MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON COMMERCE AND LABOR

Eighty-Third Session
February 26, 2025

The Committee on Commerce and Labor was called to order by Chair Elaine H. Marzola at 1:32 p.m. on Wednesday, February 26, 2025, in Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 3 of the Nevada Legislature Hearing Rooms, 7120 Amigo Street, Las Vegas, Nevada. Copies of the minutes, including the Agenda [Exhibit A], the Attendance Roster [Exhibit B], and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/83rd2025.

COMMITTEE MEMBERS PRESENT:

Assemblymember Elaine H. Marzola, Chair
Assemblymember Sandra Jauregui, Vice Chair
Assemblymember Natha C. Anderson
Assemblymember Max E. Carter II
Assemblymember Lisa K. Cole
Assemblymember Melissa R. Hardy
Assemblymember Heidi Kasama
Assemblymember Brittney M. Miller
Assemblymember Daniele Monroe-Moreno
Assemblymember PK O'Neill
Assemblymember Erica P. Roth
Assemblymember Selena Torres-Fossett
Assemblymember Steve Yeager
Assemblymember Toby Yurek

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblymember Gregory T. Hafen II, Assembly District No. 36
Assemblymember Shea M. Backus, Assembly District No. 37

STAFF MEMBERS PRESENT:

Marjorie Thomas, Committee Policy Analyst
Sam Quast, Committee Counsel
Daniel Peinado, Committee Counsel
Logan B. Service, Committee Manager
Julie Axelson, Committee Secretary
George Whalen, Committee Assistant

OTHERS PRESENT:

Stephen Aichroth, Administrator, Housing Division, Department of Business and Industry
Christine Hess, Chief Financial Officer, Housing Division, Department of Business and Industry
Mackenzie Warren Kay, representing Manufactured Home Community Owners Association
Mendy K. Elliott, representing Nevada Housing Coalition; and State Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors
Dave Dazlich, representing Nevada Housing Alliance
Nicole Rourke, Director, Government and Public Affairs, City of Henderson
Sarah Peters, Private Citizen, Reno, Nevada
Elijah Wion, Intern to Assemblymember Gregory T. Hafen II
Carl Sims, Deputy Program Director, Center of Innovation, The Council of State Governments, National Center for Interstate Compacts
Nick Schneider, Director, Government Affairs, Vegas Chamber
Lea Cartwright, representing National Alliance on Mental Illness, Nevada Chapter
Joelle McNutt, Executive Director, State Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors
Anahit Baghshetsyan, Research Assistant, Nevada Policy
Valerie Haskin, Coordinator, Rural Regional Behavioral Health Policy Board
Michael Ryan, Private Citizen
Kelli May Douglas, Pacific Southwest Regional Liaison, Defense-State Liaison Office, Office of the Assistant Secretary of Defense, United States Department of Defense
Dora Martinez, Private Citizen, Reno, Nevada
Megan Cavallaro, Intern to Assemblymember Shea M. Backus
Laura M. Arnold, Executive Director, Board of Psychological Examiners
Spencer Flanders, representing Nevada Psychological Association
Tara Raines, Deputy Director, Children's Advocacy Alliance of Nevada

Chair Marzola:
[Roll was called, and Committee rules and protocol reviewed.] We will hear three bills: Assembly Bill 38, Assembly Bill 163, and Assembly Bill 196. We will move to our first agenda item. I will now open the hearing on Assembly Bill 38. This measure revises various provisions relating to housing. Thank you for being with us today.

Assembly Bill 38: Revises various provisions relating to housing. (BDR 43-521)

Stephen Aichroth, Administrator, Housing Division, Department of Business and Industry:
Good afternoon. With me today is Christine Hess, our chief financial officer. We will be presenting Assembly Bill 38 on behalf of the Housing Division. I want to thank the Committee for allowing this indulgence to go through this process. We are the Nevada Housing Division [Exhibit C]. In 2017, the Legislature provided us the ability to merge with the Manufactured Housing Division. Thank you very much. That has been a very good marriage. We have oversight over manufactured housing in addition to other things we do that many of you are familiar with. Assembly Bill 38 is primarily a cleanup bill [page 3, Exhibit C] over three statutes in manufactured housing, *Nevada Revised Statutes* (NRS) Chapters 489, 118B, and 461A. You will see this is a fairly lengthy bill. Most of it is conforming language. You will see a lot of additions of things like manufactured structures, factory-built housing, and things of that ilk. That is most of it, and I will go over this in a little bit more detail here shortly.

In this bill, sections 1 through 9, 12 through 35, and 39 are basically conforming language, primarily regarding the structures that are included. These were created or modified in the past. Most of what you see there as additions were omitted when they were modified. That is the cleanup you see. Sections 12, 13, 32, and 39 also provide additional clarifying language for other purposes.

I want to focus on sections 10 and 11. We informally call this our recovery fund modification. There appears to me to be a disconnect between the statutes of NRS 489.4971 and 489.4975. All our licensees effectively pay into the recovery fund, but in my reading of NRS 489.4975, only a purchaser of a home is eligible for those recovery funds. This cleans that up a little bit. If somebody is wronged by a licensee in the repair of their home, as an example, they are potentially now eligible for the recovery funds.

In the bill as introduced, section 36 has to do with access to lots in a manufactured home community. Section 37 has to do with some landlord responsibilities. Section 38 [page 5, Exhibit C] has to do with some lot maintenance. Section 40 has to do with a notification to the Division. I have gone through those very rapidly because there is a friendly amendment [Exhibit D] that will cover that. When we get to that point, with the Chair's permission, we will have somebody speak to that.

That is the bill very rapidly. We have a proposed amendment [Exhibit E], which is in the exhibits, adding a couple of things the Division would like to deal with. If you look at that

proposed amendment in the exhibits, you will see green type. Those are the proposed Division amendments to the original submission of A.B. 38. These concern two specific items. One is the removal of travel trailers from statute, and the second is retaining the confidentiality of a complainant.

In section 1 of the proposed amendment [Exhibit E], it indicates the Division has oversight over the manufacture of travel trailers. To be very candid, I do not understand why it is there, and it has been there for a long time. We know people do reside in travel trailers. We also know folks reside in class A, B, and C motor homes, fifth wheels, tent trailers, and boats. If they need to put a shelter over their head, they are going to find a place to do that. Why are we not also providing oversight to those vehicles, and why specifically travel trailers? The safety of the travel trailers is overseen currently, and we would hope it continues to be, by the National Highway Traffic Safety Administration. That is all the lighting, the brakes, the tires, the load, and the carrying capacity. A compliant trailer will have a label installed that it meets all those federal standards.

The travel trailer industry, and the recreational vehicle (RV) industry in general, is governed by the RV Industry Association (RVIA), which has a standards department that promotes the enhancement of safety by monitoring the standards of the Board of Directors for the construction of those RVs. Should the manufacturer meet those standards, they will be able to display a seal on the RV. That seal certifies the RV complies with RV standards adopted by the Association and is subject to regular periodic compliance audits by inspectors who monitor thousands of requirements impacting the electrical, plumbing, heating, fire, and life safety systems in RVs. With the Department of Motor Vehicles handling the titling and the other agencies I just mentioned overseeing the safety and compliance of travel trailers, we feel our involvement in any way, shape, or form is duplicative of those functions and out of the scope of the Housing Division.

