

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN; the Nevada Board of Applied Behavior Analysis will hold a public hearing to consider amendments to Nevada Administrative Code (NAC) Chapter 437 related to the practice of Applied Behavior Analysis in Nevada in LCB File No. R045-19. This public hearing is to be held in conjunction with the Board of Applied Behavior Analysis meeting on June 23, 2020. The NAC 437 regulation changes will be heard in the order placed on the Board of Applied Behavior Analysis agenda.

The hearing will be conducted via ZOOM video platform beginning at 2:30 p.m. June 23, 2020 and will have a physical location at the following address:

3416 Goni Rd.
Suite D-132
Carson City, NV 89706

<https://zoom.us/j/92765135913?pwd=cjBxYmJBOXFzQXBrU3RrclA5N0tDQT09>

Meeting ID: 927 6513 5913

Password: 913374

One tap mobile

+16699006833,,92765135913# US (San Jose)

+13462487799,,92765135913# US (Houston)

Board members will be attending telephonically and via ZOOM. Members of the public are strongly encouraged to participate via teleconference or ZOOM.

The hearing will be conducted in accordance with NRS 241.020, Nevada's Open Meeting Law.

The proposed changes will create Chapter 437 of the Nevada Administrative Code related to practice of Applied Behavior Analysis in LCB File No. R045-19.

The proposed regulations will provide for:

Section 2 of this regulation requires each applicant for licensure as a behavior analyst or assistant behavior analyst to pass an examination administered by the Division concerning laws and regulations governing the practice of applied behavior analysis. Section 2 prescribes the content and procedure for that examination and requires the Division to post a description of that content on the Internet.

Section 3 of this regulation prescribes additional requirements for such licensure or registration. Section 3 also authorizes the Division to issue a provisional license to an applicant for a license as a behavior analyst or assistant behavior analyst who meets the requirements for licensure other than passage of the examination. Section 3 also requires the Division to issue to each licensee or registrant a wallet-sized card indicating that the person is licensed or registered, as applicable.

Section 4 of this regulation requires the Division to notify a licensee or registrant before the expiration of his or her license or registration. Section 4 also: (1) requires a licensee as a behavior analyst or assistant behavior analyst to include in an application for renewal a signed form certifying that he or she has completed the required continuing education; and (2) provides that a licensee who misrepresents the completion of continuing education is subject to disciplinary action.

Section 5 of this regulation authorizes a behavior analyst or assistant behavior analyst to have his or her license placed on inactive status for up to 3 years.

Section 6 of this regulation adopts by reference the standards for continuing education of a Board Certified Behavior Analyst or Board Certified Assistant Behavior Analyst prescribed by the Behavior Analyst Certification Board, Inc., and section 8 of this regulation requires a behavior analyst or assistant behavior analyst to comply with the applicable requirements for continuing education prescribed by that organization. Section 6 of this regulation also adopts by regulation the standards prescribed by the Behavior Analyst Certification Board, Inc., for such supervision.

Section 7 of this regulation requires supervision of an assistant behavior analyst or registered behavior analyst to comply with the applicable standards prescribed by the Behavior Analyst Certification Board, Inc. Section 7 also requires a person who provides such supervision to: (1) maintain documentation of the supervision for at least 7 years; and (2) provide that documentation to the Board or Division upon the request of the Board.

1. Anticipated effects on the business which NAC 437 regulates:

- A. *Adverse effects:* By requiring Registered Behavior Technicians (RBT) to be registered with the State of Nevada, this creates an additional fee for providers and a potential delay to begin providing direct service to individuals.
- B. *Beneficial:* By requiring Registered Behavior Technicians (RBT) to be registered with the State of Nevada, they may be paid more and have more work and the registration and licensure processes may provide added protections to businesses. In addition, aligning supervision and continuing education requirements with the Behavior Analysis Certification Board (BACB) increases the quality and integrity of services delivered to consumers protecting the field of behavior analysis and services delivered in applied settings.
- C. *Immediate:* Upon passage of the proposed regulations, providers may experience an increase in business costs due to the state registration of the RBT's. However, by requiring Registered Behavior Technicians (RBT) to be registered with the State of Nevada, they may be paid more and have more work and the registration and licensure processes may provide added protections to businesses. In addition, aligning supervision and continuing education requirements with the Behavior Analysis Certification Board (BACB) increases the quality and integrity of services delivered to consumers protecting the field of behavior analysis and services delivered in applied settings.
- D. *Long-term:* By requiring Registered Behavior Technicians (RBT) to be registered with the State of Nevada, they may be paid more and have more work and the registration and licensure processes may provide added protections to businesses. In addition, aligning supervision and continuing education requirements with the Behavior Analysis

