PUBLIC NOTICE OF A MEETING FOR
STATE OF NEVADA BOARD OF PSYCHOLOGICAL EXAMINERS
MEETING MINUTES

August 21, 2026

1. Call To Order/Roll Call to Determine the Presence of a Quorum.

Board President Lorraine Benuto, PhD, called to order the meeting of the Nevada State Board of Psychological Examiners at 8:04 a.m. on August 21, 2026, online via "Zoom" and physically at the office of the Board of Psychological Examiners, 3080 S. Durango Drive, Suite 102, Las Vegas, Nevada 89117.

Roll Call:

Board President, Lorraine Benuto, PhD, Secretary/Treasurer, Stephanie Woodard, PsyD, and members Brian Leany, PhD, Robert Moering, PsyD, Michael Moradshahi, PhD, and Craig Wetterer, PhD were present. Monique Abarca was absent. There was a quorum of the Board members.

Also present were Deputy Attorney General (DAG) Harry Ward; Board Investigators Dr. Sheila Young and Dr. Whitney Owens; Executive Director, Sarah Restori, and Board Staff, Laura Arnold. Members of the public who were present were: Brian Lech, Andrew Freeman, Christina, Kim Chapman, Kristi Walter, Lindsey Bondiek, Mallory Gott, Paula Hlade, Michelle Paul, Rebecca Savio, Rebecca L., Sabrina Petrel, Shera Bradley, Tara Raines, Call-in user 6639, and Call-in User 1.

2. **Public Comment.** Note: The Board welcomes public comment, which may be limited to three (3) minutes per person at the Board President's discretion. Public comment will be allowed at the beginning and end of the meeting, as noted on the agenda. The Board President may allow additional time to be given a speaker as time allows and in their sole discretion. Comments will not be restricted based on viewpoint; however, public comment will not be taken on complaints that are pending before the Board. No action will be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken (NRS 241.020).

Dr. Benuto reminded members of the public that general public comment is limited to 3 minutes, is reserved for comment only, and that comments longer than three minutes should be submitted in writing to the board office to be included in the meeting materials.

DAG Ward requested that members of the public not comment on complaints pending before the Board.

Ms. Restori stated that, other than the written public comment provided for the regulation hearing and included in the meeting materials, there was no public comment in the Board office.

3. (For Possible Action) Public Hearing to Solicit Comments on a Regulation (Legislative Counsel Bureau File Number R088-26P) Proposed for Adoption; Possible Action to Make Revisions to and/or Forward the Proposed Regulation(s) to the Legislative Counsel Bureau in Accordance with NRS Chapter 233B. (See Public Notice for Information on the Draft Regulation – Attachment A).

This item take out of order after Item 12.

Dr. Benuto opened the regulation hearing on R088-26P, and solicited public comment.

Rebecca Savio read the following prepared comment:

> Good morning, members of the Board. I support SB165 and Nevada's creation of the Behavioral Health and Wellness Practitioner profession. I respectfully ask the Board to defer final adoption of R088 until several public-protection questions are addressed.
>
> First, if R088 proceeds before R089, what continuing notice mechanism will alert the Board to serious post-licensure criminal or fitness events involving BHWPs? And will R089 ultimately apply to BHWPs?
>
> For comparison, I reached out directly to the Policy Advisor with the Oregon Mental Health Regulatory Agency. Oregon is developing the same-named profession under Senate Bill 1547. She confirmed in writing that Oregon law requires health board licensees to self-report certain arrests and convictions within 10 days, and that criminal conduct will also be reviewed at biennial renewal for LBHWPs.
>
> I urge the Board to consider adopting a comparable 10-day reporting requirement for BHWPs. I have also not located Nevada's proposed BHWP character and fitness renewal questions in the public Board materials, and I respectfully ask the Board to clarify what criminal-history and fitness screening will apply at renewal.
>
> Second, today's agenda includes Item 11 concerning the SB165 BHWP Advisory Group. Does the Board consider that Advisory Group a public body under NRS 241.015, subsection 5? Do audio recordings, minutes, or substantive meeting

notes from its separately held meetings exist? If so, where are those records available for public review?

My August 17 written comment is in today's meeting packet under Item 3. My August 20 addendum was submitted for inclusion in the R088 rulemaking and meeting record.

Nevada can expand access while maintaining strong protections for the public. Thank you for your time and consideration.

Mallory Gott, on behalf of the Nevada Psychological Association, said that the NAP supports expanded access to mental health care for Nevadans, as Nevada is a low ranking state in terms of access to mental health care. On behalf of the NPA, Ms. Gott encouraged the Board to make certain there are protections in place for consumers, but also for Psychologists such that this group of behavioral mental health professionals does not infringe upon the scope of practice of psychologists, and that the adoption of the work required to certify these groups does not put an undue burden on psychologists through increased relicensing or initial licensing fees, or through additional unintended and unpredicted complications in insurance panel licensing for psychologists as a result of this additional designation of mental health providers in Nevada. Ms. Gott reiterated NPA's support of access to mental health care and expanded access for Nevada's consumers. She also reiterated NPA's concern that the integrity of the psychological profession be maintained and the strong practices that are in place to ensure safe mental health practice for all Nevada consumers.

Dr. Benuto deferred to Dr. Paul to address the draft regulations. Dr. Paul stated that she reviewed Ms. Savio's lengthy written public comment and would address it in various sections of the regulations. She stated that the advisory group also has a couple of recommended revisions.

Dr. Paul started with sections 1 through 6, stating that those sections are general NAC provisions and core definitions, and identified what each section addressed. Dr. Paul asked that the Board approve those sections as written.

On motion by Robert Moering, second by Brian Leany, the Nevada Board of Psychological Examiners approved Section 1 through 6 of R088-26P as written. *(Yea: Lorraine Benuto, Stephanie Woodard, Brian Leany, Robert Moering, Michael Moradshahi, and Craig Wetterer.) Motion Carried: 6-0.*

Dr. Paul went on to section 7, noting that the provision identifies activities that do not require a license, it being the boundary slide between outreach education and licensed practice as a BHWP. Dr. Paul requested a motion to approve section 7 as written.

On motion by Stephanie Woodard, second by Craig Wetterer, the Nevada Board of Psychological Examiners approved Section 7 of R088-26P as written. *(Yea: Lorraine Benuto, Stephanie Woodard, Brian Leany, Robert Moering, Michael Moradshahi, and Craig Wetterer.) Motion Carried: 6-0.*

Dr. Paul stated that section 8 concerns applicant qualifications and establishes gatekeeping for licensure as a BHWP and what they must satisfy in terms of education and practicum. She said the question before the Board is that subsection 1(d), which states "does not have any outstanding complaints or charges pending against him or her in the state or another jurisdiction." Dr. Paul stated that the concern raised was the word "charges" may be ambiguous or unclear as to criminal or disciplinary charges. Dr. Paul stated that the existing safeguard in the draft is that the initial application requires fingerprints and a background review and no outstanding complaints or charges. She said the question before the Board is whether the Board intends charges to include criminal charges, professional charges, or both, and whether the Board should clarify the language. Dr. Wetterer suggested that the term "charges" should include both criminal and/or professional administrative charges. Dr. Moering agreed. Dr. Paul confirmed that the recommendation is to revise subsection 1(d) to "does not have any outstanding professional complaints or criminal charges pending…" Dr. Moering noted that subsection 1(b) specifically mentions the term felony, and wondered if the language in subsection 1(d) should mirror that, or are misdemeanors included. Dr. Wetterer suggested not limiting subsection 1(d) to felony because there are moral turpitude crimes that can be in the misdemeanor class as well that could affect someone's ability to practice. Dr. Moradshahi inquired as to whether both subsections should include misdemeanors and felonies, and Dr. Benuto wondered if the term "crimes of moral turpitude" should be used. Dr. Paul offered some additional context to section 8. She stated that because the BHWP is at the bachelor's level, and because there is general movement in regulation to not completely exclude people from being able to have a path to employment after having served time or paid for criminal convictions and leaving it open that the Board would not consider a conviction an automatic disqualification. She suggested any revisions should not inadvertently remove the Board's ability to make room for someone to have a path to employment. Dr. Paul stated that the Board can send the advisory group back to work with the LCB on revisions if the Board provides the group with the intent that the Board wants fulfilled. Dr. Benuto thought that was a good idea, and highlighted something Dr. Moering had pointed out that they are a profession of second chances. Dr. Moering was in favor of allowing the advisory group the ability to re-word the language with their intent. Dr. Leany stated that the issue is a public awareness about issues of moral turpitude and for the Board to be aware of what those issues are, not to exclude someone from an opportunity.

In reference to issues of moral turpitude, Dr. Paul asked for clarity on what the Board intends with that topic. Dr. Benuto stated that the spirit of it is that they want to

ensure the public is protected while simultaneously not eliminating those who would not be a risk to the public. She said she was comfortable letting the work group have the discretion of wordsmithing the language. Ms. Arnold noted for the Board that in prior meetings, DAG Ward has cautioned against using the term "moral turpitude," as it is too vague and difficult for courts to interpret. DAG Ward confirmed Ms. Arnold's statement, and gave an example of a judge stating the simple shoplifting is a crime of moral turpitude, and that the term is a slippery slope. Dr. Paul said she would take it back to the advisory group to clarify the language to include criminal and professional charges.

Dr. Paul also pointed out that subsection 1(g) requires an application for licensure to pass the state exam, but it inadvertently leaves out that they have to pass a national exam. She requested the advisory group go back and include reference to the national exam, and asked if a formal motion was required. DAG Ward did not believe a formal motion was required. Ms. Arnold recommended that, at the end of the hearing, the Board move to allow the advisory group to make the revisions discussed during the hearing.

Dr. Paul went on to sections 9 and 10, Education quality and practicum, and requested that the Board approve those sections as written.

On motion by Robert Moering, second by Stephanie Woodard, the Nevada Board of Psychological Examiners approved Sections 9 and 10 of R088-26P as written. *(Yea: Lorraine Benuto, Stephanie Woodard, Brian Leany, Robert Moering, Michael Moradshahi, and Craig Wetterer.) Motion Carried: 6-0.*

In reference to sections 11 and 12, Dr. Paull drew the Board's attention to the advisory group revisions that followed the regulation draft in the meeting materials. For the first revision, she explained that the LCB put in language for exam retakes for one exam, but not the other, and the proposed revision fixes that.

On motion by Stephanie Woodard, second by Craig Wetterer, the Nevada Board of Psychological Examiners approved Sections 11 and 12 of R088-26P as written and with the proposed revisions provided in the meeting materials regarding exam retakes. *(Yea: Lorraine Benuto, Stephanie Woodard, Brian Leany, Robert Moering, Michael Moradshahi, and Craig Wetterer.) Motion Carried: 6-0.*

Dr. Paul explained that section 13 of the regulations concerns continuing education for renewal and that it includes the continuing education requirements and the continuing education approval mechanism.