The second part of the proposed amendment [Exhibit E], in green, has to do with section 8.1, subsection 4, and that has to do with protecting a complainant's confidentiality when a complainant makes a complaint to the Division regarding a licensee with the intent of protecting that complainant from retaliation. Historically, we have withheld information from requesters, and we have done so using a variety of privileges. In order to make it clear that investigations and complaints are confidential, a statute is necessary. The language that is pulled in section 8.1 comes from NRS Title 54, the professional licensing bodies that conduct investigations into licenses, allowing those investigations the confidentiality. There are other provisions and titles with similar language regarding investigations and complaints, rendering them confidential. That was the proposed amendment [Exhibit E] from the Division.

Before I ask the Chair's discretion in going to the friendly amendment [Exhibit D], do you have something to add, Ms. Hess?

Christine Hess, Chief Financial Officer, Housing Division, Department of Business and Industry:
Administrator, I think we wanted to address a couple of items that were left out of our proposed conceptual amendment [Exhibit E] that we have had some conversations. I will start on one of them. If you look at the bill as introduced on page 8, section 9, we would like to remove the words "manufactured building" from that section. As Administrator Aichroth noted, this was a cleanup, and the Legislative Counsel Bureau provided "manufactured building" throughout to align it with NRS Chapter 461 in the activities of the Division. However, in section 9, it had unintended consequences, and it was not our intent to usurp the local government jurisdiction over those items. We agree with that. That was brought to us by a local jurisdiction, the city of Henderson, and it was an oversight on our part and not an intent to change that language. Additionally, in sections 10 and 11, Administrator, would you take those?

Steve Aichroth:
Actually, it is in sections 12 and 13 where there is wording that has "contract for sale" added. We heard from industry, and we are proposing to remove that "contract for sale" language. It is always good to have somebody else up here to backstop you when you forget to mention something. With that, Chair, I do not know if you want us to field questions as is, or if you would like to hear about the friendly amendment.

Chair Marzola:
We would like to hear about the friendly amendment before we take questions.

Mackenzie Warren Kay, representing Manufactured Home Community Owners Association:
I will start by saying we are happy in the marriage. We did not have much say in the matter, but we work well with the Housing Division. They obviously oversee manufactured housing. The work on this bill started in the interim well before session, and we were happy to be able to reach an agreement to produce this friendly amendment [Exhibit D]. I believe it is posted on the Nevada Electronic Legislative Information System. Copies have also been provided to your members. My team and I have tried to get with as many of you as possible to explain what we are trying to accomplish in the friendly amendment.

We can start with section 36, which you will see we have agreed to strike [pages 1-2, Exhibit D]. This has to do with landlord inspections on lots. As a brief background, this language was lifted from NRS Chapter 118A, which governs apartments. We are in NRS Chapter 118B. Manufactured homes and apartments are very different. We propose it be removed. We will continue to work with the Division in the interim if we still need to revisit this, but that will be stricken.

In section 37 [page 2], I will call this the customer service aspect of the bill. The green language is what is new, the Association's addition. There is already a requirement that a landlord disclose to the tenant a name and address; an email address was being added. We want the caveat "if available." In some of our smaller and more rural parks, they do not use

email. We want to make sure we would be in compliance. There is the same note in section 37, subsection 1, paragraph (b). The blue language in subsection 4 is mandating office hours for those parks with 75 lots or more to make sure there is a manager in the office for at least eight hours a week to be able to interface with the tenant. That is why we are calling it the customer service aspect.

Section 38 [pages 2-3] has to do with a tenant's maintenance of their lawn. A landlord may require this, and the Division had a desire to impose a 30-day written notice should the tenant have to take care of weeds or the lawn. They would be paying for that, ultimately. We agreed but wanted to add the language that if the rental agreement or the lease agreed upon something different that the lease could control.

Section 39 [page 3] is a conforming change. This strikes the reference to section 36 since it is being removed. Finally, section 40 [page 4] is a desire to track the parks if they are sold or transferred. There will be a report being made to the Division alerting them of the transfer. Initially, the bill proposed this obligation be on the seller. We propose this should be on the buyer, who is the new owner and who will be interfacing with the Division. That change is reflected there. I quickly want to put on the record, Chair, that the additional amendment [Exhibit E] submitted by the Division outside of this friendly amendment [Exhibit D] is friendly to us. We had time to download it ahead of the hearing and the Association has no issues with it.

Steve Aichroth:
That concludes our presentation. We will be happy to answer any questions.

Chair Marzola:
Thank you for your presentation. Committee members, are there any questions?

Assemblymember Kasama:
Like you said, this is cleanup work and cleanup language. On the friendly amendment [page 2, Exhibit D] in section 37, subsection 1, paragraph (a), I have learned from experience it seems it is easier if you just have one point of contact. I noticed here you have name, address, and telephone number of the owner and manager or assistant manager. I thought for clarity it might be, And telephone number of the owner or their representative—so we are not doing two or three. You could have a designated representative. That is my recommendation, the owner or their representative, so it is one person, one phone number, one address, one electronic email available.

Steve Aichroth:
That is a great suggestion, and we will work with Ms. Warren Kay to amend that and get that in there.

Assemblymember Cole:
My question is in section 40, when we are talking about the sale of the park. My thought is, much like the Division of Water Resources of the Department of Conservation and

Natural Resources when they do a conveyance and a report of that change of ownership, they require a chain of title. Maybe with that park change of ownership, there would be some proof. I think there are bad actors in the world who might send you a notice that says, Hey, I own this park now; but they do not.

Steve Aichroth:
We can work on potential language to that effect, I think.

Mackenzie Warren Kay:
We had questions about the form because you can see the language is broad. It is the form prescribed by the Division. In our conversations, we were given assurances that whatever form was decided on and whatever the requirements would be, that it would not go beyond the scope. I think maybe discussing the title issue and even outside of the bill and addressing it through the form or through regulation may be a possibility. We would absolutely be open to that and understand the checks and balances of why we would want to require a chain of title here.

Assemblymember Jauregui:
I have a couple of quick questions. The first one is under the transfer and sale of the parks. I know that was originally in the bill, and it was the responsibility of the seller but now it is the buyer. Does the transfer of parks not go through an escrow company or where a neutral third party could be handling the responsibility of notifying the Division of the sale?

Steve Aichroth:
That is a good question. I would think yes, that does, in fact, occur. I cannot speak to that. I can tell you sometimes we do not know the exact ecosystem and all the transactions that are happening in it. There are times, such as when we do our annual training for park managers and things of that nature, we find out that is when the park has been sold. That is what we are trying to clean up and to give the Division notification when the park is sold. I am not quite sure—and this goes back to the previous question—on how we would incorporate that, but certainly it could be done in some way, shape, or form. I am not quite sure.

