



**NOTICE OF PUBLIC MEETING
APPLIED BEHAVIOR ANALYSIS BOARD MEETING**

Date of Posting: December 13, 2023
Date and Time of Meeting: December 19, 2023, 1:00 PM
Name of Organization: Nevada Applied Behavior Analysis Board
Place of Meeting: Teleconference and NV ABA Office-
6170 Mae Anne Ave. #1 Reno, NV

Please place your phone or your computer microphone on mute unless providing public comment.

Join Zoom Meeting

<https://zoom.us/j/97229955806?pwd=WStFUW1IRGtUY2s0d0NjdlpueFRQQT09>

Meeting ID: 972 2995 5806

Passcode: 845593

One tap mobile

+16699009128,,97229955806#,,,,*845593# US

Dial by your location

Meeting ID: 972 2995 5806

Passcode: 845593

Find your local number: <https://zoom.us/u/acAFCFaiHM>

Please Note: The Applied Behavior Analysis Board (ABAB) may (1) address agenda items out of sequence to accommodate persons appearing before the Board or to aid the efficiency or effectiveness of the meeting; (2) combine items for consideration by the public body; and (3) pull or remove items from the agenda at any time. The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person. See NRS 241.030. Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual the board may refuse to consider public comment. See NRS 233B.126. At the discretion of the Chair, public comment is welcomed by the Board, but will be limited to three (3) minutes per person. A public comment time will be available at the beginning of the meeting and then once again prior to adjournment of the meeting. The Chair may allow additional time to be given a speaker as time allows and in his/her sole discretion. Once all items on the agenda are completed the meeting will adjourn.



Nevada Applied Behavior Analysis Board Board Meeting Agenda December 19, 2023

1. Call to Order, Roll Call of Members, and Establish Quorum

2. Public Comment

(No action may be taken upon a matter raised under public comment period unless the matter itself has been specifically included on the agenda as an item. Comments will be limited to three minutes per person. People making comments will be asked to begin by stating their name for the record and to spell their last name and provide the secretary with written comments. Persons wanting to make comments during public comment period, now or in a later public comment period, can participate via the Zoom link or by telephone by calling 1-669-900-9128. Please note these links and numbers change for each meeting.)

3. Approval of November 21, 2023 Board Meeting Minutes (For possible Action) (attachment)

4. Executive Director's Report (For Possible Action)

CE Broker

Thentia presentation 12/5/23

NRS/NAC- First draft of revisions; review support by Loretta Ponton – per diem employee

5. Legislative Update (For Possible Action)

Meetings requested by new B&I Director with all Boards and Commissions- TBD

6. Review, Discussion, and Possible Approval of Board Activities (For Possible Action)

Mission Statement – review/approve

Executive Director performance compensation

7. Complaints

8. Financial Update (For Possible Action)

Financial reports November 2023

Financial Audit

9. Discussion of Current Status of Applications and other Licensing Activities (For Possible Action)

Licensed/Registered individuals *without* Federal background clearance- Process to address

NRS/NAC review- proposed time line and process

Certemy Contract/agreement ends 6/2024

Licenses/Registrations/Renewals issued in November and to-date December

10. Determine Future Agenda Items (For Possible Action)

11. Public Comment

(No action may be taken upon a matter raised under public comment period unless the matter itself has been specifically included on an agenda as an action item. Comments will be limited to three minutes per person. Persons making comment will be asked to begin by stating their name for the record and to spell their last name and provide the secretary with written comments.)

12. Adjournment

NOTE: We are pleased to make reasonable accommodations for members of the public who have disabilities and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify Wendy Knorr at (775-746-9429) as soon as possible and at least one **business** day in advance of the meeting. If you wish, you may e-mail her at executivedirector@nvababoard.org. Supporting materials for this meeting are available at 6170 MaeAnne Ave., Suite 1, Reno, NV 89523 or by contacting Wendy Knorr at 775-746-9429, or by email executivedirector@nvababoard.org. Agenda and supporting materials posted at these locations and online on the following sites: <https://notice.nv.gov/> www.nvababoard.org and NVABA Office.

**Nevada Applied Behavior Analysis Board Board Meeting DRAFT MINUTES November 21, 2023**

1. The meeting was called to order by Dr. Fronapfel at 10 a.m. Members present: Courtney LoMonaco, Christy Fuller, Lynda Tache, Stephanie Huff and Dr. Fronapfel. Rosalie Bordelove was present as AG counsel and Wendy Knorr, Executive Director.
2. Public Comment- None
3. Approval of October 17, 2023 Board Meeting Minutes – Christy Fuller made the motion to approve the minutes as presented; Courtney LoMonaco seconded the motion and the motion passed.
4. Executive Director's Report:
Certemy revisions/ LiveScan Background Process went into effect on Nov. 1, 2023. All applications were updated to include the LiveScan background clearance process and to update/streamline the applications. All now include online payment as well. It is important to note that we have several versions of applications in process, based on when an application was initiated. It is important that applicants follow the process and instructions in the application they are completing. We will continue to update and revise the information as needed to improve the process.

BACB/APBA conference/meeting coordination- We will be sending Dr. Fronapfel, Christy Fuller and Stephanie Huff to participate in the BACB meeting just prior to the APBA meeting. BACB can accommodate a third representative at the meeting but we will be covering the cost of the additional hotel for Stephanie as previously approved. Christy Fuller is presenting at the BACB meeting. Thank you for your willingness to represent NVABA at these meetings.