Certification Board (BACB) increases the quality and integrity of services delivered to consumers protecting the field of behavior analysis and services delivered in applied settings.

2. Anticipated effects on the public:

- A. *Adverse*: No adverse effects on the public are anticipated.
- B. *Beneficial*: By requiring Registered Behavior Technicians (RBT) to be registered with the State of Nevada, they may be paid more and have more work and the registration and licensure processes may provide added protections to businesses. In addition, aligning supervision and continuing education requirements with the Behavior Analysis Certification Board (BACB) increases the quality and integrity of services delivered to consumers protecting the field of behavior analysis and services delivered in applied settings.
- C. *Immediate*: Upon passage of the proposed regulations provide the benefits as noted in the beneficial section.
- D. *Long-term*: Upon passage of the proposed regulations provide the benefits as noted in the beneficial and immediate sections.

3. The currently effective regulations already assess a fee to register RBT's. The fees have been calculated to cover the cost of the necessary oversight.

The proposed regulations do not overlap or duplicate any other Nevada state regulations.

Members of the public may make oral comments at this meeting. Persons wishing to submit written testimony or documentary evidence may submit the material to Laryna Lewis at:

Aging and Disability Services Division
3416 Goni Road
Suite D-132
Carson City, NV 89706
FAX (775) 687-0574

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 Laryna Lewis at (775)687-5956 as soon as possible and at least one business day in advance of the meeting. If you wish, you may e-mail her at Larynalewis@adsd.nv.gov.

Supporting materials for this meeting are available by contacting Laryna Lewis at (775)687-5956, or by e-mail: Larynalewis@adsd.nv.gov

A copy of the regulations and small business impact statement information can also be found on-line by going to: Nevada Aging and Disability Services Division:

<http://adsd.nv.gov/Boards/ABA/ABA/>

A copy of the public hearing notice can also be found at Nevada Legislature's web page:

<https://www.leg.state.nv.us/App/Notice/A/>

In accordance with Nevada Governor Sisolak's Declaration of Emergency Directive 006 there will not be a physical location for the Nevada Board of Applied Behavior Analysis. The public is strongly encouraged to participate by phone or ZOOM link and download any material provided for the meeting at the website addresses below.

- As per Nevada Governor Sisolak's Declaration of Emergency Directive 006; Subsection 3: The requirements contained in NRS 241.020 (4) (a) that public notice agendas be posted at physical locations within the State of Nevada are suspended.
- As per Nevada Governor Sisolak's Declaration of Emergency Directive 006; Subsection 4: Public bodies must still comply with requirements in NRS 241.020 (4)(b) and NRS 241.020 (4)(c) that public notice agendas be posted to Nevada's notice website and the public body's website, if it maintains one along with providing a copy to any person who has requested one via U.S. mail or electronic mail.
- As per Nevada Governor Sisolak's Declaration of Emergency Directive 006; Subsection 5: The requirement contained in NRS 241.020 (3)(c) that physical locations be available for the public to receive supporting material for public meetings is suspended.
- As per Nevada Governor Sisolak's Declaration of Emergency Directive 006; Subsection 6: If a public body holds a meeting and does not provide a physical location where supporting material is available to the public, the public body must provide on its public notice agenda the name and contact information for the person designated by the public body from whom a member of the public may request supporting material electronically and must post supporting material to the public body's website, if it maintains one.

Notice of this meeting is also posted on the Internet: <https://ADSD.NV.gov>, and <https://notice.nv.gov> and has been sent to the Legislative Counsel Bureau. Copies may be obtained in person, by mail, or by calling (775) 684-5956.

Per NRS 233B.064(2), upon adoption of any regulations, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.