Assemblymember Jauregui:
I think of the sale of real property, commercial property, or residential property. There is an escrow company that is responsible for notifying Clark County where they need to send property taxes. There is usually somebody responsible for doing that. I would think that would probably be the best entity for notifying the Housing Division of a change of sale because they are probably notifying others. If there is a loan, they are probably notifying the mortgage company or they are notifying Clark County of where they need to send property tax billing forms. That is just a recommendation. Also, I was writing when you were talking about the deletion of section 36. I know you compared it to NRS Chapter 118. Can you go through that again and why the deletion of section 36, because I missed it as I was writing.

Mackenzie Warren Kay:
This arose out of a situation happening at one park. It was not a member. It does not matter. The role of the Association is to provide the industry standard and make sure best practices are spread far and wide. I think it is more in the execution. In a manufactured housing community, the lots are owned by the park. The premise of having to seek a 24-hour advance notice to step onto something you own is decidedly different as opposed to an apartment where you are walking into someone's home and making the inspection. The Division saw the concern with the Association and our commitment to getting the word out that inspections need to be done professionally; preferably when the sun is up—and not late at night—when people are aware that someone may be stepping onto their lot to make sure they are adhering to the lease. From a practical standpoint, when you live in a mobile home community, these inspections are part of the way of life there because of the interplay of the lot being owned by the park and then you as the tenant owning your home. We wanted to be given the opportunity to educate and see if we cannot solve the issue without lifting something from a chapter that is radically different from NRS Chapter 118B, and the Division agreed. We will take up all these great suggestions.

In your question about the report, the Division should be hearing about this sooner. It is to the extent we can alert members if they are thinking of selling or, if it is a generational park and the son does not want to take it over, let us have the conversation going sooner rather than later so the Division knows who they will be interfacing with. We will do our part there. I hope that answers your question.

Chair Marzola:
Committee members, are there any additional questions? [There were none.] Thank you for the great presentation. We will move to testimony in support. Is there anyone wishing to testify in support of A.B. 38?

Mendy K. Elliott, representing Nevada Housing Coalition:
We are in full support of this measure. We appreciate all the camaraderie I guess marriage is and let us hope we do not have a divorce at the end of the session. For now, we are in full support, and we thank you very much for your time.

Chair Marzola:
Is there anyone else wishing to testify in support? [There was no one.] We will move to testimony in opposition to A.B. 38. Is there anyone wishing to testify in opposition?

Dave Dazlich, representing Nevada Housing Alliance:
The Nevada Housing Alliance is the manufactured trade association that undertakes the manufacture and sale of these homes. As the Division mentioned earlier, as introduced, we did have concerns about the contract language in sections 12 and 13. We would absolutely like to thank the Division for the meetings they have held to address these concerns. We anticipate with the forthcoming amendments that our concerns will be addressed. We want to get that on the record as introduced.

Chair Marzola:
Is there anyone else wishing to testify in opposition? [There was no one.] We will move to testimony in neutral. Is there anyone wishing to testify in the neutral position on A.B. 38?

Nicole Rourke, Director of Government and Public Affairs, City of Henderson:
I am here to thank the Housing Division for working with us on section 9 in realizing it was an oversight to ensure the local jurisdiction still has authority over the building codes that would govern and regulate manufactured buildings.

Chair Marzola:
Is there anyone else wishing to testify in the neutral position? Would you like to give any final remarks?

Steve Aichroth:
I want to thank you for hearing the bill and providing additional input I think will benefit the residents of Nevada.

Chair Marzola:
Thank you for being with us today. I will close the hearing on A.B. 38. I will now open the hearing on Assembly Bill 163. This measure enters into the Counseling Compact.

Assembly Bill 163: Enters into the Counseling Compact. (BDR 54-129)

Assemblymember Gregory T. Hafen II, Assembly District No. 36:
I am the sponsor of Assembly Bill 163, which enters into the Counseling Compact. The idea for this legislation originated from the Southern Regional Behavioral Health Policy Board, which I think you will remember I stated last week or the week before, I voted against the creation of this board. It has become one of my favorite boards to participate in and that is where the idea for this bill came from. What it will do is authorize the State to enter into the interstate compact for practice both in person and through telehealth by professional counselors who hold a valid unrestricted home state license in a compact member state. The initiative aims to help enhance access to mental health services, streamline license processes, and maintain high standards of professional practice.

Joining me today, as the Chair stated, is former Assemblymember Sarah Peters and my intern, Elijah Wion. If I could take a moment of personal privilege and congratulate him. He was just accepted into William S. Boyd School of Law today, and he is going to present his first bill. We will go ahead and open up the slide show [Exhibit F], and I will turn it over to Ms. Peters to go ahead and give her statement.

Sarah Peters, Private Citizen, Reno, Nevada:
I am happy to be back in support of this important workforce development bill brought by one of our sister boards. I serve on the Washoe Regional Behavioral Health Policy Board. This one comes from the Southern Regional Behavioral Health Policy Board. I had the privilege of speaking in front of their board recently to talk about the bill introduction

process and how to come and convince you all these bills are important. When Assemblymember Hafen asked if I could come and help support this bill, it felt very much in alignment with the work I did in the Legislature and my continued passion for Nevada and health care workforce in our state.

I am pleased to be copresenting this bill given my longstanding commitment to strengthening Nevada's behavioral health workforce. During my time in the Legislature, I served as the chair of the Assembly Committee on Health and Human Services, where we worked extensively on policies to expand access to care. I also had the opportunity to collaborate with the Washoe Regional Behavioral Health Policy Board, which has been instrumental in identifying solutions to address our state's mental health provider shortage. This morning, I presented their bill draft request in the Senate. I am happy to be here for this bill in the Assembly.

Nevada continues to rank among the lowest in the nation for mental health workforce availability, with only 15 licensed behavioral health providers per 10,000 residents in the state. This is well below the national average. Nearly every county in our state is designated as a mental health professional shortage area, and far too many Nevadans—particularly in rural and underserved communities—face significant barriers to care. The Counseling Compact is a workforce development solution by allowing licensed professional counselors from other participating states to practice in Nevada without unnecessary licensure barriers. This Compact helps us expand the behavioral health workforce through qualified counselors from Compact states being able to serve Nevadans immediately, alleviating critical shortages. It also improves access in rural underserved communities with telehealth playing a vital role in mental health care. The Compact allows out-of-state providers to reach Nevadans who might otherwise go without treatment.

We support military families and mobile professions. Many counselors, especially those in military families, face delays in relicensure when relocating. This Compact removes those barriers, keeping professionals in the workforce.

Finally, this will strengthen Nevada's economy. When mental health needs go unmet, we see increased emergency room visits, lost workplace productivity, and rising costs through state services. Expanding our provider network helps address all these challenges. This Compact is not a federal mandate. It is a state-led initiative that upholds high professional standards while modernizing licensure processes. More than a dozen states have already joined, recognizing the need to address behavioral health workforce shortages in a coordinated way. I strongly urge the Committee to support this bill and help Nevada take this important step towards ensuring every resident has access to the care they need. I think we have a summary and walk-through.

Assemblymember Hafen:
To add to what Ms. Peters stated, a lot of what this is going to do is help eliminate some of the redundancies when it comes to licensing and reduce the administrative burden on both the state and the applicant. I also want to mention that the participating states still have the

ability to maintain sovereignty over the practice and the scope of laws that each, in this case, counselor would be required to do. Each of the professionals still has to abide by each of the laws that are under our statutes. This would not supersede that.