Complaints- We will add this as a standing item. The process is still underdevelopment. Currently there are 27 open complaints. Two were dismissed/closed. Wendy expressed frustration that the process isn't where it should be and acknowledged improvements are needed to make the process more clear and involve the board members where we can. Wendy does discuss with those lodging complaints that we are not "first responders/emergency" process. Any concerns of abuse or serious situations are discussed and referrals made to more appropriate agencies for assistance. The majority of the complaints involve business related concerns about poor processes, communication and customer service. Employee concerns are also quite frequent. Christy Fuller asked how the board members could be of assistance with the limitations on their involvement. It was encouraged that any information from other organizations about their process or procedures can be considered to assist in developing/improving ours.

CE Broker presentation- We postponed any discussions regarding CE Broker last year as it was too much to take on during the first renewal season as the new board. Wendy has had a couple of conversations with them again, and it might be worth considering them as an addition to our process. They work with Certemy and there is no cost to the board. There are additional services they offer to licensees, but it is optional and not required to benefit from the coordination with our process.

Thentia Platform presentation was rescheduled. Wendy is looking at other providers. Not making the decision to transition to another company at this time, but interested in what else is available in comparison with Certemy.

*Review Board Mission Statement-*The information presented was the last version of a proposed Mission Statement. Board members will review and revisions will be discussed and final version will be approved at a future meeting.

5. Legislative Update- Information was provided regarding the Governor's appointment of the new Business & Industry Director, Dr. Kris Sanchez. No new developments or requests this month.
6. Review, Discussion, and Possible Approval of Board Activities-

Background Clearance Process Change implications- The board was reminded that the background process in place prior to Nov. 1, 2023, was approved and intended to be a temporary process while awaiting the required FBI approvals. No one expected to wait 2 years. In reviewing the history of this decision it was verified that all individuals licensed or registered during the time period of Oct. 1, 2021 through Oct. 31, 2023 will be required to obtain another background report which includes the federal component. Up to this point, only Nevada state information was included. Wendy proposed contacting the licensees and registrants needing the additional clearance prior to renewal. The individuals would have time to complete the process and absorb the additional expense prior to the renewal deadline. Renewals will begin processing approximately Oct. 1, 2024 to meet the Dec. 31, 2024 requirement. Anyone without the required background clearance by that time, would not be allowed to renew their license or registration. Wendy will work with Certemy to define the process within the platform, development the timeline and process to review at the next meeting. Another consideration would be to offer an offset of the renewal fee to lessen the burden especially on

the RBT's. Wendy said she would provide more detailed information to determine the potential cost involved in considering this option. Christy Fuller requested a detailed break out of the numbers for each segment working under the NV only vs the full background reports. This will help in determine the potential cost of any financial offset and help guide our plan.

Performance/Merit consideration for Executive Director- Courtney LoMonaco lead the discussion. The Board completed the annual evaluation for Wendy at the last meeting. Several things have come into play during the process. The overall compensation for the ED position, overall budget and consideration for the merit based awards tied to the evaluations. This conversation is focused on compensation based on the review. We can look at Wendy right now in this position, but then also a plan for future employees. We approved a salary increase based on the state which we have tied our salaries and that is separate from merit discussion. Christy Fuller said that in the absence of specific numbers, she agrees with the alignment with the state to assist us now and in the future when considering compensation. Performance/merit consideration for Wendy after her second annual review is fair. We know that we have additional work/practices/improvements to do as a board/operation and Wendy has continued to grow with the Board. We should look at increasing pay based on merit but also make consideration for accomplishment/goals in a more bonus-type consideration. We need to continually review our budget as we discuss increases and awards to be sure that we are realistic which could result in having to increase fees which would be a negative impact on the professionals in the state. Courtney discussed avoiding the potential of position step increases built in to the State structure, then potential annual increases along with bonus...that could compound very quickly. Wendy reminded the board that there is a wide range of models for compensation and merit awards and this will be addressed in the policy and procedures design. Those policies would provide the foundation which the Board could consider and have latitude to make final decisions based on current financial situation, climate, etc. without having to be locked into anything – it would be flexible. Dr. Fronapfel asked if any other boards have structures for bonus vs. merit, etc. Wendy relayed that the organizations vary greatly with size, etc. Rosalie said that many of the boards she has experience with sees a wide range of offerings. Most follow the state COLAS, and merit increases. Bonuses are infrequent – not prohibited but is not the norm. Lots involved in considering financial strengths and impact of operational decisions. For the next meeting we'll provide a structure for consideration. Ongoing for policy and procedures vs consideration for the current evaluation are two different processes. Courtney thanked the board members for their patience, input and support as we have these discussions that include a wide range of scenarios and overlapping issues.

- 7. Financial Update - Financial reports for October 2023 and the October 2023 Bank statement were provided for review and posted on the website.

While we reviewed the proposed 23-24 FY Budget a vote was not taken at the last meeting. This document includes the approved compensation approved. Courtney LoMonaco moved to approved the 23-24 budget as presented. Christy Fuller seconded the motion and the motion passed.

The Board will be required to conduct a Financial Audit. The Budget was approved and a contract for services with Christensen Accounting Network was provided for information. The Board of Examiners is reviewing it for final approval. We have notified LCB that our report won't be completed by the Dec. 1 deadline but will be completed by Jan. 30, 2024.

Our initial two- year contract with Numbers, Inc contract expired, and a new contract is also awaiting final approval from the State. The fees increased to \$700 per month from \$600.