On motion by Craig Wetterer, second by Robert Moering, the Nevada Board of Psychological Examiners approved Section 13 of R088-26P as written. *(Yea: Lorraine Benuto, Stephanie Woodard, Brian Leany, Robert Moering, Michael Moradshahi, and Craig Wetterer.) Motion Carried: 6-0.*

Dr. Paul stated that sections 14 and 15 speak to supervisor approval and Board oversight. It includes eligibility of Board supervisors and proof that the supervisors have taken the minimum requirements for training, requirements for adding supervisees, reporting requirements, and certain disciplinary actions if the supervisor is a psychologist. Dr. Paul noted public comment regarding a supervisor being required to report matters regarding themselves and termination of supervision, but not serious events regarding their supervisee. Dr. Paul stated that the existing regulation draft provides broad supervisor oversight, responsibility, availability and record keeping. She said the concern is whether the supervisor should have an affirmative duty to report certain serious events regarding their supervisee. Dr. Paul asked the Board whether it wants to retain the current regulatory framework or direct the advisory group to develop targeted reporting language. Dr. Moering thought there should be targeting language and specify what is meant by "serious," which is vague. Dr. Paul said she would take it back to the advisory group as to whether there should be targeted language around a supervisor's responsibility to report events involving their supervisee.

In reference to sections 16 through 20, which are supervision standards and records, Dr. Paul stated that there is a minimum for face-to-face supervision, a caseload cap, recordkeeping, and boundaries around supervisors and who they may supervise. She noted the concern raised that this type of supervision does not necessarily mean the type of supervision needed around oversight of the BHWP's one-on-one contact with minors. Dr. Paul stated that the existing safeguard in the draft requires supervision hours, supervisor availability, observation options, and an employer supervisor agreement. She said the question was whether there should be additional safeguards for youth access, or should they remain with employer and program requirements. Dr. Paul noted that the options were to leave the regulation as-is or to provide additional safeguards for those working with youth. Dr. Benuto thought that there were sufficient checks and balances and safeguards in place in the regulation draft. Dr. Leany agreed. Dr. Paul requested that the Board approve sections 16 through 20 as written.

On motion by Brian Leany, second by Robert Moering, the Nevada Board of Psychological Examiners approved Sections 16 through 20 of R088-26P as written. *(Yea: Lorraine Benuto, Stephanie Woodard, Brian Leany, Robert Moering, Michael Moradshahi, and Craig Wetterer.) Motion Carried: 6-0.*

Moving on to section 21 – scope of practice in stepped care – Dr. Paul stated that the section outlines what BHWPs may and may not do, and specifies the stepped care model in the regulations. She requested that the section be approved as written.

On motion by Craig Wetterer, second by Brian Leany, the Nevada Board of Psychological Examiners approved Section 21 of R088-26P as written. *(Yea: Lorraine Benuto, Stephanie Woodard, Brian Leany, Robert Moering, Michael Moradshahi, and Craig Wetterer.) Motion Carried: 6-0.*

Dr. Paul stated that section 22 concerns telehealth and the competency requirements for a BHWP engaging in telehealth, and that sections 23 and 24 speak to competency requirements working from an evidence basis. She explained that it concerns BHWPs working within the competence of their supervisor and maintaining their competence. It also states what they are prohibited from doing unless there is an emergency, and that they must work under the direction of their supervisor when risk is unique or elevated so patients can be moved up in the stepped care model. Dr. Paul said that, with respect to section 24, subsection 1(l), which requires that a supervisor be identified upon request, there was a question as to whether a supervisor should be identified without a request. Dr. Benuto was ambivalent and thought it was fine as written. Dr. Moering thought there should be a requirement for the BHWPs to identify their supervisors. Dr. Benuto was willing to entertain a motion to make that revision if that's the direction the Board wanted to go. Dr. Paul suggested a motion approving sections 22 through 24 with the exception of the words "upon the request of a patient" in section 24(1)(l).

On motion by Robert Moering, second by Michael Moradshahi, the Nevada Board of Psychological Examiners approved Sections 22 through 24 of R088-26P as written with the exception of the words "upon the request of a patient" as stated in section 24(1)(l). *(Yea: Lorraine Benuto, Stephanie Woodard, Brian Leany, Robert Moering, Michael Moradshahi, and Craig Wetterer.) Motion Carried: 6-0.*

As to sections 25 and 26, which outlines administrative duties and outlines the ethics code under which BHWPs will be required to conduct themselves, Dr. Paul requested that the Board approve those sections as written.

On motion by Stephanie Woodard, second by Brian Leany, the Nevada Board of Psychological Examiners approved Sections 25-26 of R088-26P as written. *(Yea: Lorraine Benuto, Stephanie Woodard, Brian Leany, Robert Moering, Michael Moradshahi, and Craig Wetterer.) Motion Carried: 6-0.*

Dr. Paul went on to sections 27 through 30, which have various definitions, include fees, and makes other conforming changes. Dr. Paul stated that the advisory group has included in the meeting materials revisions to the fees provision. Ms. Arnold further explained for regulatory fees, the statutory framework has to allow it. She said that the advisory group is working on an SB165 cleanup bill for the next legislative session to address the statutory fees framework, and clarified some of the revisions to the regulatory fees. Dr. Paul noted that the anticipated revenue from the fees are based on anticipated graduation rates, and that the first class from UNLV is anticipated to be 150-200 students; however, it is unclear if they will all pursue licensure. She said that the first class in the program will start in the fall of 2027, and will graduate 4 years later.

On motion by Brian Leany, second by Craig Wetterer, the Nevada Board of Psychological Examiners approved Sections 27 through 30 of R088-26P as written with the exception of the revisions provided in the meeting materials, which the Board also approved. *(Yea: Lorraine Benuto, Stephanie Woodard, Brian Leany, Robert Moering, Michael Moradshahi, and Craig Wetterer.) Motion Carried: 6-0.*

Dr. Paul clarified that UNR and Great Basin college will also have cohorts graduating, so they will not all come from UNLV. She also stated that the numbers she provided regarding the number of those who will graduate from UNLV's program may be on the high side.

As to sections 31 through 38, Dr. Paul stated that they speak to standards of conduct, and asked that the Board approve those sections as written.

On motion by Stephanie Woodard, second by Robert Moering, the Nevada Board of Psychological Examiners approved Sections 31 through 38 of R088-26P as written. *(Yea: Lorraine Benuto, Stephanie Woodard, Brian Leany, Robert Moering, Michael Moradshahi, and Craig Wetterer.) Motion Carried: 6-0.*

Dr. Paul requested a motion on the provisions for which the advisory group will make revisions and for DAG Ward to provide guidance on whether another hearing would be required in reference to those revisions or whether the revised draft can go directly to the LCB. DAG Ward stated that with a well-crafted motion, the draft can be sent directly to the LCB with those revisions.

On motion by Robert Moering, second by Brian Leany, the Nevada Board of Psychological Examiners approved the R088-26P with the changes discussed

during the hearing and approved forwarding the regulation document to the LCB once the changes are made. *(Yea: Lorraine Benuto, Stephanie Woodard, Brian Leany, Robert Moering, Michael Moradshahi, and Craig Wetterer.) Motion Carried: 6-0.*

Ms. Arnold clarified with DAG Ward that the final LCB draft provided with the revisions that the Board approved can go directly to the LCB to proceed to the Legislative Commission. DAG Ward confirmed that if the changes are minor, then it can proceed to the Legislative Commission without another regulation hearing.

Dr. Benuto opened public comment.

Dr. Paul addressed the coordination issue between R089 and R088, and deferred that to the R089 rulemaking in reference to whether it applies to BHWPs.

Mallory Gott stated that the Nevada Psychological Association is in support of the work to expand access to mental health care for Nevada. Regarding the discussion of section 8(1)(d) and the ambiguity of the word "charges," Ms. Gott offered consideration of civil litigation related to professional conduct in the regulation language. She said they have seen civil litigation as an alternative tool when criminal litigation is not available or if professional complaints are not adequate as a situation may be perceived or interpreted by a patient. She also referenced civil litigation pertaining to professional conduct as it relates to initial licensure and renewals.

Rebecca Savio clarified the record in reference to the public comment she submitted for the regulation hearing and the addendum she submitted the day prior to the hearing, late in the day and before the deadline. She appreciated that her initial written comment was included in the meeting packet, but said that several substantive issues she raised did not appear to have been included in the hearing discussion. She said she specifically supports Dr. Wetterer's suggestion that felony charges be expressly addressed, and stated that the term "charges" should distinguish between criminal charges and professional licensing charges. Ms. Savio stated that, while second chances are important, the profession created will also serve children and other vulnerable populations, and her concern is what happens after licensure with BHWP licenses lasting 3 years. She asked how R089 relates to R088, citing to R089 moving away from charge-based reporting between the January and March discussions, and asked if R089 is intended to apply to BHWPs. Ms. Savio stated that her public comment addendum submitted the day prior to the hearing contains information from Oregon concerning competency, individual supervision, and education safeguards, as well as questions regarding the Nevada SB165 advisory group record, whether the advisory group is a public body, and if so, whether the meeting records are available to the

public. She requested that her timely written comment in her public comment addendum provided the day before the hearing be considered and included in the rule making record.

Written comment provided for the regulation workshop is attached to these minutes by request.

4. Minutes. (For Possible Action) Discussion and Possible Action to Approve the Minutes of the State of Nevada Board of Psychological Examiners' July 10, 2026, Meeting.

This item was taken out of order after Item 10.

On motion by Robert Moering, second by Craig Wetterer, the Nevada Board of Psychological Examiners approved the meeting minutes of the Regular Meeting of the Board held on July 10, 2026. (Yea: Lorraine Benuto, Stephanie Woodard, Brian Leany, Robert Moering, Michael Moradshahi, and Craig Wetterer.) Motion Carried: 6-0.

5. Financials

A. (For Possible Action) Discussion and Possible Action to Approve the Proposed Budget for Fiscal Year 2027 (July 1, 2026 - June 30, 2027).

Before discussing the proposed FY27 budget, Ms. Arnold provided an illustration of where FY27 falls in relation to the current and next bienniums, the differences between odd and even fiscal years, and how the Board's deferred income from licensure and other registration fees is distributed across the biennium for which it is received. For purposes of the deferred income the Board is currently receiving for the 2027-28 biennium, the amounts shown on the graphic were estimated projections and were for illustrative purposes only.

Ms. Arnold went on to explain the proposed FY27 budget, which she described as probably optimistic, but stated it was probably as optimistic as being realistic would allow. She said it still shows a deficit. Ms. Arnold highlighted the known and projected deferred income for the current biennium 2025-26 biennium (first half of FY27) and the total budgeted amount for the entire fiscal year, which includes the estimated deferred income for the first quarter of the next biennium. She stated the latter is where most of the optimism is as it relates to how many of the Board's licensees are projected to renew their licenses, but that the remainder of the proposed budget are mostly based on FY26's performance, with a couple of exceptions, such as the legal fees, which were

exceptionally high in FY26 due to various factors that are not expected to be repeated. Ms. Arnold stated that, since she has taken on some of the legal research and writing for the complaints cases that require consent agreements and/or formal complaints, she estimates that her efforts have saved the board approximately $15,000-$20,000, and that those savings appear to be reflected in the billing the Board has received from the AG's office. She noted that, nevertheless, the deficit is likely to increase the deficit that was brought in from FY26, and deferred to the Board as to whether it would approve the proposed budget, which will be adjusted based on actual numbers over the course of the FY27 budget and be brought back to the Board for consideration.