Some of the benefits we would see would be improving access to professional counseling services; preserving strength of our licensure system; facilitating telehealth services by enabling residents to receive counseling remotely from qualified professionals across state lines; and enhancing public safety through a shared interstate database of licensures and disciplinary information, allowing for rapid verification of license status and improving license or portability for professional licensed counselors, such as relocating military spouses.

I want to add to the verification process. Currently, in my conversation with some of the counselors in the state as well as the Marriage and Behavioral Health Board [*sic*], the process can take six months for them to do the background check. The Board is very efficient. They are able to get their portion done. It is trying to get the background check and everything else that goes along with it. By entering into the Compact, from their perspective it will cut down that process from the six months to just a matter of maybe a week or two weeks, which then helps get these professionals into the workforce, whether they are a military spouse or a transient member moving to the state of Nevada as a refugee from the fellow state of California, as we have seen a lot take place recently.

With your permission, Madam Chair, I am going to turn it over to Elijah Wion to go through the various sections of the bill. I also want to put up the map of all the states that are entered into the interstate Compact currently for you to look at [page 3, Exhibit F]. Correct me if I am wrong, Mr. Wion, there are 40 states that have entered into the interstate Compact. There are five states, including the state of Nevada, that are in the process of considering this. Almost all of the states across the country are either in the process of looking at this or have entered into this. Mr. Wion, go ahead and take it away.

Elijah Wion, Intern to Assemblymember Gregory T. Hafen II:
To correct Assemblymember Hafen, it is 37 states including Washington, D.C. I would like to provide a summary of the key provisions of A.B. 163. Section 1 of the bill ratifies and enters into the Counseling Compact and provides for the purpose of the Compact, which is to "facilitate interstate practice of licensed professional counselors with the goal of improving public access to professional counseling services."

Section 2 of the Compact establishes the definition of key terms as used throughout the Compact. Section 3 of the Compact establishes the duties of the Compact's member states, which include licensing and regulating licensed professional counselors; requiring licensees to pass a nationally recognized exam; requiring licensees to have a 60 semester-hour master's degree in counseling or 60 semester-hours of graduate coursework in relevant areas; participating fully in the Compact Commission's licensure data system; and conducting criminal background checks for candidates for an initial privilege to practice.

In order to practice as a licensed professional counselor under the Compact, licensees must meet certain criteria as stated in section 4 of the Compact. Section 5 of the Compact creates an alternative pathway to licensure for privilege holders who change their primary state of residence between Compact member states. Section 6 of the Compact allows active-duty service members or their spouses to designate a home state where the individual has a current license in good standing. This state will then serve as the individual's home state for the duration of the service member's active duty.

Section 7 of the Compact establishes that the privilege to practice under the Compact must include the provision of telehealth services to patients in remote states. Licensees providing telehealth services in a remote state must adhere to the laws and regulations, including the scope of practice, of the remote state. Section 8 of the Compact clarifies that only a practitioner's home state may take adverse actions against a home state license. The establishment of the Counseling Compact Commission is outlined in section 9 of the Compact, and section 10 requires the sharing of licensure information by all Compact states. A member state must submit a uniform data set to the data system on counselors to whom this Compact is applicable as required by the rules of the Commission.

Section 11 of the Compact addresses the rulemaking under the Compact by the Commission. Section 12 of the Compact ensures compliance with the Compact by member states and provides procedures for oversight, dispute resolution, and enforcement. The Compact took effect on the day of the enactment of the tenth state. Section 13 addresses the date of implementation of the Compact, withdrawal by a member state, and amending the Compact. Section 14 addresses construction and severability of the Compact.

Lastly, section 15 of the Compact reiterates that licensees must adhere to the laws and regulations, including the scope of practice of the state in which they are practicing. All rules and bylaws of the Commission are binding upon member states. Further, in the event of a conflict between the law of the member state and the Compact, the state law is superseded to the extent of the conflict. Thank you.

Assemblymember Hafen:
I do want to point you to the exhibits that are online and posted for the public. We have over 100 mental health providers who are endorsing Nevada entering into the Counseling Compact [Exhibit G], as well as a number of letters of support [Exhibit H, Exhibit I, Exhibit J, and Exhibit K], including from the Office of the Assistant Secretary of Defense [Exhibit L]. We have had a lot of outreaches of support. Having said all of that, I do have a number of individuals who are either here or online to help us answer questions because I am not a mental health provider. We have Nahale Kalfas, attorney for the Counseling Compact Commission; Dr. Lynn Linde, Chief of Professional Practice, American Counseling Association; Dan Logsdon, Director, National Center for Interstate Compacts at the Council of State Governments Center of Innovation; Joelle McNutt, Executive Director, State Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors; Annette Logan-Parker, Founder and Chief Advocacy and Initiative Officer, Cure 4 the Kids Foundation; Dr. Kevin Osten-Garner, Chief Executive Officer for Concept2Reality; and

Kelli May Douglas, Pacific Southwest Regional Liaison, Defense-State Liaison, Office of the Assistant Secretary of Defense.

Having said all of that, Madam Chair and Committee, we are here for any questions.

Chair Marzola:
Thank you for your presentation and thank you for bringing this bill forward. I think we can all agree there is definitely a mental health crisis and shortage of counselors, and we need help desperately. Before I ask the Committee members for questions, I want to confirm again, there are 37 states in the Compact.

Elijah Wion:
Yes, that is correct, including Washington, D.C.

Chair Marzola:
Five have filed some sort of legislation. One more thing. On page 17 of A.B. 163, when we are discussing the data system, I again want to confirm and put it on the record that a data system will be created, and if there is any adverse action, or for some reason the state gets pulled from the Compact, we would always know; we would always have that information available. Is that correct?

Assemblymember Hafen:
Yes, Madam Chair. That is correct.

Chair Marzola:
Committee members, are there any questions?

Assemblymember Jauregui:
I am so glad someone from the Compact is here because I think they will probably want to answer the questions. In section 4, subsection 2 of the Compact where it says, in order to be a part of the Compact, a licensee shall "Have a valid United States social security number or National Practitioner Identifier," I am wondering about the National Practitioner Identifier and what that is. I am asking this because I think it is a great thing. I am assuming it is for people who possibly are here with work visas. Again, I think that is great because it would open up to more counselors we have. I want to make sure I understand that correctly.

Chair Marzola:
Are we supposed to have someone online?

Assemblymember Hafen:
I think they were online.

Assemblymember Jauregui:
They can always get the answer to me. I think it is a good thing, and I want to make sure it is what I am thinking it is, and it would be if someone comes here and can get this national license and practice if they were a trained counselor at home.

Assemblymember Hafen:
I will absolutely follow up with them.

Assemblymember Jauregui:
This would probably need to be a follow-up, too. I know you had mentioned 37 states, and if you are a licensee and part of the Compact, you can practice telehealth across state lines. Do we happen to know out of the 37 states, how many total licensees? That would give Nevada access to how many more counselors? Of the 37 states, how many more counselors does that mean for Nevada? That means people can access telehealth services in these states.