- 8. Discussion of Current Status of Applications and other Licensing Activities-

Licenses/Registrations issued:	Oct.	Nov.	Total
RBT's	73	47	2119
LaBA's	3	2	38
LBA's	10	9	556

NRS/NAC review will be conducted/completed in the next 9-12 months. Wendy discussed an overview of the process which includes a review of existing/current regulations; drafting of proposed changes, review/approval through LCB, public workshops and meetings throughout the process and the final review. The process needs to be completed prior to August 1, 2024 to ensure it does not get delayed as state efforts begin to focus on the upcoming 2005 Legislative session. Loretta Ponton has agreed to assist and act as consultant to ensure the process moves efficiently and meets all the requirements. Her fee is \$150 per hour and can be employed or contracted for the project. We will present a more detailed timeline for review at the next meeting and approval of her proposed involvement. There was discussion about what was revised, proposed, approved, etc. as it has been very confusing. We will gather all relevant documents as a starting point.

- 9. Determine Future Agenda Items – Courtney LoMonaco moved to add the NRS/NAC timeline and Loretta's involvement/contract to the standing agenda items for the December Meeting, Stephanie Huff seconded it and the motion passed.
- 10. Public Comment – none
- 11. Meeting was adjourned at 11:24 a.m.

CHAPTER 641D – APPLIED BEHAVIOR ANALYSIS

GENERAL PROVISIONS

Definitions. (NRS 641D.010) As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 641D.xxx to 641D.xxx, inclusive, have the meanings ascribed to them in those sections.

“Applied behavior analysis” defined. (NRS 641D.010) “Applied behavior analysis” has the meaning ascribed to it in NRS 641D.080.

“Board” defined. (NRS 641D.010) “Board” means the Board of Applied Behavior Analysis.

“Licensed assistant behavior analyst” defined. (NRS 641D.010) “Licensed assistant behavior analyst” has the meaning ascribed to it in NRS 641D.020.

“Licensed behavior analyst” defined. (NRS 641D.010) “Licensed behavior analyst” has the meaning ascribed to it in NRS 641D.030.

“Licensee” defined. (NRS 641D.010) “Licensee” means a licensed behavior analyst or licensed assistant behavior analyst.

“Registered behavior technician” defined. (NRS 641D.010) “Registered behavior technician” has the meaning ascribed to it in NRS 641D.100.

“Supervision” defined. (NRS 640D.010) “Supervision” means a collaborative process for the responsible, periodic review and inspection of all aspects of any applied behavior analysis services provided.

“Supervisor” defined. (NRS 641D.100) As used in NAC 641D.xxx to NAC 641D.xxx, inclusive, “supervisor” means a psychologist, or licensed behavior analyst who supervises a licensed assistant behavior analyst or registered behavior technician pursuant to this chapter.

“Hour of continuing education” defined. (NRS 640d.010) “Hour of continuing education” means 60 minutes of continuing education, not including time for meals or breaks.

“Inactive status” defined. (NRS 640d.010) “Inactive status” means a license held by a licensee who is not practicing in the State of Nevada.

LICENSING

Applicants: Requests by Board for additional information or oral interview. (NRS 640D.010) For any application submitted to the Board, the Board may request additional information or an oral interview, or both, as the Board designates.

Eligibility to obtain license as a behavior analyst, assistant behavior analyst; or behavior technician; denial or withdrawal of application.

1. To be eligible to obtain a license or registration, a person must:
 - (a) Complete and submit an application for licensure or registration;
 - (b) Pay the fees, as applicable, as set forth in NAC 641D.XXX;
 - (c) Hold current certification as a behavior analyst, assistant behavior analyst or behavior technician by the Behavior Analyst Certification Board, Inc., or its successor organization;
 - (d) Comply with NRS 641D.300 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.
 - (e) Not have been convicted of a felony;
2. In addition to the requirements of paragraph 1 of this section, the Board will require an applicant for a license as a behavior analyst or assistant behavior analyst to provide proof the applicant:
 - (a) If licensed in another jurisdiction, has not been subject to disciplinary action as a behavior analyst, or assistant behavior analyst in another jurisdiction;
 - (b) Does not have any outstanding complaints or charges pending against him or her as a behavior analyst, or assistant behavior analyst in another jurisdiction; and
 - (c) Has passed the state examination administered by the Board pursuant to NAC 641D.XXX.
3. An application will be considered complete upon receipt of all required

information and payment of the fees prescribed in NAC 641D.XXX.

4. An incomplete application will be deemed denied after 90 days, unless a request for extension is received and approved by the Board. Fees are not refundable.

5. Within 60 days of date of submittal, an applicant may submit a written request to withdraw his or her application. A refund of any initial license or registration fee will be made upon request. The application fee is not refundable.

Expiration and renewal of license or registration. (NRS 640D.010)

1. A license or registration issued by the Board, including, without limitation, a license that has been placed on inactive status, expires at midnight on December 31 of even number years.

2. To renew a license or registration, a person must provide to the Board the materials required by NAC 641D.xxx and 641D.XXX, as applicable.

Renewal of license as licensed behavior analyst, assistant behavior analyst. (NRS 641D.010)

1. To renew his or her license, a licensed behavior analyst or a licensed assistant behavior analyst must submit:

- (a) An application for renewal;
- (b) Documentation of current certification by the Behavior Analyst Certification Board, Inc., or its successor organization;
- (c) Documentation of completion of continuing education required by NAC 641D.XXX, paragraph 2; and
- (d) Payment of the fee as set forth in NAC 641D.XXX.

2. Each applicant for renewal must certify that:

- (a) He or she has completed the continuing education required by NAC 641D.XXX and
- (b) The evidence of completion of continuing education required pursuant to subsection 1 is true and accurate.

3. The licensee shall retain evidence of the completion of the continuing education required by NAC 641D.XXX for at least 5 years after the completion of that continuing education. Evidence of completion of the continuing education set for in paragraph 1

NAC 641D.XXX includes, without limitation, documentation of completion from the Behavior Analyst Certification Board, Inc.. Evidence of completion of the continuing education set for in paragraph 2 of NAC 641D.XXX includes, without limitation, a certificate of completion or similar document attesting to the completion of the continuing education which contains the licensee name, date of course, and number of continuing education hours completed.