Dr. Moering inquired about the "deferred PP" line item. Ms. Arnold stated that is the paypal fees the Board receives with deferred income payments that are made online. Dr. Moering asked whether the Board or licensees pay those fees. Ms. Arnold stated that the licensees and applicants pay those fees, and if they do not want the additional fee, they can send the Board a check.

Dr. Moradshahi asked whether the Board has had any legally permissible investments that are low risk, higher yield rather than sitting in a checking/savings account. Ms. Arnold stated that, since she has been with the Board, she has maintained the fiscal structure that was there before her time with the Board. Dr. Woodard stated that the Board's money is not currently in any kind of investment strategy. Dr. Moradshahi recommended exploring an investment strategy as an option and as a way of generating more revenue than the Board's current fiscal structure. Dr. Benuto emphasized that the Board's expenses are rising faster than the Board's revenue, and thought an investment idea was a creative way to think about what the Board can do to generate additional revenue. Ms. Arnold stated that the Board's fiscal planning is on the agenda under this agenda item, after the treasurer's report.

On motion by Robert Moering, second by Michael Morashahi, the Nevada Board of Psychological Examiners approved the Proposed Budget for Fiscal Year 2027. *(Yea: Lorraine Benuto, Stephanie Woodard, Brian Leany, Robert Moering, Michael Moradshahi, and Craig Wetterer). Motion Carried: 6-0.*

B. (For Possible Action) Discussion and Possible Action to Approve the Final Treasurer's Report for Fiscal Year 2027 (July 1, 2026 - June 30, 2027).

Ms. Arnold stated that as of July 31, 2026, which was the first month of the 2027 Fiscal Year, the Board had a combined total of about $182,000 in checking and savings. As far as fiscal performance, she stated that there was not much to discuss, as the current treasurer's report only reflects the first month of the 12 month fiscal year.

Dr. Wetterer inquired about whether there were any projections about the revenue the Behavioral Health and Wellness Practitioner licensing will bring in. Dr. Benuto stated that there will be a licensure fee, and Dr. Wetterer noted that the licensure and renewal fee for the BHWPs is proposed to be $200. Dr. Benuto stated that the current issue is that the Board is obligated to get the BHWP licensure designation up and running, and the Board office is currently stretched to its limits. She said that, when the Board holds its regulation hearing during this meeting, the BHWP Advisory Group can address how resources will be allocated to the upfront efforts that the BHWP licensure designation will require and which the Board does not have.

On motion by Brian Leany, second by Craig Wetterer, the Nevada Board of Psychological Examiners approved the Treasurer's Report for Fiscal Year 2027. (Yea: Lorraine Benuto, Stephanie Woodard, Brian Leany, Robert Moering, Michael Moradshahi, and Craig Wetterer). Motion Carried: 6-0.

C. (For Possible Action) Discussion and Possible Action on the Board's Fiscal Plans.

Ms. Arnold stated that the proposed budget outcome is a message that the Board's current financial status is likely not sustainable with the Board's current, increased operating expenses as they relate to the Board's revenue and growth. She provided a graphic that shows the number of new licensees who have been licensed biennium over biennium since 1991, and highlighted that the number of new licensees has steadily increased over the last decade or so, but noted that growth is not necessarily keeping pace with the Board's increasing operating expenses. She said that, at this point, it is unclear whether the 2025-26 biennium will show growth over the last biennium, but if the last decade is any indication, it should at least match the last biennium, if not show the same consistent growth.

Ms. Arnold explained that, after creating the FY27 proposed budget, she did a couple of calculations to see what it would look like if those renewals took place at increased renewal fees – one at $700 and one at $750. She said that the current renewal fees are $650, and by statute, the Board cannot charge more than $850. She also said that the Board is unable to raise fees for the current renewal period, but using the FY27 proposed budget to illustrate what the revenue increase might mean was the best way she could think of to approximate a financial picture at those increased fees. Ms. Arnold explained that if the Board were able to charge $700 for renewal, there would still be a deficit of about $21,500, which is a $4,000 increase over the deficit the Board brought into FY27. She further explained that if the Board were able to charge $750 for renewal, there would be a deficit, but that deficit would be less than the deficit we brought in and going in the right direction. She said that if the Board is inclined to increase renewal fees, it could do so for both the active and inactive renewal fees, and

the Board could work to implement that regulatory fee increase to go into effect for licensees sometime next year, after the regulatory process required for that revision.

Dr. Moering inquired as to when fees were last raised, to which Ms. Arnold said it was in 2024, just before the 2025-26 biennium. Dr. Leany noted that, even with an increase to $700, that would make Nevada the second most expensive state in which to get licensed, behind California. Dr. Benuto stated that the reality of the situation is that, unless the Board can come up with a creative method for increasing revenue, the Board's current model is not sustainable due to the high cost of running a board office. She also noted the amount of labor required to run the Board office and the extensive hours the Board office staff works to keep thing running. As to whether the Board is allowed to invest as suggested by Dr. Moradshahi and other than raising licensing fees, Dr. Benuto inquired as to how the Board can go about finding a financial model that is more sustainable. Dr. Leany said he appreciated the suggestion regarding investments and that he thought that is the direction on which to focus as an alternative to just licensure fees based on the status of mental health services in the state. He stated that increasing licensure fees increases the barriers to licensure, and wondered what services the Board provides that could be better monetized in terms of the labor they require.

Dr. Woodard stated that this conversation is timely and has additional context that she wanted to bring to the Board's attention. She noted that in the last couple of legislative sessions there has been an effort to consolidate licensing boards and iterative steps toward that end, and that one of the warnings that this and other Boards have put forward is the increasing operating costs that are mandatory and distributed across all of the Boards. Dr. Woodard believes that is an indication of where the state is heading if continued efforts for Board consolidation remain, and stated that there is another legislative session around the corner. She said some of the increased cost of operations are the Board's own internal operating costs, but some of the increased costs are requirements that the Board has to meet and maintain. Dr. Woodard agreed that the Board should consider and discuss other ways in which the Board can increase its revenue. Ms. Arnold explained that, among the increased fees that the Board is required to meet and maintain, the AG's office increased their billing fees by about 40%, which was not announced to the Boards until November 2025 and that increase was made retroactive to July 1, 2025. She said that hurt the Board, as did the expensive disciplinary hearing that occurred in November 2025. The same happened with the billing rate the state charges for its IT services, which were increased about 75% and which were not announced until late 2025 and made retroactive to July 1, 2025. She said the Board's annual audit costs increase every year, and they went up $1,500 for the FY26 audit. And, she noted that the Office of Boards, Commissions, and

Councils Standards office within the Department of Business and Industry have submitted a bill draft request for the 2027 legislative session that is likely to be a board consolidation bill, and that there are currently demands on and requests of the Boards from certain government agencies that are not small requests and strain the Board office. Ms. Restori added that the Board is also now required to obtain their workers' compensation insurance through the state rather than through the less expensive private workers' compensation insurance, and Ms. Arnold stated that quadrupled the Board's workers' compensation insurance premiums. With that, Dr. Woodard noted that many of the Board's costs are out of the control the Board. To that end, Dr. Woodard suggested that the Board create an ad hoc subcommittee for the Board to explore opportunities for additional revenue within the confines of the Board's regulatory and statutory requirements and consider whether increasing fees is the pathway the Board wants to go. Dr. Benuto thought that was an excellent idea, and Dr. Leany, Dr. Wetterer, and Dr. Moering expressed interest in being on that ad hoc fiscal subcommittee. Dr. Benuto asked what steps were required to create that subcommittee, in response to which Ms. Arnold stated that she and Ms. Restori would put that on the agenda for the next Board meeting to establish that subcommittee.

Dr. Benuto thanked the Board members for their high level of input and engagement.

6. Legislative/Regulation Update

Ms. Arnold stated that there were no updates on pending regulations beyond the regulation hearing scheduled for this meeting and the information that was in the regulations and legislation table and is part of the meeting packet.

7. Report from the Nevada Psychological Association.

Mallory Gott, Executive Director for the Nevada Psychological Association, advised as to several items in the upcoming Legislative Session that might be of interest to the Board. Ms. Gott stated that they are looking for stronger enforcement of parity laws intended to help support allowing Nevada psychologists to more easily contract with insurers and to receive equitable reimbursement, and to reduce administrative burdens such as excessive recoupment while also making sure there is accurate network adequacy. She said that their legislative priorities are parity enforcement – raising fines for violations, establishing a right of private action, exploring a mandate for a 15 day appeals window, and limiting recoupment window to 6 months. She further stated that the NPA is also looking to adopt legislation similar to existing legislation in Illinois (HB1085) and priority systemic standards and network accountability, and noted proactive parity compliance reviews, potentially tying reimbursement rates to Medicaid benchmarks and addressing public ghost panels, and any willing provider legislation linked to Nevada's public health

options. She invited the Board to engage with NPA and their legislative committees for further details.

8. Board Office Operations.

A. Report from the Board Office on Operations

Executive Director Sarah Restori stated that in July, the Board licensed 5 psychologists and administered 8 state exams. She said there are currently 142 applications under review and the Board office continues to see a steady income of licensure applications. She further stated that the Board currently has 782 licensed Psychologists, that there are 43 provisionally licensed psychological assistants and psychological interns, and that there are 49 registered psychological trainees.

B. Board Officer Voting

- (For Possible Action) Discussion and Possible Action to Select from the Current Board membership the Continuing Education Review Officer.

Dr. Benuto stated that during the last meeting, Ms. Abarca was not present for the voting on the Continuing Education Review officer, and Ms. Restori had thought that she would be willing to continue to serve in that role. Ms. Restori confirmed that Ms. Abarca is willing to continue to serve in that role.

On motion by Robert Moering, second by Michael Moradshahi, the Nevada Board of Psychological Examiners approved reelecting Monique Abarca as the Board's Continuing Education Review officer. (Yea: Lorraine Benuto, Stephanie Woodard, Brian Leany, Robert Moering, Michael Moradshahi, and Craig Wetterer). Motion Carried: 6-0.

9. (For Possible Action) Discussion and Possible Action on Pending Consumer Complaints.

This item was taken out of order after Item 4.

DAG Ward stated that he would be asking for Board action on some of the complaints pending before the Board.

A. Complaint #24-0730. DAG Ward stated that this is a complaint for unlicensed practice, in response to which Board counsel served several Cease and Dease letters on the respondent. Because the respondent did not respond to any of them, the Board submitted a formal complaint to the respondent's licensing

board and filed a complaint for injunctive relief against the respondent in district court. The district court ordered the case to arbitration, after which the Board and the respondent/defendant entered into a settlement agreement, which is before this Board for approval. Once approved by the Board, the Board will submit the settlement agreement to the Court for approval. DAG Ward requested approval of the settlement agreement.

On motion by Craig Wetterer, second by Stephanie Woodard, the Nevada State Board of Psychological Examiners approved the Settlement Agreement and Closed Complaint #24-0730. *(Yea: Lorraine Benuto, Stephanie Woodard, Brian Leany, Robert Moering, Michael Moradshahi, and Craig Wetterer.) Motion Carried: 6-0.*

H. Complaint #26-0202 – DAG Ward stated that this is a complaint for misrepresentation and improper conduct as it relates to a podcast. Counsel for respondent has provided a comprehensive response to the complaint, based on which the Board investigator assigned to this complaint has recommended dismissal. DAG Ward deferred to Board Investigator Young to answer any questions from the Board or to provide any additional information, and otherwise requested dismissal.