Again, I am making sure I understand correctly. Under section 8 of the Compact, the adverse actions against counselors, subsection 1 [page 10, lines 36 and 37 of A.B. 163] says the member state can take action on the licensee for the member license. Then subsection 3 [page 11, lines 4 through 6 of A.B. 163] says only the home state can take action on the licensee in the home state. That means if someone is practicing in Nevada, we can only take action saying they cannot practice here in Nevada, but we only can regulate the license here, right? Their home license is regulated by their home state. I am seeing a nod, yes, so thank you.

Chair Marzola:
Who did you have on the line to answer questions?

Assemblymember Hafen:
I was under the impression Dr. Osten-Garner was going to be joining us on the phone. However, he may have been pulled away. I hope not to a mental health crisis, but I do know he practices, so he does get called away sometimes.

Carl Sims, Deputy Program Director, Center of Innovation, The Council of State Governments, National Center for Interstate Compacts:
I know it was mentioned that my colleagues Dan Logsdon and Nahale Kalfas would also be available. I am here on behalf of The Council of State Governments to help answer questions on the Compact.

Assemblymember Jauregui:
Thank you, Madam Chair, for letting me ask my questions again. I had a question on section 4, subsection 2 of the Compact [page 7, lines 28 and 29 of A.B. 163] that reads, to exercise the privilege to practice, you must have a valid United States social security number or National Practitioner Identifier. I was wondering, is the National Practitioner Identifier (NPI) just a license number for maybe those who are here on work visas?

Carl Sims:
The intention of that section is where the social security number might not be available to be provided for the purpose of identifying that practitioner, but the NPI would be available. I know there might be different uses for why someone has an NPI, which is not necessarily a social security number. The intention is to provide a wider array of possibilities for someone to have a number that could be identified in the data system for the purposes of administering the Compact.

Assemblymember Jauregui:
I know there are currently 37 states that are members of the Compact. Do you happen to know how many counselors that represents?

Carl Sims:
I am not sure how many within those states there are in total. I believe as far as the national level, there are around 400,000 counselors in the United States to kind of give you an indicator there. As far as the number within those 37 states plus Washington, D.C., that is information I could try to track down for the Committee.

Chair Marzola:
Committee members, are there any additional questions? [There were none.]

Assemblymember Hafen:
To Assemblymember Jauregui's comments, we were looking up the NPI number. It is like a tax identification number you could use in lieu of a social security number. It is not just visas, but it is like your tax identification number in the event you do not want to put out your social security number.

Chair Marzola:
We will begin hearing testimony in support of Assembly Bill 163. Is there anyone wishing to testify in support?

Nick Schneider, Director, Government Affairs, Vegas Chamber:
I wanted to quickly thank the bill sponsor for bringing this bill forward. We are in support of A.B. 163, as entering the Counseling Compact will provide an easier pathway to bring in practitioners, especially experienced practitioners, to be licensed and practice within our state. As you know, mental health services are a very in-need industry here in the state, and this bill will help fill some of that talent shortage we have. This bill also stands to benefit by attracting other workers who may be relocating to the state who would have continuity of care throughout that relocation process.

Lea Cartwright, representing National Alliance on Mental Illness, Nevada Chapter:
Ditto to everything my colleague just said. That was fantastic. We support anything that gets more mental health practitioners and more care into our community.

Joelle McNutt, Executive Director, State Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors:
Madam Chair, I do have a letter in support of the Compact the Board wrote. Would it be okay to enter that into the record and read it?

Chair Marzola:
Absolutely.

Joelle McNutt:
I will summarize [Exhibit M]. The State of Nevada Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors was created to regulate the practice of marriage and family therapy and clinical professional counseling. It was declared these professions profoundly impact public safety and welfare, and we are charged with protecting public interests.

The Board has done work over the last several years to expedite licensing with the goal of providing increased access to mental health services across the state and positively contributing to the development of our workforce. We have expedited licensure by reciprocity and discounted fees for licensure by reciprocity, so the application fees for applicants from other states are cut in half. We do allow for the transfer of experience hours and supervised hours for interns, so they do not have to start over when they come to apply and be licensed in Nevada. We do not have an examination required for intern applicants. They can apply right out of graduate school, and then their licensing exam is required after licensing. We have a more inclusive consideration of acceptable education required for intern applicants. What that means is, a lot of states require specialized programmatic accreditation, and in Nevada we prefer that; but there is also consideration of other academic coursework for interns. As you can see from the examples above, the regulations in Nevada for licensure for a marriage and family therapist, marriage and family therapist interns, clinical professional counselors, and clinical professional counselor interns are structured to give an opportunity to individuals who are interested in pursuing licensure.

The Board discussed the involvement in the Counseling Compact at our meetings in June and August of 2024. We received an outpour of positive comments and support for joining the Compact. We support A.B. 163 and entering into the Compact, but it is an emphatic request of the Board that we have a jurisprudence exam, which is allowable in the Compact language, but it is not currently a part of our application requirements. We do support it, but we would really like to see our regulations and statutes open to include a jurisprudence exam so the people coming in to practice therapy in our state are aware of our state laws and regulations.

Anahit Baghshetsyan, Research Assistant, Nevada Policy:
[Read from Exhibit N.] My testimony here would echo all of the testimonies before me. However, it would also include some of the data we have concluded with our research at Nevada Policy. Research conducted by us has highlighted some key issues the mental health care industry in the state is facing, the main ones being the lack of professionals for mental

health care, the increasing demand by the residents, and, lastly, success stories from other states, which are partially due to interstate compacts like the one in question today.

Nevada has consistently ranked among the worst states for mental health care nationally. For contrast, in 2017 Nevada had 50.4 counselors per 100,000 residents when the national average was 181. As of 2023, the state data has indicated we have only 478 licensed clinical professional counselors of which only 28 are based in rural or frontier counties such as Esmeralda, Eureka, Mineral, Lander; and many more effectively have zero licensed clinical professionals. Despite that, the demand for their services continues growing to this day.

On the other hand, the licensure requirements for clinical counseling are time consuming and excessive. To paint the picture, applicants must submit intern hours and then they must also do a two-year-long graduate degree program in a mental health care discipline. Upon application, they are also supposed to show proof of 3,000 hours of clinical supervised hours. Effectively, it could take anywhere from two to three years for someone to get a counseling license.

Hence, the Counseling Compact is a timely and proven solution to this issue because it would immediately expand our mental health care professional workforce and allow professionals from 37 states to practice, most importantly, through telehealth for counties that are rural and serve underserved communities.

Given the overwhelming need, Nevada Policy would love to see you and the Committee members support A.B. 163 and elevate the mental health care access in the state.

Valerie Haskin, Coordinator, Rural Regional Behavioral Health Policy Board:
I am here to note that the Rural Regional Behavioral Health Policy Board does support A.B. 163. Thank you.

Michael Ryan, Private Citizen:
I am a longtime resident of Nevada and a Marine Corps veteran. Assembly Bill 163 could help address Nevada's critical mental health workforce shortage, particularly in the rural areas. I strongly encourage you to vote yes on A.B. 163.