4. Upon the request of the Board, the licensee must provide evidence of completion of continuing education.

Renewal of registration as registered behavior technician

1. To renew his or her registration, a registered behavior technician must submit:
 - (a) An application for renewal;
 - (b) Documentation of current certification by the Behavior Analyst Certification Board, Inc., or its successor organization; and
 - (c) Payment of the fee as set forth in NAC 641D.XXX.
2. In addition to the requirements of paragraph 1, to renew a registration for the third time and every third renewal thereafter, the individual shall submit to a criminal history investigation as prescribed in paragraph (b) of subsection 1 of NRS 641D.300. The results of the criminal history investigation must be received prior to the approval of the renewal.
3. Continuing education is not required for renewal or reinstatement of a registration as a registered behavior technician.

Reinstatement of expired license or registration. (NRS 640A.110, 640A.180)

1. A license or registration that has expired may be reinstated within 60 days from date of expiration upon completion of all renewal requirements required by NAC 641D.XXX and NAC 641D.XXX and payment of a late renewal fee. A license or registration so reinstated is retroactive to the date of expiration.
2. In addition to any other applicable requirements set forth in NAC 641D.xxx, to reinstate a license as a licensed behavior analyst or licensed assistant behavior analyst that has been expired more than 60 days up to 2 years from date of expiration, a person must:

- (a) Provide proof of current certification by the Behavior Analyst Certification Board, Inc., or its successor organization;
- (b) Provide proof of the completion of continuing education requirements set forth in NAC 641D.XXX, paragraph 2, within the 2-year period immediately preceding the request for reinstatement;
- (c) Have achieved a passing score on the state jurisprudence examination within the year immediately preceding the request for reinstatement;
- (d) Certify that the licensee has not been practicing applied behavior analysis in the State of Nevada during the period the license has lapsed;
- (d) For the reinstatement of an expired license as a licensed assistant behavior analyst, submit proof of employment and supervision by a licensed behavior analyst upon reinstatement of the license; and
- (e) Pay the applicable fees as set forth in NAC 641D.XXX.

(a) If the applicant is licensed in another jurisdiction, 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;

(b) Submission of any other proof the Board may require to determine whether the applicant is qualified and competent to engage in the practice of applied behavior analysis.

3. A license reinstated pursuant to this section shall not be retroactive and a new date of issuance will be established.

Placement of license on inactive status; renewal or restoration to active status. (NRS 641D.010)

1. Upon written request to the Board and payment of the fee prescribed by the Board, a licensee 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 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. Continuing education is not required to renew a license on inactive status.
5. 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:
 - (c) The submission of an application for the restoration of the license;
 - (d) The payment of the appropriate fee as set forth in NAC 641D.XXX for the restoration to active status of a license on inactive status;
 - (e) The submission of proof of completion of the requirements for continuing education set forth in NAC 641D.XXX during the 2 years immediately preceding the date of the application;
 - (f) If the applicant has engaged in the practice of applied behavior analysis 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;
 - (g) Submission of any other proof the Board may require to determine whether the applicant is qualified and competent to engage in the practice of applied behavior analysis; and
 - (h) If the Board considers it necessary, the successful completion of the state jurisprudence examination administered by the Board pursuant to NAC 641D.xxx.

Continuing education: Requirements for renewal of license as a licensed behavior analyst or licensed assistant behavior analyst; courses. (NRS 641D.010.)

1. To renew his or her license, a licensee 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 continuing education requirements for current certification by the Behavior Analyst Certification Board, Inc., or its successor organization.
2. In addition to the continuing education requirements in subsection (a), a licensee must complete:
 - (a) At least 6 hours of continuing education in scientific and professional ethics and standards specifically pertaining to the practice of applied behavior analysis;
 - (b) At least 4 hours of continuing education on evidence-based suicide prevention and awareness; and

(c) At least 6 hours of continuing education on cultural competency and diversity, equity and inclusion.

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.

4. To ensure compliance with the provisions of this section, the Board may conduct random audits of the continuing education completed by licensees.

Continuing education: Waiver of requirements for extenuating circumstances. (NRS 641D.010)

1. The Board may waive all or part of the requirements for continuing education for a person who holds a license if the person:

- (a) Submits a written request for a waiver; and
- (b) Provides evidence satisfactory to the Board of an extenuating circumstance which does not allow the completion of the required continuing education.

2. Examples of an extenuating circumstance include, without limitation, extreme:

- (a) Illness or injury;
- (b) Financial hardship; or
- (c) Family hardship.

3. If a waiver is granted, the unfulfilled requirements for continuing education will be added to the person's requirements for the following biennial renewal cycle.

4. If a waiver is not granted, the Board may grant extra time for the person to fulfill any required continuing education that has not been completed, or deny the license renewal.

Request for verification of license, letter of good standing. (NRS 641D.010)

1. A person may request that a letter of written verification of his or her license or registration be provided to another organization or state by submitting to the Board:

- (a) A written request; and
- (b) Payment of the appropriate fee.

2. A written verification of the license or registration of a person must include, without limitation:

- (a) The name of the licensee;
- (b) The professional title of the licensee;

- (c) The license number of the license;
- (d) Whether the licensee is in good standing; and
- (e) Whether any disciplinary action is pending or has been taken against the licensee.

3. For the purposes of this section, a licensee is in good standing if the licensee:

- (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 a suspension or revocation of the license of the licensee; and

(2) The licensee has successfully completed or is adhering to any terms and conditions imposed by the Board as a result of the disciplinary action.

4. A letter of good standing may be requested pursuant to the provisions of paragraphs 1 and 2 of this section if the licensee is in compliance with paragraph 3 of this section..