On motion by Michael Moradshahi, second by Brian Leany, the Nevada State Board of Psychological Examiners dismissed Complaint #26-0202. *(Yea: Lorraine Benuto, Stephanie Woodard, Brian Leany, Robert Moering, Michael Moradshahi, and Craig Wetterer.) Motion Carried: 6-0.*

I. Complaint #26-0520 – This complaint alleges a psychologist's failure to report. A response to the complaint was received and considered by the Board investigator assigned to this case, and in response to which additional information from the respondent was requested. Based on the respondent's response and the additional information provided, the Board investigator recommended dismissal. Dr. Young explained that this is a situation in which the individual recognized that they did not report based on unique circumstances, and put into place remedial processes to ensure compliance with reporting requirements. DAG Ward requested that the Board dismiss the complaint.

On motion by Robert Moering second by Brian Leany, the Nevada State Board of Psychological Examiners dismissed Complaint #26-0520. *(Yea: Lorraine Benuto, Stephanie Woodard, Brian Leany, Robert Moering, Michael Moradshahi, and Craig Wetterer.) Motion Carried: 6-0.*

J. Complaint #26-0603 – DAG Ward stated that this is a complaint related to a licensee's recent criminal conviction related to certain records. Based upon the

licensee's response to the complaint and the Board investigator's review and recommendation, a proposed voluntary license surrender agreement was prepared and forwarded to the respondent. The respondent signed the voluntary surrender agreement, the fully executed version of which is before the Board for approval. DAG Ward requested approval of the voluntary surrender agreement.

On motion by Craig Wetterer, second by Stephanie Woodard, the Nevada State Board of Psychological Examiners approved the Voluntary Surrender Agreement in Complaint #26-0603. *(Yea: Lorraine Benuto, Stephanie Woodard, Brian Leany, Robert Moering, Michael Moradshahi, and Craig Wetterer.) Motion Carried: 6-0.*

K. Complaint #26-0615 – DAG Ward stated that this is a complaint for malpractice/unprofessional conduct, to which the respondent has provided a response. Upon review and consideration of the complaint and response, the Board investigator assigned to this complaint recommends dismissal. Dr. Owens explained that the complaint alleges that the respondent retaliated against the complainant and inflicted harm by a letter that the respondent wrote that negatively affected the complainant's ability to support their adult child with a disability. The respondent stated that they were serving in a consultative liaison role on a multi-disciplinary team providing care for the complainant's adult child, and the respondent's role was not in an assessment or therapy role, but just to support a team, and the letter that was written was to ensure the safety of the team. Dr. Owens stated that it appeared that the respondent was acting in their capacity in the person-centered team and no complaints were found. DAG Ward requested that the complaint be dismissed.

On motion by Michael Moradshahi, second by Robert Moering, the Nevada State Board of Psychological Examiners dismissed Complaint #26-0615. *(Yea: Lorraine Benuto, Stephanie Woodard, Brian Leany, Robert Moering, Michael Moradshahi, and Craig Wetterer.) Motion Carried: 6-0.*

L. Complaint #26-0616 – DAG Ward stated that this is a re-submitted complaint for unprofessional conduct that the Board previously dismissed. Based on review and consideration, the Board investigator assigned to this complaint again recommended dismissal. Dr. Young explained that there were no violations of laws or ethics in this case, and what the complainant wanted would have amounted to the violation of civil liberties. DAG Ward requested dismissal of this complaint

On motion by Stephanie Woodard, second by Brian Leany, the Nevada State Board of Psychological Examiners dismissed Complaint #26-0616. (Yea: Lorraine Benuto, Stephanie Woodard, Brian Leany, Robert Moering, Michael Moradshahi, and Craig Wetterer.) Motion Carried: 6-0.

10. (For Possible Action) Review and Possible Action on Applications for Licensure as a Psychologist or Registration as a Psychological Assistant, Intern, or Trainee. The Board May Convene in Closed Session to Receive Information Regarding Applicants, Which May Involve Considering the Character, Alleged Misconduct, Professional Competence or Physical or Mental Health of the Applicant (NRS 241.030). All Deliberation and Action Will Occur in an Open Session.

This item was taken out of order after Item 2.

The following applicants were recommended for approval of licensure contingent upon completion of licensure requirements: **Mary Smirnova, Ann Altoonian, Marine Jakubowski, Miles Feller-Mende, Mark Ettensohn, Patricia McGuire, Brandi Tanner, Danyella Watkins, Dominic Roberts, Samantha Scott, and Ryan Fechner.**

On motion by Michael Moradshahi, second by Stephanie Woodard, the Nevada State Board of Psychological Examiners approved the following applicants for licensure contingent upon completion of licensure requirements: Mary Smirnova, Ann Altoonian, Marine Jakubowski, Miles Feller-Mende, Mark Ettensohn, Patricia McGuire, Brandi Tanner, Danyella Watkins, Dominic Roberts, Samantha Scott, and Ryan Fechner. (Yea: Lorraine Benuto, Stephanie Woodard, Brian Leany, Robert Moering, Michael Moradshahi, and Craig Wetterer.) Motion Carried: 6-0.

- (For Possible Action) Discussion and Possible Action on Dr. Kristi Walter's Application for Re-Licensure.

Dr. Benuto stated that, during its January 23, 2026, meeting, the Board approved Dr. Kristi Walter's application for re-licensure contingent on completing the requirements that were outlined during that meeting and final review by the Board. She said that those requirements included what was stated in Dr. Kristi's 2019 Voluntary surrender agreement, providing proof of the 100 CEUs that Dr. Walter stated she had taken, licensure probation for 2 years under practice supervision, as well as any other conditions the Board may require, such as satisfying any recommendations made in the required fitness for duty evaluation. With the Board office having confirmed that Dr. Walter has satisfied the requirements for re-licensure that have been stated, Dr. Benuto

stated that her application is before the Board for final review, as the Board still has the discretion to approve or deny it.

For the benefit of the new Board members and as a refresher for the Board members who were present for the January meeting, Dr. Benuto noted that the Board members have been provided background and other information as it concerns Dr. Walter's application for the Board's review. She asked if everyone had an opportunity to review the information regarding Dr. Walter's application, and whether the Board had any thoughts on any additional requirements, such as the recommendations in the fitness for duty evaluation and/or what it might require of Dr. Walter and/or her practice supervisor during her 2-year probationary period.

Dr. Benuto thought the Board should consider what reporting requirements it would want during the 2-year, supervised probationary period. Ms. Restori gave the example of requiring quarterly reports from the disciplinary supervisor, which is the common method for that. Dr. Moradshahi asked if there was any verification of Dr. Kristi's employment since Dr. Walter surrendered her license. Ms. Restori stated that the Board did not have that employment verification. Dr. Walter said that her employer provided a character reference as part of her extended application. Ms. Restori confirmed that the Board office has Dr. Walter's character references. Dr. Moradshahi emphasized the importance of having those references and/or verifications to show consistent employment for an extended period of time.

Referring to the recommendations provided in the fitness for duty evaluation, Dr. Moering said that additional CEUs in ethics would be appropriate, and thought that should be required during the first two years of probationary, supervised practice. Dr. Benuto agreed with that recommendation and with the requirement to provide quarterly reporting from the practice supervisor. Dr. Moradshahi and Dr. Leany also agreed with the additional CE requirement. In deciding whether the additional CE requirement should be tailored or could be more general, Dr. Benuto was in favor of requiring general additional ethics CEUs due to potential problems with Dr. Walter being able to find CEs that comply with a requirement of tailored additional CEs, and Dr. Moering agreed. As to the number of additional CEUs, Dr. Moering and Dr. Benuto agreed that a requirement of 6 additional CEUs for the 2-year probationary period would be sufficient. Ms. Restori clarified that the additional CE requirement is in addition to the 30 CEUs required for renewal. Dr. Benuto confirmed Dr. Walter's CE requirements for renewal would be 36 CEUs.

On motion by Robert Moering, second by Brian Leany, the Nevada State Board of Psychological Examiners approved Dr. Walter's application for re-licensure subject to the payment of required licensure fees and with the additional conditions of her clinical practice supervisor providing quarterly reports to the Board during the 2-year probationary period and Dr. Walter

being required to take an additional 6 CEUs in ethics. (Yea: Lorraine Benuto, Stephanie Woodard, Brian Leany, Robert Moering, Michael Moradshahi, and Craig Wetterer.) Motion Carried: 6-0.

11. (For Possible Action) Discussion and Possible Action on Updates Regarding the Work of the 2025 SB165 Behavioral Health and Wellness Practitioner Advisory Group.

Other than what was addressed during Agenda Item 3, there was no discussion on this item.

12. (For Possible Action) Discussion and Possible Action on Whether the Board will Participate in the ASPPB Integrated EPPP Beta Test and Candidate Eligibility Requirements.

This item was taken out of order after Item 8.

Ms. Restori stated that the ASPPB is getting ready to implement the integrated EPPP in the fall of 2027, but before that happens, the ASPPB is offering to Beta test the exam in March and April of 2027. She said that the ASPPB is asking each jurisdiction to decide whether they want to participate in the Beta period, whether they will accept a passing score on the exam, and what the eligibility requirements will be. Ms. Restori explained that the Beta test is only available to first time EPPP candidates who are approved, and that they can choose between the beta exam or the EPPP-1 during the beta testing window. She said a failing score on the Beta exam will not count against those who take it.

As to eligibility, Ms. Restori said that applicants can be approved to take the EPPP-1 after completion of their coursework, but because the integrated exam will be a combination of knowledge and skills, ASPPB is recommending that candidates have completed all coursework and all or most of their supervised training before taking the exam.

Dr. Moering thought that participating in the Beta testing period was a good way to help cut on the cost of getting licensed, as the EPPP is quite expensive. Ms. Restori stated that the cost for the Beta exam would be $100, and if they fail, that failing score does not count against the applicant and they can then take the EPPP for $100 one time. Dr. Moering said that made sense, and was in favor of being part of the Beta testing. Dr. Leany thought the offer was incentivized well, but was not in favor of following the ASPPB's recommendation of applicants having to complete all or most of their supervised training. He was in favor of adhering to the Board's current eligibility criteria for its applicants. Ms. Restori said the ASPPB is recommending eligibility after

some supervised training because of the skills component that will be included in the new, integrated EPPP.

Dr. Benuto thought the offer was a very good deal for the Board's applicants. As for the eligibility requirements, she did not agree with applicants having to complete all of their postdoctoral training. She thought that the flexibility as to when applicants can take the exam serves them well, and that, although the integrated exam has a skills component to it, the majority of practice-based training occurs during the internship year. To that end, Dr. Benuto thought eligibility for the exam should be after they complete the majority of the internship training. She also noted that there are states that do not require post-doctoral hours, and applicants in those states would be able to take the exam after completing internship. Dr. Woodard agreed based on the lack of national standards for post-doctoral requirements.

Dr. Benuto asked if the eligibility requirement for applicants to have completed 50% of their internship training in order to take the integrated Beta EPPP was sufficient. Dr. Moering thought it should be higher, and wondered if it could be stated in terms of months based on internships that started last fall and the Beta EPPP being available in March and April.