Kelli May Douglas, Pacific Southwest Regional Liaison, Defense-State Liaison Office, Office of the Assistant Secretary of Defense, United States Department of Defense:
[Read from Exhibit L] On behalf of the Department of Defense and military families stationed in Nevada, I would like to express support for the policy changes addressed in A.B. 163, which would enter the state into the interstate Counseling Compact.

Professional licensure has been an enduring problem for military spouses. Military spouses are a cross section of the American population, although a greater percentage of them are in licensed professions than their civilian counterparts, and they are significantly more mobile. The short duration of military assignments, coupled with lengthy relicensing processes, can

discourage military spouses from seeking licensure, causing them to quit an occupation or pause their career, or the service member to leave the military.

State policies enacting interstate licensure compacts, such as the Counseling Compact, relieve many of the stressors of frequent military moves by enabling military spouses to transfer their licenses more quickly across state lines and obtain employment as soon as they relocate to a new state. The bottom line is that licensure compacts facilitate greater career sustainability for military spouses, improving their families' financial security and overall well-being.

Finally, interstate licensure compacts benefit not only the military spouses but also apply to all eligible professionals to include active-duty service members, members of the reserve component, veterans, and civilians. By continuing to enact these beneficial policies, the state can expand the opportunity to increase its workforce available to serve Nevadans while supporting the nearly 26,000 service members and spouses stationed in the Silver State.

In closing, the Department of Defense is very appreciative of Nevada's ongoing commitment and efforts to support members of the military and their families who sacrifice much in service to our country. We appreciate Assemblymember Hafen's sponsorship of this measure and thank you, Madam Chair and members of the Committee, for affording me the opportunity to share our strong support for A.B. 163.

Dora Martinez, Private Citizen, Reno, Nevada:
I am here representing the Nevada Disability Peer Action Coalition. We would like to thank the sponsor, Assemblymember Hafen, and we ditto what has been said. A shout-out to former Assemblymember Sarah Peters. It is good to hear your voice.

Chair Marzola:
Is there anyone else wishing to testify in support? [There was no one.] We will move to testimony in opposition to A.B. 163. Is there anyone wishing to testify in opposition? [There was no one.]

[A letter in opposition, Exhibit O, was submitted but not discussed and will become part of the record.]

We will move to testimony in neutral. Is there anyone wishing to testify in the neutral position on A.B. 163? [There was no one.] Assemblymember Hafen, would you like to give any closing remarks?

Assemblymember Hafen:
I did want to touch on the jurisprudence requirements. Those are in A.B. 163 on page 7, in section 4A, subsection 8 of the Compact, and again referenced on page 9 of A.B. 163, section 5B, subsection 2, paragraph c of the Compact. We do think that has been satisfied. I want to thank you. I think this is really important for the state of Nevada to get more mental

health providers into the state. Thank you, Chair, and thank you, Committee, for your time today.

Chair Marzola:
Thank you for your presentation and being with us today. I will close the hearing on A.B. 163. I will now open the hearing on Assembly Bill 196. This measure revises provisions governing psychology.

Assembly Bill 196: Revises provisions governing psychology. (BDR 54-164)

Assemblymember Shea M. Backus, Assembly District No. 37:
I am also joined today by my intern, so I guess it is intern presentation day in Commerce and Labor. My intern is Megan Cavallaro who is a junior at the University of Nevada, Reno. She is pursuing a double major in philosophy and psychology. We also have Laura Arnold on Zoom. She is the Executive Director of the Board of Psychological Examiners.

We appreciate this opportunity to present Assembly Bill 196, which proposes revisions to the regulation of psychology in Nevada, a vital part of our modern health care education and policy. The request of the Board of Psychological Examiners to modify *Nevada Revised Statutes* (NRS) Chapter 641 was initially brought to me by our former lobbyist, Neena Laxalt. With her passing and coincidentally having an intern who is pursuing studies in psychology, I have had Ms. Cavallaro work on this bill. She will do most of the presentation today, but Ms. Arnold and I are here to elaborate or answer any questions this Committee may have. At this time, I will turn it over to Ms. Cavallaro.

Megan Cavallaro, Intern to Assemblymember Shea M. Backus:
I am super excited to present this bill. I have been working on it. I will walk you through the purpose of the bill and then walk through each section. The demand for psychological services, as we just heard—so it is great we are going right after—has never been higher, and more effort has been put into protecting and regulating mental health services than ever before. These services provide crucial answers and resources to thousands of Nevadans.

An area of psychology that is really important and has a profound impact on the field is psychological testing, where assessment and diagnosis takes place. Licensing overseeing ethical standards is essential to psychological testing to ensure practitioners are qualified, competent, and held accountable. Expanding the ability to administer psychological tests to include trained psychometrists, as A.B. 196 proposes, could help make sure more people get access to the services they need.

Currently, there are laws governing who can perform these tests. Unlicensed individuals may perform certain psychological testing under the direct supervision and periodic observation of a licensed psychologist. Assembly Bill 196 proposes to give these unlicensed administers the title of "psychometrist." By definition, psychometrist means a medical professional who is trained in administering and scoring psychological testing and tests. This bill also gives the power to the Board of Psychology [*sic*] to create regulations governing the requirements for

who can be called a psychometrist. This would prevent unqualified individuals from using the term, limit the spread of misinformation, as well as give trained and qualified individuals a measure of formal authority. This would expand access to psychological testing and highly in-demand services many families struggle to get quick access to.

I will now walk you through the sections of the bill. Section 1, subsection 1, allows the Board to adopt regulations authorizing licensed psychologists to allow an unlicensed person to perform certain psychological tests under direct supervision. Section 1, subsection 2, allows those who perform the psychological tests as described in subsection 1 to use the word "psychometrist" in connection with the administration of those tests. Changing this language exempts the term "psychometrist" from the prohibitions in NRS 641.440 in response to issues that are created by Nevada's narrow definition of psychometrist in context of those who provide the psychological testing and assistance permitted by *Nevada Administrative Code* (NAC) 641.168 and better aligns with how that term is used nationwide.

Section 2 of the bill establishes a limitation period on when complaints can be filed against a psychologist. The timeline to bring a complaint alleging grounds for disciplinary action would be three years from when the event giving rise to the complaint occurred. Section 3 merely makes conforming changes. Lastly, NRS 641.2265 will be repealed. This repeal is so business entities no longer have to register with the Board of Psychology [*sic*]. The reason for this is the Board regards it as unnecessary, and given that other state agencies already register businesses, they regard it as redundant and unnecessary. They have to field complaints that lead to a lot of office time.

In closing, I would like to thank Chair Marzola and the members of this Committee for hearing this bill. I ask for your support of A.B. 196. With that, I will turn it over to Ms. Arnold, should she have anything to say.

Laura M. Arnold, Executive Director, Board of Psychological Examiners:
I do not have anything to add to the presentation, but I am happy to answer any questions.

Assemblymember Backus:
I wanted to add that we did submit a conceptual amendment [Exhibit P] for the purpose of reiterating that the title of psychometrist would not be enforced to be used, but we have been exchanging communications with Legal. We have learned our conceptual amendment [Exhibit P] is moot because the language already in the bill allows it not to be mandatory. With that, we stand ready for questions.