State examination of applicants for licensure as licensed behavior analyst or licensed assistant behavior analyst: Content; reexamination; fee; prohibited acts.
(NRS 641D.010)

1. Each applicant for a license as a licensed behavior analyst or a licensed assistant behavior analyst must take and pass the state exam.
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.
3. The state examination must be completed within 30 days from the date of submittal of an application for licensure; and
4. The fee for the state examination must be paid at time of submittal of the initial application.
5. An applicant who fails the state examination may retake the examination. A fee must be paid each time the applicant takes the state examination.
6. An applicant shall not:
 - (a) Record the state examination by electronic or other means; or
 - (b) Engage in any other conduct that results in the disclosure of the contents of

the state examination.

Notification of contact information; mailing of notice to licensee. (NRS 641D.010)

1. Each person licensed or registered shall file his or her contact information, current residential address, and employment address with the Board.
3. If the Board is required by law or the provisions of this chapter to deliver any notice by mail to a person licensed or registered with the Board, the notice will be mailed to the last residential address of the person which was filed with the Board in accordance with this section.

Notification of Employment, Contact Information

1. A person licensed or registered with the Board shall notify the Board within 30 days of a change in:
 - a. employer or employment status;
 - b. his or her contact information, including but not limited to residential address, telephone or email address.

Display and alteration of license. (NRS 641D.010)

A licensee:

- (a) Shall display his or her license in a conspicuous place on the premises of his or her office or place of employment. A licensee practicing outside of an office must have his or her license available for production upon request; and
- (b) Shall not alter the license.

Change of name after issuance of license or registration. (NRS 641D.010) If a licensee or registered behavior technician changes his or her name after his or her license or registration is issued, he or she must submit, within 30 days after the change, proof satisfactory to the Board that his or her name was legally changed.

Communication From the Board (NRS 641D.010)

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

Fees. (NRS 641D.010.)

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

(a) For a Behavior Analyst:

For an application for licensure.....	\$100
For the issuance of an initial license.....	400
For the biennial renewal of a license t.....	400
For the late renewal of a license	
For reinstatement of a license	
For the placement of a license on inactive status.....	100
For the biennial renewal of a license on inactive status.....	100
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.....	300
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.....	100

(b) For an Assistant Behavior Analyst

For an application for licensure.....	\$100
For the issuance of an initial license.....	275
For the biennial renewal of a license.....	275
For the late renewal of a license	
For reinstatement of a license	
For the biennial renewal of a license on inactive status.....	100
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.....	175
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...	40

(a) For a Registered Behavior Technician

For the application for registration.....	50
For the issuance of an initial registration	70
For the biennial renewal of a registration	70
For the late renewal of a registration	

General:

For the state jurisprudence examination	\$100 plus
Actual costs	
For reproduction and mailing of material for an application.....	25
For a dishonored payment.....	15
For a change of name on a license.....	25
For a letter of good standing.....	15

2. The Board will annually determine the actual costs to the Board for the state jurisprudence examination administered by the Board pursuant to NAC 641D.xxx or 641D.xxx for 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 fees set forth in subsection 1 for an initial license or registration of any type.

Citation, administrative fine for practicing without a valid license; Board may waive fine under certain circumstances. (NRS 641D.010)

1. The Board will issue a citation upon a determination that a person has been practicing applied behavior analysis without a valid license or registration. The citation will describe the nature of the violation, the amount assessed as an administrative fine, and process for appeal of the citation.

2. Except as otherwise provided by subsection 3, the Board will assess against a person practicing applied behavior analysis without a valid license or registration an administrative fine of:

For the first violation:

(a) for a Behavior Analyst\$ 500

(b) for an Assistant Behavior Analyst \$ 250

(c) for a Behavior Technician \$150

For the second violation:

(a) for a Behavior Analyst \$ 1,000

(b) for an Assistant Behavior Analyst \$ 500

(c) for a Behavior Technician \$ 300

For the third violation:

(a) for a Behavior Analyst \$ 5,000

(b) for an Assistant Behavior Analyst \$ 2,000

(c) for a Behavior Technician \$ 1,000

2. The Board may waive an administrative fine assessed pursuant to subsections 2 upon a finding of good cause by the Board. A person seeking waiver of an administrative fine on the grounds prescribed by this paragraph shall submit a written request to the Board within 30 days, which must include proof satisfactory to the Board that good cause exists for the Board to waive the administrative fine. As used in this paragraph, "good cause" includes, without limitation, circumstances under which a person suffers from an illness or disability, suffers an injury or experiences a family hardship.

SUPERVISION
ASSISTANT APPLIED BEHAVIOR ANALYST, REGISTERED BEHAVIOR
TECHNICIANS

Supervisor Qualifications

A Licensed Behavior Analyst must meet the qualifications and required for supervision established by the Behavior Analyst Certification Board, Inc., or its successor organization.

Supervision of licensed assistant behavior analysts and registered behavior technicians. (NRS 641D.010)

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:
 - i. Videoconferencing, except that this must not constitute more than one-half of the time supervised each month; and
 - ii. 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.

Assistant Behavior Analyst: Presence of supervisor. (NRS 641D.010)

1. Unless otherwise approved by the Board, a supervisor must be physically present on the premises where qualifying professional activities are undertaken by an assistant behavior analyst at least one-half of the time during which the activities are performed.

2. Except as otherwise provided in NAC 641D.xxx, a supervisor who supervises an assistant behavior analyst must have clinical responsibility for all cases in which the assistant behavior analyst provides services.

3. A mental health professional licensed or certified in this State must be available on the premises at all times when an assistant behavior analyst is providing services to a client.