On motion by Robert Moering, second by Craig Wetterer, the Nevada State Board of Psychological Examiners approved of participating the ASPPB's integrated EPPP Beta exam with the eligibility requirement being that applicants must have completed 7 months of full time equivalent internship training. (Yea: Lorraine Benuto, Stephanie Woodard, Brian Leany, Robert Moering, Michael Moradshahi, and Craig Wetterer.) Motion Carried: 6-0.

Dr. Moradshahi asked how this was being communicated to applicants. Ms. Restori stated that the ASPPB communicates with candidates when they go to register to take the exam. Those candidates will be provided with the exam options. Dr. Moering suggested that the NPA could help spread that information.

13. (For Possible Action) Schedule of Future Board Meetings, Hearings, and Workshops. The Board May Discuss and Decide Future Meeting Dates, Hearing Dates, and Workshop Dates.

Dr. Benuto stated that the next regular meeting of the Nevada Board of Psychological Examiners is scheduled for Friday, October 2, 2026, beginning at 8:00 a.m. The Board did not indicate any conflicts with that date.

14. Requests for Future Board Meeting Agenda Items (No Discussion Among the Members will Take Place on this Item)

There were no requests from the Board for future Board Meeting agenda items.

15. **Public Comment** - The Board welcomes public comment, which may be limited to three minutes per person at the Board President's discretion. Public comment will be allowed at the beginning and end of the meeting, as noted on the agenda. The Board President may allow additional time to be given a speaker as time allows and in their sole discretion. Comments will not be restricted based on viewpoint; however, public comment will not be taken on complaints that are pending before the Board. No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken (NRS 241.020).

Members of the public were reminded that they were not permitted to comment on pending complaints before the Board.

There was no public comment.

16. (For Possible Action) Adjournment

There being no further business before the Board, President Dr. Benuto adjourned the meeting at 10:09 a.m.

WRITTEN PUBLIC COMMENT | UPDATED THROUGH AUGUST 17, 2026

Public Comment Regarding LCB File No. R088-26P

Behavioral Health and Wellness Practitioners

Public-Safety, Continuing-Notice, Youth-Safeguarding, Supervision, and Accountability Considerations

Submitted for the August 21, 2026 Regulation Hearing

Nevada Board of Psychological Examiners (NBOPE)

Rebecca Savio

Nevada Citizen and Public-Interest Researcher

Status of this comment

This written public comment is intended for filing in the August 21, 2026 R088-26P rulemaking record. It reflects R088-26P, R089-26I/R089-26P, Nevada statutes, Board meeting materials and approved minutes, available transcripts and recordings, correspondence, and comparative materials reviewed in preparing this submission. Additional hearing materials or responsive public records may be produced before the hearing. If new material answers or materially qualifies a point below, I will supplement or correct this comment rather than leave an inaccurate statement in the record.

Position and sequencing

I support timely implementation of SB165 and do not seek unnecessary delay in expanding Nevada's behavioral-health workforce. My concern is sequencing: if R088-26P is adopted before R089-26P, I respectfully ask the Board to identify on the record what continuing-notice mechanism will protect the public during that interval, whether R089's reporting provisions are intended to apply to behavioral health and wellness practitioners, and how the two regulatory schemes will ultimately operate together. Therefore, I oppose the regulation in its current form for public safety reasons.

Requested action

Before adoption, identify and codify the continuing-notice mechanism that operates after the initial fingerprint check and address the preventive safeguards described below. If the Board concludes that an existing statute, regulation, employer policy, supervision requirement, or other mechanism already addresses a concern, I respectfully ask that the Board identify that safeguard on the record. Reporting should trigger confidential, case-by-case review - not automatic discipline. A charge is not a conviction, and reporting is not a finding of wrongdoing.

Why I am placing these alternatives in the record now
I am deliberately identifying stricter but proportionate safeguards before adoption so the rulemaking record reflects that Nevada had the opportunity to consider contemporaneous notice, stronger renewal screening, clearer supervisor accountability, youth-specific structural protections, affirmative public disclosure, and an early implementation review before broad implementation. This is not an assertion that a reported event proves misconduct or that Nevada must copy another state. It is a request for prospective, reasoned consideration while the regulatory architecture is still being built. Where the choice is between a bare-minimum safeguard and a reasonable, more protective standard that materially improves public safety without treating an allegation as a finding or requiring automatic discipline, I favor the more protective standard.

Members of the Board:

Thank you for the opportunity to submit written public comment regarding LCB File No. R088-26P, concerning behavioral health promotion and prevention and the new Behavioral Health and Wellness Practitioner license.

I respectfully request that this prepared comment be included in the August 21, 2026 hearing materials, hearing record, meeting minutes, informational statement, and complete R088-26P rulemaking record. I also request that it be attached to the minutes, linked in the minutes, incorporated by reference, or otherwise clearly identified so that the Board, Legislative Counsel Bureau, Legislative Commission, and members of the public can locate it.

I am not submitting this comment as a subject-matter expert in behavioral-health workforce regulation. I submit it as a Nevada member of the public and public-interest researcher focused on public protection, transparent professional licensing, informed consent, evidence-informed policy, and clear public-facing accountability. I have tried to distinguish what the current text expressly provides, what the public record leaves unclear, and what I am recommending as a prospective safeguard.

Record availability and good-faith basis

This comment is submitted in good faith based on statutes, proposed regulations, Board meeting materials, transcripts, correspondence, and other public records I was able to obtain and verify. On July 20, 2026, I requested the public materials for the August 21 R088-26P hearing, including workshop and supporting materials, written public comments, and the complete hearing packet when available. On July 24, the Board office responded that all public records then available regarding the regulation were on the Board's Board Meetings webpage.

Because the publicly posted materials did not appear to include significant portions of the regulation-development and implementation record, and I could not locate separate BHWP Advisory Group agendas, minutes, recordings or transcripts, drafts, redlines, or other Advisory Group meeting or work-product records on the Board’s meeting webpages, I submitted a detailed Nevada Public Records Act request on August 5, 2026. It specifically sought SB165 Advisory Group agendas, minutes, notes, recordings, transcripts, drafts, redlines, recommendations, and records concerning post-licensure criminal-event reporting, supervisor or employer reporting, renewal screening, continuing criminal-history notification, disciplinary accountability, R088/R089 coordination, and implementation procedures.

On August 11, I supplemented that request with specific implementation categories, including BHWP application and renewal materials, character-and-fitness questions, supervision forms, public license-verification and complaint materials, youth-safety implementation materials, the change in plea language between R089-26I and R089-26P, and the anticipated next step for R089-26P. In a separate August 11 email, I asked whether a Monday, August 17 submission would be timely for inclusion in the initial publicly posted August 21 hearing materials.

On August 12, I further requested the dates of all Advisory Group meetings or work sessions and, for each, available notices or agendas, minutes or notes, recordings or transcripts, attendance information,

supporting materials, drafts, redlines, recommendations, and other work product. I also requested any existing nonprivileged record reflecting whether the Board considers the Advisory Group a public body subject to NRS Chapter 241.

As of August 17, 2026, I have not received the specifically requested Advisory Group meeting/development records, the identified BHWP implementation records, or an anticipated production date. I also have not received an answer identifying an earlier packet-inclusion deadline or confirming whether an August 17 submission would be included. The Board's general responses directing me to the Board Meetings webpage have not specifically supplied or identified the requested Advisory Group records. I reviewed the publicly posted 2025 and 2026 Board & Committee Meetings pages and have not located separate Advisory Group notices, agendas, minutes, recordings or transcripts, or supporting-material entries there. I do not infer that the records do not exist; I identify this limitation because they have not been available to me while preparing this comment.

The Board's own public materials reflect that the Advisory Group met multiple times and substantively participated in developing and revising the proposed framework. Because NRS 641.2253 establishes the Group to provide expertise and assistance concerning BHWP regulation, I have asked the Board to clarify whether it considers the Group a public body subject to NRS Chapter 241 and, if so, where its meeting records are maintained and made available. I do not prejudge that question. Where unavailable records could answer or materially qualify an issue below, I identify the question rather than assume the answer.

Independent comparative verification and Oregon due diligence

Because Oregon is developing the closely analogous “licensed behavioral health and wellness practitioner” (LBHWP) credential at the same time as Nevada, I did not rely on a secondary summary or a single statute. I independently contacted LaReé Stashek, Policy Advisor with Oregon’s Mental Health Regulatory Agency, who works with the Oregon Board of Psychology on implementation of Senate Bill 1547. I asked targeted implementation questions, obtained written responses from Oregon agency staff, and received, as a courtesy, a combined draft of the developing LBHWP rules. I understand that courtesy draft is not yet an adopted Oregon rule and was not publicly posted when it was provided; I therefore use it only as evidence of the safeguards Oregon is actively considering, not as current binding law.

I then independently cross-checked that information against Oregon’s official Board of Psychology rulemaking calendar, Oregon Revised Statutes, the enacted SB 1547 text, and the public SB 1547 Rules Advisory Committee record. I retrieved and reviewed the June 15, July 7, and July 27, 2026 public meeting transcripts or recordings, including the portions addressing Nevada’s developing framework, supervision frequency, supervisor verification, real-time versus renewal reporting, public protection, rural-school implementation, and front-end prevention. Those meetings show Oregon participants repeatedly reviewing Nevada’s developing framework, including Nevada’s 175-hour direct-contact figure and supervision structure, while deciding where Oregon should align and where it might use additional safeguards. I include this sourcing history so the record is clear about the due diligence and fact-checking behind the comparison and so adopted law, proposed rules, agency-staff implementation information, and committee discussion are not conflated.

The Oregon comparison is therefore offered in the spirit of reciprocal learning. Oregon looked to Nevada while developing its parallel framework. As of August 17, 2026, Oregon's current statutory baseline together with the additional safeguards in its developing LBHWP implementation package is more protective - and in several respects stricter - than the continuing-notice, renewal, supervisor-accountability, and youth-facing safeguards presently identified in Nevada's proposed R088-26P. The comparison is especially relevant because Oregon is building the same-named licensed behavioral health and wellness practitioner profession with a closely parallel prevention and early-intervention function and substantially overlapping populations and settings, including children, families, schools, community programs, and other behavioral-health settings. Some Oregon safeguards discussed below are already law; others remain proposed or under development. I distinguish those categories rather than presenting draft provisions as adopted requirements.

I support Nevada's goal of expanding access to evidence-informed behavioral-health promotion and prevention services, particularly for children, families, schools, and underserved communities. The regulation contains substantial educational, supervision, scope-of-practice, documentation, confidentiality, and professional-conduct provisions. My concern is not that those protections are unimportant. My concern is that the present public framework does not yet appear to identify all of the mechanisms needed to prevent, detect, and respond to foreseeable safety problems after a practitioner receives a license.