Assemblymember Miller:
Thank you for your presentation on this bill. Very nice job. Could I get a little more clarity around this idea? My original question was, the bill states they would be able to conduct the testing, and I was curious then, about who disseminates that information, or does the actual evaluation of the testing or diagnostic then relay those results or findings? You did say they would score it. Does this mean this individual would then be able to score and make

a diagnosis or would the score still be under the review of the actual—you are nodding your head. Can you tell me what happens?

Again, conducting a test is different than actually evaluating. Even if I score it, what happens with that score then? Am I still under the direction of the psychologist who picks up the score from there and then makes the diagnosis or the recommendations, or am I, as the psychometrist, the person who then says to the patient or client, Here is your score and this is what we are going to do? I am trying to figure out their actual capacity to do that and what type of supervision or review would be in place for them.

Assemblymember Backus:
I want to kick it up to Laura Arnold because a lot of this is also premised on anticipated regulatory changes the Board anticipates. So we do not mess that up, we would like Ms. Arnold to make sure we are answering your inquiry correctly regarding the scope of work and what they foresee in putting in the regulations.

Laura Arnold:
I want to clarify that the Board has an adopted regulation that governs psychological testing. As Ms. Cavallaro indicated, that is NAC 641.168, and there is a specific subsection in that regulation that addresses the psychological testing that individuals do that we want to allow them to use the term "psychometrist" because that term is used nationwide for these individuals. These are individuals who are unlicensed. They perform the testing, but they do it under the supervision of the psychologist who is responsible for the diagnosis and all of those things. There is a regulation. This just allows them to use the term "psychometrist" because currently, under NRS 641.440, subsection 4, they would be prohibited from using that because it is currently, in Nevada, reserved only for someone who is a licensed psychologist.

Assemblymember Anderson:
My question comes from page 2, line 7, section 1, subsection 1, with the periodic observations. I am wondering what is meant by periodic. Is that ever going to be prescribed in the regulations or is that based upon the discussions between the different individuals involved?

Assemblymember Backus:
I will kick that up to Ms. Arnold to elaborate.

Laura Arnold:
Thank you for that question. I may need to have you repeat it. I just pulled up the bill. If you would not mind, you said page 2.

Assemblymember Anderson:
Yes, it is page 2, line 7. It is section 1, subsection 1, with the words "periodic observations" and if that is going to be defined in the regulations.

Laura Arnold:
In this first section, as I said, the Board already has an adopted regulation that governs the testing. We did not write this; this is what was drafted. I am assuming this gives the Board the authority to draft additional or other regulations that govern psychological testing. I am not sure I am answering your question. Could you clarify?

Assemblymember Anderson:
That totally makes sense.

Assemblymember Backus:
The language seems pretty clear, but when you are looking at the work the psychometrist is going to be doing, it is going to be under that of a licensed psychologist. It may not be 100 percent observed because the psychometrist may be monitoring testing when the psychologist may not be there; so periodic, I think, is not consistent, rather frequently, or however you want to define "periodic," but it would not be consistent.

Chair Marzola:
For my understanding, a psychometrist under supervision can do this testing. What were they able to do before, if anything? Am I making sense?

Assemblymember Backus:
I think what is happening is we already have individuals performing, as Ms. Arnold was explaining. The problem was, because the statutory language was void of the use of psychometrists, she was elaborating in response to Assemblymember Miller's inquiries. The whole purpose of having this was so they could provide this title to these individuals, and so other people could not use this terminology as a psychometrist for something else or inappropriately. If I am wrong, Ms. Arnold, please feel free to elaborate.

Laura Arnold:
Yes, this clarifies the term psychometrist is not limited to only those who are licensed psychologists. Across the nation, other people who perform testing under the supervision of psychologists are allowed to be called psychometrists. Only in Nevada are they not allowed to be, or else they will be in trouble for representing themselves as psychologists when they are not. This just allows them to use the term "psychometrist." This request came from a couple of licensees who have these individuals working for them and are not allowed to call themselves psychometrists when they are called that everywhere else in the country.

Chair Marzola:
These individuals are already trained to perform these tests, correct?

Laura Arnold:
That is correct. The limitations, or I should say, the description of what they do is provided in the regulatory provision that governs psychological testing. Again, that is NAC 641.168, and in particular to this term, it is subsection 1(b).

Chair Marzola:
I am just trying to understand the bill. They are allowed to perform these tests, but they are not diagnosing these patients, correct? They perform these tests, and then they pass it over to someone who is licensed. Is that correct?

Laura Arnold:
That is correct.

Assemblymember Cole:
I think my question has already been answered. I am wondering if some of this is the confusion we have going back and forth here with the NAC and if this is already happening. Is it possible to add into the Legislative Counsel's Digest that there is a NAC on point here, and we are just trying to clarify the name concept?

Assemblymember Backus:
I am going to send this back up to Ms. Arnold because there is a reason why we had to bring this bill to clarify it. If I recall correctly, I want her to explain some challenges in cleaning up that language.

Laura Arnold:
Could you please repeat that question? I want to make sure I have it clear.

Assemblymember Cole:
Basically, all I am asking is whether the Legislative Counsel Bureau can change the Legislative Counsel's Digest on page 1 to make a reference to the NAC you are referencing because I think that clears up some of our questions.

Assemblymember Backus:
You know what, I will take this back. So you know, the Legislative Counsel's Digest is kind of a preface to a bill. When A.B. 196 actually passes—hopefully, we get your support—and makes it out of both houses, is signed by the Governor, and becomes law, there is statutory language that goes into a list of statutes. I forget the term, but the Digest does not follow this once it becomes a law.

Chair Marzola:
We are going to have Legal chime in.

Sam Quast, Committee Counsel:
Nevada Administrative Code 641.168, in fact, is referenced in the Digest currently.

Assemblymember Torres-Fossett:
Thank you so much for the presentation. It is great to see you back in what I think was your favorite Committee, Commerce and Labor. I have a question. I looked it up and found that there is quite a bit of training that goes into individuals who work in this profession, so it is not something people are trained in when they are in these offices. Is there a licensure

process, or is the expectation that they will establish regulations for a psychometrist to be licensed in the state of Nevada? Is there going to be any regulatory processes for that, or is it simply going to say they could have it? Would it be at the discretion of the mental health providers, the psychologists, to determine if they have the appropriate certification?

Assemblymember Backus:
I love that we are talking about the Digest. *Nevada Administrative Code* 641.168 has on here that existing regulations authorize a licensed psychologist to authorize personnel who are not licensed by the Board to perform certain psychological testing under the direct supervision and periodic observation of the licensed psychologist. There are already guidelines and regulations, and it is not like a licensure, to my understanding, if Ms. Arnold agrees. Yes, she is agreeing.

Assemblymember Yurek:
I want to also commend you on a job very well done on presenting this bill. I think you did a fabulous job. My question, if you will forgive my ignorance, comes in section 2, subsection 2, where it basically puts a timeline for when complaints can be made. What sort of complaints are actually brought to the Board on these types of individuals who do this testing, and what sort of discipline is ultimately administered?

Assemblymember Backus:
I want to send that up to Executive Director Arnold to chime in on that. I want to let the Committee know that when you see other boards that come before you, such as the State Contractors' Board, it is not uncommon for there to be a statute of limitations for the complaints to be filed, so this was not anything weird. I want to go up to Executive Director Arnold to answer your question on the types of complaints you may be seeing that would be subject to NRS 641.250, subsection 1.