Supervision involving potential conflict of interest prohibited. (NRS 641D.010)

1. A supervisor shall not supervise an assistant behavior analyst or behavior technician if that supervision involves a potential conflict of interest, including, without limitation, supervision of an assistant behavior analyst or behavior technician:

- (a) Who is a member of the supervisor's household;
- (b) Who is related to the supervisor by blood, adoption or marriage, within the third degree of consanguinity or affinity;
- (c) With whom the supervisor has had or is having a personal relationship;
- (d) With whom the supervisor has a financial or business relationship, including, without limitation, an agreement concerning compensation of the supervisor by the assistant behavior analyst or behavior technician for his or her supervision; and
- (e) With whom the supervisor has a behavior analyst-patient relationship.

2. As used in this section, "personal relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

Duties of supervisor regarding preparation and maintenance of records and notification of Board. (NRS 641D.010)

- 1. A supervisor shall prepare records that will enable him or her to:
 - (a) Effectively train and evaluate each assistant behavior analyst or behavior technician whom he or she supervises; and
 - (b) Accurately determine the number of hours of supervised experience obtained by each behavior analyst or behavior technician whom he or she supervises.
- 2. A supervisor shall maintain all records relating to the supervision of a

behavior analyst or behavior technician, including, without limitation, the records required to be maintained pursuant to NAC 641D.xxx, for not less than 5 years after the last date of supervision. Upon request, such records must be available for inspection by the Board.

3. A supervisor shall notify the Board within 10 days after his or her supervision of a behavior analyst or behavior technician is completed or terminated.

Limitations on number of assistant behavior analysts, behavior technicians and supervisors. (NRS 641D.100, 641D.170)

1. A behavior analyst may serve as a supervisor to:
 - (a) Not more than three assistant behavior analysts;
 - (b) Not more than two behavior technicians;
 - (c) A combination of not more than three assistant behavior analysts and one behavior technician; or
 - (d) A combination of not more than two assistant behavior analysts and not more than two behavior technician, at the same time.
2. An assistant behavior analyst or behavior technician may not be employed by more than two supervisors at the same time.

Responsibility to inform clients of status of assistant or technician; ethical and legal responsibility of supervisor for professional activities of assistant or technician; advertising or listing. (NRS 641D.0100)

1. A supervisor and his or her assistant behavior analyst are responsible for informing clients of the status of the assistant behavior analyst or behavior technician..
2. The supervisor is ethically and legally responsible for all professional activities undertaken by the assistant behavior analyst or behavior technician.
3. An assistant behavior analyst or behavior technician may not advertise or be listed on any roster, panel or directory of licensed behavior analysts other than that published by the Board.

STANDARDS OF CONDUCT

Applicability. (NRS 641D.010)

1. The provisions of NAC 641D.xxx to 641D.xxx, inclusive:
 - (a) Apply to the conduct of any licensee, registrant or any applicant for licensure or registration pursuant to this chapter and chapter 641D of NRS, including conduct during any period of education, training or employment required for licensure.
 - (b) Constitute the standards of conduct which a licensee shall follow in the provision of services.
2. A violation of the provisions of NAC 641D.xxx to 641D.xxx inclusive, constitutes unprofessional conduct and is a ground for disciplinary action or the denial of an application for an initial license or the renewal or reinstatement of a license.

Determination of organization as patient or client. (NRS 641D.010) An organization is a patient or client of a licensee if the professional contract between the organization and the licensee requires the licensee to provide services primarily to the organization rather than to the persons in the organization.

Authority of parent or legal guardian to make decisions concerning treatment; issues for which child or protected person is patient or client. (NRS 641D.010) If 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 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 licensee and the child or protected person during the course of the professional relationship.

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 641D.010) A licensee:

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 licensee 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 licensee 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.
11. Shall not directly or indirectly offer, give, solicit, receive or agree to receive any fee or other consideration for the referral of a client.
12. Shall not mislead or withhold from a client, prospective client or other person who will be responsible for payment of the services of the licensee information concerning the fee for professional services.
13. A licensee 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.

Disclosure to patient or legal representative; termination of services; care of patients and research subjects. (NRS 641D.010) A licensed behavior analyst:

- 1. Shall, in an appropriate manner, explain a patient's condition clearly and truthfully to the patient or the person responsible for the care of the patient.
- 2. Shall keep each patient fully informed of the purpose and nature of any evaluation, treatment or other procedure and the patient's right to choose the services provided.
- 3. Shall not perform any professional service that has not been authorized by the patient or his or her legal representative.
- 4. Shall explain clearly to a patient:
 - (a) The basis and extent of all contemplated services, fees and charges;
 - (b) The extent of the patient's personal responsibility for those fees; and
 - (c) The prospective benefits to be derived from and the known risks of such services.
- 5. Shall, upon termination of services to a patient, offer to make reasonable arrangements for the continuation of care, if such care is necessary.

6. Shall, if it is reasonably clear that a patient is not benefiting from the professional services provided by the licensed behavior analyst, terminate the professional relationship with the patient after adequately preparing the patient for the termination.

7. Shall, during foreseeable periods of absence, make arrangements for another competent professional to provide emergency care for the patients under the care of the licensed behavior analyst.

8. Shall not abandon or neglect a patient under and in need of immediate professional care without making reasonable arrangements for the continuation of care.

9. Shall not abandon a professional employment by a group practice, hospital, clinic or other health care facility without reasonable notice.

10. Shall not impose on a patient any stereotypes of behavior, values or roles related to age, gender, religion, race, disability, nationality or sexual preference which would interfere with the objective provision of behavior analysis services to the patient.