Executive summary

- Nevada is among the early states building a licensed Behavioral Health and Wellness Practitioner profession. The State therefore has an unusual opportunity to establish a durable safety architecture at the outset, rather than adding protections only after problems emerge. Oregon is contemporaneously developing the same-named credential for closely parallel services and substantially overlapping populations; as of August 17, its statutory and developing implementation framework contains several additional continuing-notice and safety layers not presently identified in R088-26P.
- R088-26P authorizes individualized screening, structured biopsychosocial assessment, low-intensity intervention, risk identification, outcome monitoring, and care coordination within a therapeutic relationship. The April 17 Board record described one-on-one support and small caseloads involving children and families in community health, youth psychiatric, Boys & Girls Club, school, and pediatric settings.
- Professional supervision and youth supervision are not necessarily the same thing. A supervisor may be clinically responsible and available while a practitioner nevertheless has private and physically unsupervised access to a minor.
- Initial fingerprints are a point-in-time safeguard. A BHWP license renews every three years, and neither NRS 641.2255 nor R088 section 13 expressly requires a new fingerprint-based check at renewal.
- R088-26P does not expressly require a BHWP to self-report a serious new post-licensure criminal charge or conviction. Section 25 requires cooperation after an inquiry, and section 36 creates an important peer-reporting duty for Chapter 641 violations, but neither is the same as own-event criminal reporting.
- R088 section 8 makes outstanding “complaints or charges” relevant at initial licensure, but the current text does not define “charges.” Earlier Board drafts tied that phrase to matters pending against an applicant “as a licensed provider of healthcare.” Without a built-in definition, an applicant with a pending criminal charge could plausibly argue that “charges” refers only to professional, licensing, or disciplinary charges rather than criminal charges. Whether or not such an interpretation would ultimately prevail, the ambiguity is avoidable and should be resolved expressly before implementation.
- R089-26P is proposed/pending and not yet scheduled for a hearing, and separately commands that "A psychologist shall report" specified convictions within 30 days. Its broader conforming language refers to "any licensee," leaving the BHWP interaction unclear. R089-26P also does not require reporting when a serious criminal charge is filed.
- Nevada law already requires Chapter 641 licensees who encounter suspected child abuse or neglect in their professional or occupational capacity to report as soon as reasonably practicable and no later than 24 hours. That mandatory-reporting duty is important, but it is a response to suspected abuse or neglect; it is not a substitute for preventive youth-access safeguards.
- Because the BHWP Advisory Group exists through December 31, 2028, the Board has a natural opportunity to require an early implementation review before the Advisory Group sunsets.
- The Board’s public record reflects multiple Advisory Group meetings and substantive regulatory-development work. Despite my detailed August 5, August 11, and August 12 requests, as of August 17 I have not received the specifically requested Advisory Group meeting/development records or an

anticipated production date, and I have not located separate Advisory Group meeting records on the Board's publicly posted 2025 or 2026 Board & Committee Meetings pages. I therefore do not speculate about what those records may show.

A simple organizing distinction

A prohibition tells a practitioner what not to do. A safeguard changes the conditions under which harm can occur. A reporting rule tells the regulator when something has happened. Disciplinary authority tells the regulator what it can do after it finds out. R088 contains significant prohibitions and disciplinary authority; this comment focuses particularly on preventive safeguards and reliable notice.

1. Nevada has an opportunity and responsibility as an early adopter

Nevada law expressly declares the practices of psychology and behavioral health promotion and prevention to be learned professions affecting public safety, health, and welfare, and subject to regulation to protect the public from unqualified practice and unprofessional conduct. See NRS 641.010. That declaration is especially important here because Nevada is building the operational rules for a newly created licensed profession.

BHWP licensure is not simply the expansion of an established profession with decades of settled regulatory practice. Nevada is among the early states establishing this new licensed Behavioral Health and Wellness Practitioner category, while Oregon is contemporaneously developing implementation rules for a closely analogous credential created by 2026 legislation. Nevada therefore has an opportunity to help demonstrate what responsible workforce innovation looks like from the beginning.

The Board's own April 17 approved minutes reflect an intent to strengthen training, emphasize supervision, and "enable workforce expansion safely." That is a sound objective. In my view, safely expanding a new profession requires more than defining education and scope. It also requires asking how the system will prevent foreseeable harm, how it will learn of serious events after licensure, how families will understand who is responsible for care, and how the Board will test whether the framework is working as intended.

Many people reached through prevention and early-intervention services may be children, adolescents, families under stress, persons experiencing emerging behavioral-health concerns, and others whose circumstances may increase vulnerability. The fact that a population is "pre-diagnostic" or receiving low-intensity services does not make accountability less important. Prevention programs often reach people before they have an established treatment team, before families know how behavioral-health licensing works, and before risks have become obvious.

Nevada can lead by showing that access and accountability are complementary rather than competing goals. Clear safeguards can protect patients, responsible practitioners, supervisors, employers, and the credibility of the new profession itself.

Source note: NRS 641.010; NRS 641.2252-.2257; NBOPE Approved Minutes, April 17, 2026, pp. 4-6; Oregon SB 1547 (2026).

2. The authorized work is individualized, consequential, and frequently youth-facing

R088-26P authorizes BHWPs to conduct standardized behavioral-health screenings and structured biopsychosocial assessments; deliver evidence-based or evidence-informed low-intensity behavioral-health interventions; provide psychoeducation and skills instruction; identify behavioral-health risks; formulate patient-safety protocols; monitor outcomes; and coordinate care. The regulation distinguishes

the BHWP role from independent diagnosis, psychological testing, and psychotherapy, but the authorized work remains individualized and consequential. See R088-26P section 21(2)-(5); section 24(1)(b).

The April 17 public record supplies concrete examples of how the model is expected to function. The approved minutes describe individuals meeting with youth and families for intake and background information, conducting screening, helping establish goals, providing one-on-one support such as skill building, and working with a small caseload of children and families for approximately five to seven sessions before referral when a higher level of care is needed. The same discussion described youth psychiatric hospitals, classrooms, Boys & Girls Clubs, schools, and pediatric integration as settings in which this workforce could operate.

Those examples matter because they show that the child-safety question is not hypothetical or tangential to R088. The contemplated model includes substantial contact with minors in settings that can range from highly structured clinical environments to community and school-based environments where physical access, transportation, communications, and employer practices may vary considerably.

R088 also requires qualifying education to include at least 700 hours of supervised practicum, including at least 175 hours of direct face-to-face or synchronous patient contact involving screening, assessment, care coordination, psychoeducation, and brief intervention. The required educational content includes mandated reporting, professional boundaries, risk management, crisis response, and referral. Those requirements are important. They reinforce, rather than eliminate, the need for an operational framework that translates training into consistent safeguards once practitioners are licensed and deployed across different settings.

Source note: R088-26P sections 10, 17, 21-24; NBOPE Approved Minutes, April 17, 2026, pp. 4-6.

Two contemporaneous regulatory tracks

Date	Development reflected in the public record
Oct. 24, 2025	The Board advances the BHWP Advisory Group while separately exploring criminal-conduct/reporting questions under the R089 track; charges versus convictions remain unresolved.
Dec. 12, 2025	R089 staff materials continue comparing models involving charges/civil actions and convictions/judgments.
Jan. 23, 2026	R089 discussion reflects an apparent consensus to continue developing a reporting requirement. The adopted motion is narrower and does not expressly select an adjudicated-only reporting model.
Mar. 6, 2026	R089 staff states that the Board had indicated a preference for reporting only adjudicated administrative, civil, and criminal matters. The first public BHWP regulation workshop also occurs.
Apr. 17-23, 2026	The Board continues the BHWP workshop and moves the R089 reporting draft toward hearing. The April 23 Initial Agency Draft, R089-26I, expressly refers to "conviction of or entry of a plea."
May 27-29, 2026	R089-26P, the LCB Proposed Draft, refers to "conviction" and no longer contains the separate plea phrase. The May 29 Board meeting is cancelled.
Jul. 6-10, 2026	R088-26P is posted July 6. R089-26P remains pending. Its operative reporting command is written for a "psychologist," while broader applicability language refers to "any licensee."
Aug. 21, 2026	R088-26P regulation hearing. Continuing question: how do R088, R089, existing statutes, supervision, renewal screening, and any continuing-notification system integrate for BHWP safety after licensure?

Source note: NBOPE October 24 and December 12, 2025; January 23, March 6, April 17, and July 10, 2026 meeting materials, minutes, and available transcripts/recordings; Nevada Register R088/R089 entries. This chronology describes visible record transitions without assuming that undocumented staff or counsel analysis did not occur.

3. Initial screening is valuable, but the three-year continuing-notice mechanism remains unclear

R088 and existing law provide an important entry-stage safeguard. Section 8(1)(h) requires compliance with NRS 641.160(1)(b), under which an applicant arranges for fingerprints that support Nevada and FBI criminal-history reporting. That is an important point-in-time screen.

A BHWP license, however, renews every three years. NRS 641.2255 requires a renewal application, continuing education, and a renewal fee; R088 section 13 adds continuing-education detail. Neither provision expressly requires the licensee to submit a new set of fingerprints or obtain a new state and federal criminal-history report at renewal.

For comparison, the Board's currently posted 2027-2028 active psychologist renewal form does contain a biennial criminal-history checkpoint. Question 5 asks whether, since the last Nevada renewal, the psychologist has been convicted of or entered a guilty or nolo contendere plea to a criminal offense, felony, or misdemeanor other than a minor traffic violation. The same form does not directly ask whether the psychologist has been arrested or has a pending criminal charge; its separate current-proceeding question is tied to proceedings, complaints, or investigations "in relation to" a profession. The Board's current reinstatement application likewise does not directly ask about arrests or pending criminal charges, although it includes a broad question asking whether other matters, events, or issues might affect suitability or ability to resume practice. These forms therefore provide some character-and-fitness screening but do not directly capture arrests or pending criminal charges. They also do not establish what the future three-year BHWP renewal form will ask. I respectfully ask the Board to identify the criminal-history questions it intends to place on the BHWP renewal application, including whether they will address arrests, pending criminal charges, guilty or nolo contendere pleas, convictions, diversion or deferred dispositions, and dismissed matters when relevant to fitness or public safety.

Renewal is a backstop, not a substitute for event-based notice
A serious event can occur just after renewal. If there is no Rap Back participation and no affirmative event-based reporting rule, a regulator may not receive a prompt signal until the next renewal cycle. Earlier notice can remain confidential and case-by-case: a report is notice, not a finding; a charge is not a conviction; and reporting need not mean automatic discipline.

In May 15, 2026 correspondence, the Nevada Department of Public Safety's NCJIS Compliance Unit advised me that Nevada State Rap Back was then available only for certain schools and agencies with Adam Walsh authority. The Unit explained generally that Rap Back can notify participating agencies of a later arrest and can provide Criminal History Record Information reflecting arrests, charges, convictions, and dispositions. The Unit also stated that it could discuss NBOPE-specific participation only with the Board's approved points of contact. I therefore do not treat that correspondence as an agency-specific determination about NBOPE. Based on the public materials and information available to me, however, I have not identified a Rap Back or equivalent automatic continuing-notification mechanism currently operating for NBOPE, and I do not assume that the initial fingerprint process automatically supplies the Board with later criminal-history notifications throughout the three-year BHWP term.

I respectfully ask the Board to state whether fingerprints will be retained; whether new state and federal checks will be required at each triennial renewal or at another interval; whether the Board expects to receive automatic post-licensure notifications; whether another state or federal system will supply equivalent continuing notice; and whether any legislation, authorization, funding, or interagency agreement would be required.

