to the current NAC Chapter 641. The minutes of the workshop and meeting, which are available on the Board's website ([psyexam.nv.gov](http://psyexam.nv.gov)) or can be obtained by contacting the Board office at [NBOP@govmail.state.nv.us](mailto:NBOP@govmail.state.nv.us), contain a summary of the Board's discussion regarding the proposed language change. The Board did not receive any written or verbal public comment.

On February 6, 2024, after it received the draft of R095-23 from the Legislative Counsel Bureau, the Board posted and issued a Notice of Intent to Act Upon a Regulation, which incorporated the proposed regulation amendments discussed at the October 13, 2023, workshop.

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<sup>3</sup> See, footnote 1, above.

<sup>4</sup> See, footnote 2, above.

The Board conducted its initial public regulations hearing during its March 8, 2024, meeting, its second public regulations hearing during its April 12, 2024, meeting (noticed on March 12, 2024), and its final public regulations hearing during its June 7, 2024, meeting (noticed on May 6, 2024). The Board received written and verbal public comment on the proposed regulation revisions during the March 8, 2024, and April 12, 2024, regulation hearings.

**3. The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:**

**\*Economic effects on regulated businesses:**

- a) Adverse, immediate: There are no estimated immediate adverse economic effects from this regulation.  
Adverse, long-term: There are no estimated long-term adverse economic effects from this regulation.
- b) Beneficial, immediate: There are no estimated immediate beneficial economic effects in this regulation.  
Beneficial, long-term: There are no estimated long-term beneficial economic effects in this regulation.
- c) Direct, immediate: There are no estimated immediate direct economic effects from this regulation.  
Direct, long-term: There are no estimated long-term direct economic effects from this regulation.
- d) Indirect, immediate: There are no estimated immediate indirect economic effects from this regulation.  
Indirect, long-term: There are no estimated long-term indirect economic effects from this regulation.

**\*Economic effects on public:**

- a) Adverse, immediate: There are no estimated immediate adverse immediate economic effects in this regulation.  
Adverse, long-term: There are no estimated long-term adverse economic effects in this regulation.
- b) Beneficial, immediate: There are no estimated immediate beneficial economic effects in this regulation.  
Beneficial, long-term: There are no estimated long-term beneficial economic effects in this regulation.

**4. A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.**

Because the Board determined that there would be no impact on small businesses, no impact methods need to be considered.

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

There will be no increased cost for enforcement of the proposed regulation provisions.

**6. If the proposed 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.**

There are no proposed new fees or increases to an existing fee.

**7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.**

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

**8. The reasons for the conclusions of the agency regarding the impact of a regulation on small businesses.**

The Board conducted a public workshop during its October 13, 2023, meeting. In attendance at the workshop was 1 member of the public, 6 Board members, Board counsel, and Board staff. No written or verbal public comment was submitted to the Board or provided during the workshop.

The Board conducted a public regulation hearing during its March 8, 2024, meeting. In attendance at that hearing were 10 members of the public, 5 Board members, Board counsel, and Board staff. 4 members of the public provided verbal comment, and as a result of that public comment, the Board continued the hearing until a future Board meeting so that the proposed regulation could be further revised.

The Board conducted a public regulation hearing during its April 12, 2024, meeting. In attendance at that hearing were 13 members of the public, 6 Board members, Board counsel, and Board staff. The board received written comments prior to the meeting from 2 members of the public, and 3 members of the public provided verbal comment. As a result of the public comment, the Board continued the hearing until a future Board meeting so that the proposed regulation could be further revised.

The Board conducted a public regulation hearing during its June 7, 2024, meeting. In attendance at that hearing were 6 members of the public, 6 Board members, Board counsel and Board staff. There was no written or verbal public comment related to the proposed regulation revisions that had been approved by the LCB. The Board approved the regulation at the conclusion of the hearing.

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I, Laura M. Arnold, the Executive Director of the Nevada Board of Psychological Examiners, sign this statement certifying that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in the statement is accurate and prepared properly.

*Laura M. Arnold*

Laura M. Arnold  
Executive Director