11. Shall not willfully harass, abuse or intimidate any patient or other person to whom he or she has a professional responsibility. The use of any lawful procedure or process for the collection of an unpaid fee is not a violation of this subsection.

12. Shall not exercise undue influence upon any patient or promote the sale to a patient of any service, good, appliance or drug in such a way as to exploit the patient for the financial gain of the licensed behavior analyst or another person.

13. Shall, in the conduct of behavioral analysis research:

- (a) Respect the dignity and protect the welfare of his or her research subjects;
- (b) Comply with all relevant laws and regulations concerning the treatment of research subjects;
- (c) Fully inform each person who is a prospective subject of research, or his or her authorized representative, of any danger of serious aftereffects before the person is used as a subject; and
- (d) Use reasonable efforts to remove any possible harmful aftereffects of emotional stress as soon as the design of the research permits.

Maintenance and availability of records. (NRS 641D.010)

1. A licensee 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 licensee 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 licensee 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 licensee 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 licensee who provides supervision of a licensed assistant behavior analyst or registered behavior technician 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.

NAC 641D.224 Confidential information. (NRS 641D.100, 641D.232)

1. If a licensee 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 licensee 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 licensee 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 may disclose confidential information only if he or she obtains the informed written consent of the patient or client.

3. A licensee may disclose confidential information without the informed written consent of a patient or client if the licensee 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 applied behavior analysis in addressing such problems.

(b) If the patient or client is an organization, licensee has made a reasonable but unsuccessful attempt to correct the problems within the organization.

4. A licensee 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 licensee to report the abuse of a child or elderly person.

5. If a licensee renders services to more than one person, including services rendered to an organization, family, couple, group, or a child and a parent, the licensee 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 licensee 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 licensee 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.

7. With the written consent of a patient, a licensee 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 licensee 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 licensee 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 licensee 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 licensee during the course of a professional relationship, or otherwise obtained by the licensee 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 the circumstances under which the information was obtained, the information will not be disclosed by the licensee without the informed written consent of the patient or client.

Impairment of licensee; limitation on contact with current or former patient or client. (NRS 641D.100, 641D.232)

1. A licensee shall not begin or continue a professional relationship with a patient or client if the licensee 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 abuse problems. If such a problem develops during the course of a professional relationship, the licensee 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 licensee shall not begin or continue a professional relationship with a patient or client if the objectivity or competency of the licensee is impaired, or if the licensee has received notification from the Board that the Board reasonably suspects his or her objectivity or competency to be impaired, because the licensee 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 licensee has rendered professional services to a person, the licensee 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 licensee because of an emotional or cognitive disorder.

Assessment procedures: Communication of results to patient or client; limitations on use. (NRS 641D.100, 641D.232)

1. If a 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 licensed behavior analyst shall not reproduce or describe in any popular publications, lectures or public presentations, tests or other assessment procedures in a manner which may invalidate the tests or procedures.

3. If a 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.

Misrepresentation of professional qualifications, affiliations, services, products or findings. (NRS 641D.010)

1. A licensee 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 licensee shall correct any other person who the licensee knows has misrepresented the professional qualifications or affiliations of the licensee.
3. A licensee shall not include false or misleading information in his or her public statements concerning the professional services he or she offers.
4. A licensee shall not guarantee that satisfaction or a cure will result from the performance of his or her professional services.
5. A licensee 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.

Aiding in unlawful practice of applied behavior analysis; improper delegation of professional responsibilities; reporting of violation and exception. (NRS 641D.010)

1. A licensee shall not aid or abet another person in misrepresenting the person's professional credentials or illegally engaging in the practice of applied behavior analysis.

2. A licensee 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 licensee has substantial reason to believe that another 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 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 641D.200 to 641D.255, inclusive, do not relieve a licensee of the duty to file any report otherwise required by state or federal law or regulation.

Violation of law or regulation; use of fraud, misrepresentation or deception; improper filing of reports; violation of probation; failure to pay child support or to comply with certain warrants or subpoenas relating to determination of paternity or child support. (NRS 641D.010)

1. A licensee shall not violate any law or regulation which governs the practice of applied behavior analysis, as applicable.

2. A licensee 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 applied behavior analysis, or

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

analysis, as applicable.

3. A licensee 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 licensee shall not violate any condition, limitation or term of probation imposed upon him or her by the Board.

5. A licensee 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.

“Professional and Ethical Compliance Code for Behavior Analysts”: Adoption by reference; controlling provisions; revision. (NRS 641D.100, 641D.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 641D.xxx to 641D.xxx, inclusive, in which case the provisions of NAC 641D.xxx to 641D.xxx, 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.

Draft

DISCIPLINARY ACTION

Complaints against licensees. (NRS 641D.010)

1. Any person who believes that another person licensed by the Board 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 person licensed by the Board.
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 Executive Director of the Board, in consultation with legal counsel, shall review each complaint and decide if the complaint merits an investigation.
5. The Executive Director of the Board shall bring before the Board any complaint found to have merit.
6. For any proceedings regarding a complaint filed against an assistant behavior analyst or behavior technician, the Board may require that the individual be accompanied by any supervisor who signed, dated or reviewed a record regarding a patient related to the complaint.