License lifecycle: where the current record is clear and where it remains incomplete

Stage	Current public checkpoint	Unresolved implementation question
Initial application	Fingerprints support a Nevada/FBI criminal-history check; section 8 also makes outstanding “complaints or charges” relevant to eligibility.	What does “charges” mean, what sources will be checked, and how will the Board resolve ambiguity between criminal and professional/licensing charges?
Three-year license period	Professional supervision, disciplinary authority, cooperation duties, and certain peer-reporting provisions apply. No express BHWP own-event serious-criminal-reporting rule or identified automatic continuing-notification system appears in the public materials reviewed.	What reliable mechanism brings a serious new criminal or fitness-related event to the Board during the license term?
Renewal	NRS 641.2255 and R088 section 13 address the renewal application, continuing education, and fee; neither expressly requires a new fingerprint-based criminal-history check.	What criminal-history questions, attestations, fingerprint recheck, or equivalent continuing-notice safeguard will apply at triennial renewal?

Central question

After Nevada checks a BHWP's fingerprints at initial licensure, what reliable mechanism ensures that the Board learns about a serious criminal event that occurs during the next three years? The current public materials identify initial screening, discipline authority, supervision, and certain peer-reporting duties, but I have not located an express BHWP serious-criminal-event self-report rule, a uniform supervisor criminal-event reporting rule, a required interim criminal-history recheck, or an identified automatic continuing-notification system. I have requested the renewal forms from the Board, but have not received them. I have not located them in the public materials.

Section 8 makes "complaints or charges" relevant at entry, but the term should be clarified

Section 8 provides that an applicant must not have outstanding “complaints or charges” pending in Nevada or another jurisdiction. The current proposed regulation does not define “charges.” Earlier Board drafts tied the phrase to outstanding complaints or charges pending against the applicant “as a licensed provider of healthcare.” For that reason, I do not assume that the current word “charges” necessarily means criminal charges. The lack of a definition could invite inconsistent interpretation, including an argument by an applicant with a pending criminal charge that the term refers only to professional, licensing, or disciplinary charges.

I respectfully ask the Board to clarify on the record what section 8(1)(d) means, what categories of charges it covers, and how the Board intends to verify and evaluate the listed matters. If pending complaints or charges are material enough to affect initial eligibility, the regulatory framework should also explain how comparable information arising after licensure reaches the Board, or why a different standard is appropriate once the license has been issued. Separately, I have not located a parallel provision expressly requiring a licensed BHWP to notify the Board when a serious new criminal charge arises during the three-year license period. That distinction between entry screening and post-licensure notice should be addressed expressly.

Source note: R088-26P section 8(1)(d), (h); NRS 641.160; NRS 641.2255; March 6 and April 17, 2026 Board draft language.

4. Disciplinary authority is not a notice mechanism

NRS 641.230 gives the Board substantial disciplinary authority over psychologists and BHWPs, including authority concerning specified convictions and conduct that reflects an inability to practice with due regard

for the health and safety of others. NRS 641.240 provides a range of possible responses, including limits on practice, probation, increased supervision, remediation, suspension, and revocation. Those powers are important.

But authority to act after the Board learns of an event is different from a mechanism that makes the Board likely to learn of the event in the first place. R088-26P does not appear to contain an express provision requiring a BHWP to report the practitioner's own serious post-licensure criminal charge, guilty plea, nolo contendere plea, or conviction. Section 25 requires cooperation once the Board makes an inquiry; it does not independently alert the Board to an event the Board does not yet know about.

Section 36 contains an important peer-reporting safeguard. It would amend NAC 641.241(3) so that a psychologist or BHWP with substantial reason to believe another person violated Chapter 641 must report the violation, subject to the patient-consent limitation when the knowledge arose through a professional relationship. That is important, but it is not an own-event reporting rule and does not clearly create a uniform criminal-event reporting duty for every nonpsychologist supervisor or employer.

Existing law also already addresses one category of professional discipline. NRS 641.230(1)(i) makes failure to report within 30 days specified out-of-jurisdiction revocation, suspension, surrender, or other professional disciplinary action a ground for discipline. Any new BHWP reporting rule should preserve and cross-reference that existing duty rather than imply that all professional-discipline reporting is currently absent.

Notice is not punishment

A report can be treated as confidential notice for preliminary, case-by-case assessment. It does not establish guilt, require discipline, or make the underlying information public. A charge alone should not be treated as proof of criminal conduct. The purpose of notice is to allow the Board to determine whether no action, monitoring, increased supervision, temporary limits, referral, investigation, or another lawful response is appropriate.

5. R089 developed alongside R088, but the BHWP reporting bridge remains unclear

The separate R089 criminal-conduct/reporting rule was being developed while the BHWP framework was being built. The December 2025 and January 2026 materials described approaches used by other licensing boards that included criminal charges and civil actions as well as convictions and judgments. The January 23 transcript reflects that the issue was still being developed step by step. Dr. Benuto summarized an apparent consensus that included developing language "to impose a reporting requirement," while the motion that was ultimately adopted was narrower and did not expressly select an adjudicated-only model.

I have not located a public Board meeting between January 23 and March 6 at which the Board publicly discussed, explained, or selected an adjudicated-only reporting model. By March 6, however, staff described reporting only adjudicated administrative, civil, and criminal matters as a preference the Board had already indicated. I do not assume that no analysis or drafting occurred between meetings; I identify the transition because it is relevant to understanding what continuing-notice model, if any, the Board intended for the new BHWP profession.

A second text transition occurred after the April workshop. The Initial Agency Draft, R089-26I, posted April 23, required a psychologist to report “the conviction of or entry of a plea” for specified crimes. The May 27 LCB Proposed Draft, R089-26P, instead refers to a criminal “conviction” and no longer contains the separate plea phrase. I do not assume that the revision was substantive, improper, or made without appropriate agency involvement. My August 5 records request seeks drafts and related development records that may clarify the change.

NRS 641.285(3), in the context of disciplinary proceedings, separately provides that a plea of nolo contendere is deemed a conviction. That provision may bear on how "conviction" is interpreted, but it does not by itself resolve how every plea disposition is treated under R089's affirmative reporting requirement.

The BHWP applicability issue is separate. R089-26P section 3 says, "A psychologist shall report" specified other-jurisdiction action, malpractice judgments or settlements, and convictions within 30 days. Its conforming amendment to NAC 641.200 also uses the broader phrase "any licensee" while stating standards "which a psychologist shall follow." R089-26P therefore does not expressly state that a BHWP must report convictions. The interaction should be resolved explicitly rather than left to competing phrases.

Sequencing question: what operates if R088 takes effect before R089?

I support timely implementation of SB165 and do not seek unnecessary delay. At the same time, the public record available to me does not identify a Board explanation for why R088 is proceeding to the August 21 regulation hearing before R089. The LCB Proposed Draft of R089-26P is dated May 27, 2026, while the LCB Proposed Draft of R088-26P is dated July 6, 2026. The July 10 Board materials reflected that the R089 draft had been received but that its regulation hearing had not yet been scheduled. I do not infer a motive from that sequencing; I ask because the order of implementation may determine whether a continuing-notice gap exists for the new BHWP license.

If R088 is adopted or implemented before R089, or if R089 is delayed or does not pass, I respectfully ask the Board to identify what continuing-notice mechanism will operate during that interval; whether R089's reporting provisions are intended ultimately to apply to BHWPs; and how the two regulatory tracks will be harmonized. If an existing statute, regulation, renewal process, supervisor or employer duty, background-notification system, or other mechanism already answers that question, identifying it on the record would substantially resolve this concern.

Source note: January 23 and March 6, 2026 NBOPE materials/transcripts; R089-26I (April 23, 2026); R089-26P (May 27, 2026); NRS 641.285(3).

6. The supervisor is central to safety, but professional supervision is not the same as youth supervision

R088 appropriately gives the approved supervisor substantial responsibility. The supervisor must oversee patient records and documentation, keep the practitioner within scope and competence, direct escalation and referral, and remain available while the BHWP provides services. Where the supervisor and practitioner work for different entities, section 18 requires a written agreement addressing supervision and access to records.

The April workshop similarly treated the supervisor as central to case appropriateness, intervention selection, risk escalation, and referral. Those are important protections.

Key youth-safety distinction

Professional supervision and youth supervision are not necessarily the same thing: a supervisor may be clinically responsible and available while a practitioner nevertheless has prolonged, private, and physically unsupervised access to a minor.

R088 permits multiple methods of supervision, including review of records, case discussion, direct observation, remote observation, and review of audio or visual recordings. Direct observation and recording review are available methods; they are not required for every patient encounter. The regulation also requires informed written consent before another person observes or a session is electronically recorded, which is an important privacy safeguard.

Section 15 requires an approved supervisor to report a licensing-board investigation or disciplinary action initiated against the supervisor. Section 20 requires notice when supervision ends. I have not located,

however, an express provision requiring the supervisor to notify NBOPE upon reliable knowledge that the supervised BHWP has been charged with, pleaded to, or convicted of a serious criminal offense, or that the BHWP was removed from service for a patient-safety reason.

The employer-supervisor agreement required by section 18 could also be used as a practical safety tool. For youth-serving settings, the Board could require the agreement to identify who is responsible for rules concerning transportation, home visits, off-site activities, private electronic communications, emergency escalation, incident reporting, and documentation of exceptions. That would reduce the risk that each entity assumes the other is responsible.

Supervisor identity should be affirmatively disclosed

R088 section 24(1)(l) requires a BHWP to accurately disclose credentials and supervised status. It requires the supervisor's name and occupation to be disclosed upon a patient's request. Although the practitioner must disclose his or her status as a supervised practitioner, the patient's or parent's access to the identity of the person responsible for that supervision depends on knowing to ask for it.

Because the supervisor is central to scope, case assignment, intervention selection, documentation, risk escalation, and referral, I respectfully suggest that the supervisor's identity, profession, licensing board, and license-verification information be provided automatically in writing before services begin, rather than only on request.

7. Youth safety should include preventive structural safeguards, not only conduct prohibitions

R088 already recognizes child safety. It extends standards addressing the treatment of a child or protected person, confidentiality, sexual and exploitive conduct, impairment, and mandated reporting. Those rules matter. But prohibiting misconduct after defining it is not the same as structuring youth contact to reduce opportunities for boundary violations before harm occurs.

I respectfully ask the Board to consider written safeguards governing circumstances in which a BHWP may be alone with a minor; parental or guardian notice; transportation; home visits; off-site contact; outings and extracurricular activities; private electronic communications; use of personal devices or social-media messaging; school- and community-based services; supervisor awareness; employer responsibility; and documentation of emergency or other authorized exceptions.

For legitimate confidential behavioral-health encounters, I am not suggesting that another adult must sit in every session. Appropriate confidentiality can be essential to care. The preventive question is whether the encounter occurs within a defined professional structure: an authorized setting; known appointment; clear parent, guardian, or lawful-custodian information where required; supervisor awareness; an accessible escalation route; appropriate visibility or environmental safeguards consistent with confidentiality; and clear prohibitions on unauthorized transportation, off-site meetings, or personal communications.