Laura Arnold:
This is an amendment to a separate provision of NRS Chapter 641, and that concerns complaints brought before the Board about psychologists because the Board only licenses psychologists. This is separate from the psychometrist issue. That was just a clarification of the term.

We have had enough instances of people filing complaints with the Board against psychologists for something that happened five, seven, or ten years ago. As we go through and update our policies, and as we review our disciplinary policy, it occurred to legal counsel, Board counsel, the Board investigators, and me that we could probably request and put a statute of limitation, or limitations period, for people to bring complaints against psychologists, so we do not have psychologists defending actions or complaints that were brought for something that happened a long time ago.

Chair Marzola:
Committee members, are there any additional questions? [There were none.] You were phenomenal today. I love all these rising stars. We will move to testimony in support on A.B. 196. Is there anyone wishing to testify in support?

Spencer Flanders, representing Nevada Psychological Association:
I am here in support of A.B. 196. We are facing a mental health care crisis, and it is more important than ever we provide timely and effective care. Assembly Bill 196 allows licensed psychologists to delegate specific tasks to trained assistants known as psychometrists under their supervision. This makes it possible to serve more patients without sacrificing the quality of care. This bill ensures testing remains accurate and reliable while giving patients quicker access to necessary services. This allows assistants to use the title of "psychometrist," providing clarity for their role and maintaining transparency and trust. Additionally, A.B. 196 sets a reasonable timeline for filing complaints, protecting both patients and providers. Assembly Bill 196 increases access to care with high, professional standards, and we urge you to support this bill.

Chair Marzola:
Is there anyone else wishing to testify in support? [There was no one.] We will move to testimony in opposition to A.B. 196. Is there anyone wishing to testify in opposition? [There was no one.] We will move to testimony in neutral. Is there anyone wishing to testify in the neutral position?

Mendy K. Elliott, representing State Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors:
We like the bill. It is a good bill, but there is a proposed amendment by Dr. Jim Jobin [Exhibit Q] that removes testing for licensed marriage and family therapists, which is an issue we would request an opportunity for the Board to review and provide guidance. I am happy to work with the bill sponsor if there is consideration for the proposed amendment. We thank you for your time.

Tara Raines, Deputy Director, Children's Advocacy Alliance of Nevada:
I am also a licensed psychologist here in Nevada and former associate professor and director of clinical training at the Child, Family, and School Psychology program at the University of Denver. While we overwhelmingly support this bill as enrolled, we see the value of psychometrists in helping reduce the burden of our child mental health workforce shortage. However, we are not happy and do not agree with the amendment [Exhibit Q] that was submitted, lifting the restrictions on licensed clinical professional counselors and licensed marriage and family therapists giving assessments.

Assessments are complex tools that require specialized training, and despite what is stated in the amendment [Exhibit Q], the fields being considered for expansion do not have these courses. They do not have courses dedicated in psychometrics, statistics, or assessment as part of their core training. In fact, while in this hearing, I reviewed the core courses at the two programs here in our state, and none of those were listed as core competencies or core

courses. Allowing individuals without this expertise to administer and interpret tests increases the risk of misdiagnosis, inappropriate interventions, and long-term harm to children.

We also want to be clear and acknowledge the historical misuse of assessments, particularly their disproportionate impact on Black and Brown children. Despite advancements, many standardized assessments continue to show racial discrepancies in their performance among different racial groups, which can contribute to misdiagnosis, inappropriate educational placements, and limited opportunities for these historically marginalized students. If psychometrists are to become a part of Nevada's behavioral health system, we must ensure their training and scope of practice prioritize equity and cultural responsiveness.

We are eager to work with Assemblymember Backus on this, and we hope to participate in the working groups that the Board of Psychological Examiners will have to make sure there is high quality in training, appropriate supervision, and safeguards against unintended harm.

Chair Marzola:
Is there anyone else wishing to testify in neutral? [There was no one.] Would you like to give any closing remarks?

Assemblymember Backus:
Thank you so much, Chair Marzola and the Committee. I wanted to come back up here because I was not aware there was this proposed amendment [Exhibit Q] on the Nevada Electronic Legislative Information System pertaining to marriage and family therapists. We will take a look at that. As for our proposed amendment [Exhibit P] that I was a little confused by, obviously, that has become moot. We will take a look at it and see if it has relevance and address it if we need to.

Remainder of page intentionally left blank; signature page to follow.

Chair Marzola:
Thank you so much for addressing that issue. I will close the hearing on A.B. 196. I will now open it up for public comment. Is there anyone wishing to give public comment? [There was no one.] Committee members, are there any comments? [There were none.] This concludes our meeting for today. Our next meeting will be on Friday, February 28, 2025, at the call of the Chair. This meeting is adjourned [at 3:07 p.m.].

RESPECTFULLY SUBMITTED:

_____
Julie Axelson
Committee Secretary

APPROVED BY:

_____
Assemblymember Elaine H. Marzola, Chair

DATE: _____

EXHIBITS

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 38	C	Stephen Aichroth, Administrator, Housing Division, Department of Business and Industry	PowerPoint presentation titled "Nevada Housing Division, AB38, Presented to Assembly Committee on Commerce And Labor"
A.B. 38	D	Mackenzie Warren Kay, representing Manufactured Home Community Owners Association	Proposed Amendment
A.B. 38	E	Stephen Aichroth, Administrator, Housing Division, Department of Business and Industry	Proposed Amendment
A.B. 163	F	Assemblymember Gregory T. Hafen II, Assembly District No. 36	PowerPoint presentation titled "AB 163"
A.B. 163	G	Jim Jobin, Private Citizen, Las Vegas, Nevada	Document titled "Over 100 Mental Health Providers Endorse Nevada Entering the Counseling Compact"
A.B. 163	H	Scott F. Lewis, Fire Chief, Pahrump Valley Fire-Rescue Services	Letter in support
A.B. 163	I	Kevin A. Osten-Garner, Psy.D., Chief Executive Officer, Concept2Reality Psychological Solutions, LLC	Letter in support
A.B. 163	J	Annette Logan-Parker, Founder and Chief Advocacy and Innovation Officer, Cure 4 The Kids Foundation	Letter in support
A.B. 163	K	Darla A. Lee, Private Citizen	Letter in support
A.B. 163	L	Kelli May Douglas, Pacific Southwest Regional Liaison, Defense-State Liaison Office, Office of the Assistant Secretary of Defense, U.S. Department of Defense	Letter in support
A.B. 163	M	Jennifer Ross, President, Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors	Letter in support
A.B. 163	N	Anahit Baghshetsyan, Research Assistant, Nevada Policy	Letter in support

A.B. 163	O	M. Sylvia Fernandez, President and CEO, Council for Accreditation of Counseling and Related Educational Programs	Letter in opposition
A.B. 196	P	Assemblymember Shea M. Backus, Assembly District No. 37	Proposed conceptual amendment
A.B. 196	Q	Jim Jobin, Private Citizen, Las Vegas, Nevada	Proposed amendment