Acts constituting unprofessional conduct. (NRS 641D.010) In addition to those 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 because of the licensee's use of alcohol or any controlled substance, or because of any mental or physical condition or illness suffered by the licensee;
2. Being guilty of negligence in the performance of applied behavior analysis;
3. Allowing another person to use the license issued to the licensee;
4. Failing to report or otherwise concealing information related to a violation of this chapter or NRS 641D.xxx 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, 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 or applicant for licensure by a regulatory authority in another jurisdiction in which the licensee or applicant currently holds or held a license;
9. Divulging, without the consent of the patient, information gained within the context of the professional relationship with the patient, unless otherwise required by law;
10. Failing to obtain the informed consent of a patient before engaging in scientific research involving the patient;
11. Violating a provision of the "Professional and Ethical Compliance Code for Behavior Analysts" adopted by reference in NAC 641D.xxx;
12. Referring or appearing to refer a patient to a third person to receive a fee or other consideration from the third person;
13. Recommending or prescribing therapeutic devices or modalities sold by a third person to receive a fee or other consideration from the third person;
14. Advertising in a manner that tends to deceive or mislead the public or advertising deceptive or misleading information;
15. Making false statements, providing false information or omitting pertinent information in connection with an application for licensure or renewal of a license or registration;
16. Misrepresenting or falsifying credentials, including, without limitation, those relating to education, training, experience and areas of competency;
17. Practicing or offering to practice beyond the scope authorized by law; or
18. Performing professional services which the licensee knows he or she is not competent to perform.

Unprofessional conduct: Imposition of conditions on use of license. (NRS 641D.010) If the Board determines that a licensed behavior analyst or license assistant behavior analyst is guilty of unprofessional conduct pursuant to NRS 641D.xxx and does not suspend or revoke his or her license, the Board will impose, as it deems appropriate, one or more of

the following conditions on the use of that license:

1. The acceptance of a public reprimand administered by the Board;
2. Probation for a specified period or until further order of the Board;
3. Restrictions or limitations on the scope of the licensee's practice;
4. The successful completion of a program of remedial education or treatment approved by the Board;
5. Supervision of the professional work of the licensee by a person approved by the Board;
6. The repayment to a patient of all money collected by the licensee in connection with the unprofessional conduct;
7. The successful completion of a physical or mental examination or an examination testing the competence of the licensee; or
8. Such other disciplinary action as the Board considers necessary and appropriate.

Recovery by Board of attorney's fees and costs. (NRS 641D.010) 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.

Informal disposition of complaints. (NRS 641D.010) If, after investigating a complaint, and in consultation with legal counsel, the President determines that the complaint does not justify or require formal disciplinary proceedings, the President or a person designated by the President may consider and resolve the complaint through informal conferences, meetings, agreements or other informal action as may be appropriate under the circumstances. Such informal action is held without prejudice to the Board, and formal proceedings may be instituted subsequently by the Board, the President or a person designated by the President for the same or related matters. If new evidence is discovered, the matter may, at any time, be reopened and investigated further if the circumstances so warrant.

Fees and expenses of witnesses. (NRS 641D.010)

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.

PROCEEDINGS BEFORE THE BOARD

Action by Board on its own motion; petition for adoption, amendment or repeal of regulation or for hearing. (NRS 641D.010)

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 Chair 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;
 - (c) If the amendment or repeal of an existing regulation is proposed, the NAC citation of the regulation and the supporting facts and arguments;
 - (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 NRS.
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 to clarify the request.

Previously proposed Mission Statement

The mission of the Board is to safeguard the health, safety, and welfare of Nevadans by requiring those who practice ABA within this state to be qualified. The Board shall oversee the practice of ABA in Nevada through facilitation of legally mandated regulations for practitioners and ensure the prevention of harm towards consumers. The Board is guided by the values ethics, integrity, an adherence to best practices, collaboration, protection, and transparency, to the best of its ability as pertains to law. The Board functions to serve consumers, practitioners, and the community.

Licenses/Registrations issued 10-1-2021 through 12-07-23 were approved with background reports that did not include the Federal component. These individuals will need to complete another clearance that includes the Federal component now that NV ABA has been approved by the FBI to receive that information.

Approximately 1400 RBTS, 17 LaBAs and 226 LBAs (a total of 1643) will need to complete a new background check.

Each request costs a minimum of \$40.25, which does not include the fees charged by the fingerprinting establishment. If everyone were to complete the process again the cost would be in excess of \$66,130.75.

Based on history, 40-50% of RBT's will not renew their registrations and LaBA's will complete the process as an LBA. The LBA's were new licensees so a higher percentage would be expected to be reprocessed. That could reduce the number to an estimated: RBT's 700-840, LaBAs 0, LBAs 220, bringing the total number to an estimate of 1060 for a total cost of \$42,665.

Renewals will be required for all Nevada registrants/licensees by 12-31-24. This would be the optimal time to ensure everyone has the required clearance. That gives us 10 months to have the clearances completed – before the renewal season opens.

Those requiring a new report would be notified and given 9-10 months to complete the process. They would then complete the renewal process. Those not completing the new background process would not be eligible for renewal and could face disciplinary actions.

Options to consider:

1. Require the background clearances be completed, with results received by NVABA before September 30, 2024 in order to be approved for "renewal."
2. Anyone **not** providing results by September 30, 2024, would be required to complete a new, initial application and all related fees, resulting in a new license/registration number and issue date
3. The cost of the new background clearance be:
 - a. borne entirely by the registrant/licensee and/or employer

Cost estimates:

Zero cost to the NV ABA Board

- b. offset a portion of the renewal fee for those impacted registrants/licensees by the NV ABA Board, as a percentage or set amount for those meeting the September 30, 2024 deadline.

Cost estimates:

100% RBT renewal fee waived: $840 \times \$70 = \$58,800$

50% RBT renewal fee reduction: $840 \times \$35 = \$29,400$

Flat fee - $\$25 \times 840 \text{ RBTs} = \$21,000$ or $\$40.25 \times 840 = \$33,810$

$\$25 \times 220 \text{ LBA's} = \$5,500$ or $\$40.25 \times 220 = \$8,855$

Where does the money come from?

We could reduce income through the reduction in renewal fees impacting the 24-25 FY budgets, or cover the cost from money in reserve.