For activities that are not themselves confidential therapeutic encounters - including transportation, outings, extracurricular activities, or other nonclinical contact - a two-adult or comparable no-one-on-one-contact rule may be appropriate. The Board need not copy a youth organization wholesale; the comparison simply demonstrates that youth-serving systems often separate confidential professional encounters from nonclinical access and create different structural rules for each.

A youth-protection comparison

Exploring, including Law Enforcement Exploring programs, announced a mandatory 2025 ride-along standard requiring at least two registered adult leaders age 21 or older when youth under 18 participate. The policy is not equivalent to behavioral-health practice, but it illustrates a familiar safeguarding principle: professional status and training do not themselves eliminate the risks created by isolated adult-minor access.

A federal prosecution arising from the Louisville Metro Police Department Explorer Program provides a real-world illustration of why boundaries around off-program adult-minor contact matter. The Department of Justice reported a federal case involving an officer associated with the Explorer Program and a minor participant, and reported separate federal prosecutions of two other officers associated with that program. I do not suggest those cases were caused by the absence or violation of a particular two-deep-leadership rule, nor do I suggest they are directly analogous to BHWP services. They illustrate why youth-serving systems often consider access structure prospectively rather than relying only on discipline after misconduct occurs.

Source note: Exploring, "Ride Along Standard Change" (June 2025); U.S. Department of Justice, Western District of Kentucky, Nov. 16, 2020. These are safeguarding analogies, not claims of equivalence to BHWP practice.

Foster youth, state custody, and other child-welfare placements deserve an implementation protocol

The April 17 examples do not state that the children served will be foster children, and I do not assume that they will be. At the same time, nothing in R088 excludes children in foster care, state custody, kinship care, or other child-welfare placements. Given the contemplated settings - community health, youth psychiatric care, schools, pediatric services, and youth organizations - it is foreseeable that some BHWP patients may have child-welfare involvement.

Those situations can complicate ordinary assumptions about who may consent to services, who should receive notice, who may authorize release of information, who should be contacted in an emergency, and how a child or caregiver can raise a concern. I respectfully ask the Board to identify how R088 and implementation guidance will operate when the person legally authorized to make decisions for the child is not simply a parent living with the child.

Nevada law already provides an important baseline. Effective July 1, 2026, NRS 432B.220 includes persons providing services licensed or certified under Chapter 641 among mandatory reporters. When such a person knows or has reasonable cause to believe in his or her professional or occupational capacity that a child has been abused or neglected, the report generally must be made as soon as reasonably practicable and no later than 24 hours. The licensing agency must inform covered licensees of the duty at initial licensure and obtain an acknowledgment.

That duty should be affirmatively incorporated into BHWP onboarding and supervisor training. But mandatory reporting and preventive safeguarding answer different questions. Mandatory reporting addresses what happens when abuse or neglect is suspected. Youth-safety structure addresses how the system can reduce opportunities for boundary violations and other preventable harm before a reportable event occurs.

Source note: NRS 432B.220, effective July 1, 2026; R088-26P sections 10, 32-34.

8. A prevention framework is consistent with established criminal-justice principles

I offer criminal-justice prevention concepts as policy lenses, not as predictions that BHWP licensees will offend. Routine activity and situational crime-prevention theory emphasize capable guardianship, opportunity structure, and procedures that increase the likelihood that concerning behavior is detected. Applied cautiously here, transportation rules, documented settings, supervisor awareness, communication boundaries, employer-supervisor responsibility, and documented exceptions are structural controls rather than assumptions about any practitioner's character.

Deterrence research offers a related insight for the continuing-notice problem. The National Institute of Justice summarizes research indicating that the certainty of being caught or detected is generally more influential than increasing the severity of punishment. Applied to professional regulation, the analogy is

modest but useful: a disciplinary rule has limited preventive value if the regulator has no reliable way to learn that the triggering event occurred. Self-reporting, supervisor reporting, renewal screening, and continuing criminal-history notification are detection mechanisms; they do not require harsher punishment.

Layered safeguards

No single safeguard has to bear the entire burden of public protection. Initial screening, professional supervision, continuing notice, clear boundaries, informed families, accessible reporting, and effective oversight can operate as complementary layers so that the failure of one protection does not necessarily become an opportunity for harm.

Source note: National Institute of Justice, "Five Things About Deterrence"; Office of Justice Programs / environmental and situational crime-prevention literature. These theories are used here as policy concepts, not as evidence that any BHWP poses a particular risk.

9. Clear patient and parent disclosure should be automatic and written

Before services begin, a patient, parent, legal guardian, or other person legally authorized to make decisions for a minor should receive a short written disclosure identifying the practitioner's complete title and license number; supervised status; authorized scope and limitations; supervisor name, profession, licensing board, and license number; where current license status and public discipline can be checked; where a complaint may be filed; and how to reach the supervisor or employer for urgent nonemergency concerns.

R088-26P contains substantial clinical confidentiality protections and certain informed-consent requirements governing the practitioner-patient relationship, but those provisions do not themselves establish a comprehensive patient-facing disclosure concerning licensure, supervision, complaint procedures, or the later handling of complaint records.

The goal is not to stigmatize a supervised professional. It is to make the supervision structure understandable before a family has a concern. A patient should not need to research multiple licensing chapters or know the right question to ask before learning who is responsible for the practitioner's work.

A single public online verification portal would make supervision understandable

I respectfully recommend a single searchable public BHWP directory or verification portal that allows a patient, parent, school, employer, or member of the public to search by practitioner name or license number and readily verify current license status, the current approved supervisor’s name and profession, the supervisor’s license number and licensing board, any public restriction or condition on practice, and final public disciplinary action to the extent authorized by law. The same page should provide a direct complaint link or clear complaint instructions. If the approved supervisor is licensed by another Nevada board, the BHWP profile should link to that board’s official license-verification page so the public does not have to determine the correct regulatory system on its own.

The purpose of such a portal is not to create unnecessary public disclosure. It is to make the supervision structure promised by the regulatory framework practically verifiable. At minimum, a family should be able to confirm that the practitioner is currently licensed, identify the person who is currently responsible for approved supervision, verify that supervisor’s professional license, locate any final public discipline or restrictions, and find the complaint pathway from one reliable public-facing starting point.

10. Complaint access, inter-board notification, and privacy procedures should be operational before broad implementation

Parents, patients, schools, employers, and community organizations need one clear complaint doorway. NRS 641.250 already requires the Board, after receiving a written complaint concerning a BHWP who is

not supervised by a psychologist, to identify the licensing board of the supervisor and notify that licensing board. The public-facing instructions should therefore explain how that statutory inter-board notification process operates in practice; whether a complaint may concern the BHWP, the supervisor, or both; whether a parent, legal guardian, lawful custodian, or minor may submit information; whether anonymous complaints are accepted and what limitations anonymity creates; and how urgent child-safety concerns are handled.

The Board should also explain how a complaint involving a BHWP employed by a school, hospital, youth organization, or community program interacts with employer incident reporting and the supervisor's professional board. A complainant should not be forced to identify the correct licensing jurisdiction before the system can receive a safety concern.

Complaint privacy is a separate issue. Clinical confidentiality rules do not themselves explain what information may be disclosed to a respondent for due process, how sensitive exhibits are handled, what parts of an investigative record are confidential, or what privacy review or redaction occurs before a formal charging document, consent agreement, disciplinary order, or supporting exhibit becomes public. NRS 641.240 makes an order imposing discipline and supporting findings and conclusions public records; that does not mean every complaint record is public.

Board counsel has also provided educational clarification, expressly stated not to be an official Attorney General opinion, regarding anonymity and confidentiality in the complaint process. Counsel advised that the Board receives anonymous complaints and investigates them pursuant to statute; that a respondent and the respondent's counsel are entitled to receive the complaint in order to respond to the allegations; and that prosecution may require sufficient evidence and reliable witness testimony. Counsel further advised that, if a matter proceeds to an administrative hearing, testimony and the hearing recording may become public. Counsel's explanation indicates that a complainant's expectations regarding anonymity and confidentiality may affect whether and how a matter can proceed beyond investigation. This distinction should be explained clearly to prospective complainants before sensitive information is submitted. Confidentiality from the general public is not necessarily the same as confidentiality from a respondent for notice and due-process purposes, and different public-disclosure consequences may arise if a matter proceeds to a disciplinary hearing.

Complaints involving children or other vulnerable persons may contain names, diagnoses, medications, trauma histories, school records, family information, addresses, dates of birth, placement information, and other highly sensitive facts. Before implementation, I respectfully ask the Board to publish a written privacy-review and redaction procedure that clearly distinguishes: (1) complaint and investigative material that is confidential from the general public; (2) information that may be disclosed to a respondent and counsel for notice, investigation, and due process; and (3) charging documents, disciplinary orders, hearing materials, exhibits, or other records that may later become public. Where public release occurs, the procedure should require an affirmative pre-release review designed to redact patient and minor identity, protected health information, direct identifiers, and unnecessary identifying information to the fullest extent permitted by applicable law, including in exhibits, attachments, correspondence, screenshots, and other supporting materials.

Patient names and direct identifiers should receive a deliberate pre-release review

Where a complaint, consent agreement, disciplinary order, or supporting exhibit becomes public, patient and minor names and other direct identifiers should not be carried into the public file by default when their disclosure is not required by law or necessary to understand the public finding. A written protocol should also address indirect identification - for example, combinations of school, family, treatment, placement, or event details that may identify a child or patient even after a name is removed. This can be accomplished without obscuring the conduct, findings, or discipline that the law requires to remain public.

Public accountability and patient privacy are complementary. The public needs meaningful access to final disciplinary information about a licensee; patients and minors should not become unnecessarily

identifiable simply because their confidential health or family information appears in an exhibit used during a licensing matter.

Source note: NRS 641.090; NRS 641.240; NRS 641.250; R088-26P sections 32-37; July 23, 2026 educational correspondence from Deputy Attorney General Harry B. Ward (expressly stated not to be an official Attorney General opinion), on file.

11. Comparable models show that workforce expansion and continuing accountability can coexist

Oregon - a closely analogous developing model

Oregon enacted 2026 legislation creating a closely analogous credential titled “licensed behavioral health and wellness practitioner” and is now developing implementing rules through the Oregon Board of Psychology. Oregon’s official rulemaking calendar schedules the SB 1547 Rules Advisory Committee from May through August 2026, full Board review in September, formal proposed-rule public comment thereafter, and expected rule effectiveness in January 2027. I therefore do not describe the courtesy draft as final Oregon law.

The comparison is unusually probative because Oregon's own Rules Advisory Committee expressly reviewed Nevada's developing BHWP rules. On June 15, Oregon staff explained that the Nevada draft had been distributed and changed Oregon's proposed direct-contact requirement from 150 to 175 hours because Nevada had changed to 175 and the group was considering interstate alignment. The July 7 discussion again referred to “hot off the press” Nevada rules and identified areas Oregon had added above Nevada's supervision baseline. This is a contemporaneous cross-state policy conversation, not a comparison between unrelated professions.

Oregon also illustrates that the absence of Rap Back does not require the absence of continuing notice. Oregon MHRA staff advised me that the Oregon Board of Psychology is not participating in Rap Back and that Rap Back is not anticipated for the new LBHWP credential. Yet ORS 676.150(3) already requires a health-board licensee to report a felony arrest or a misdemeanor or felony conviction to the licensee's board within 10 days; failure to report is itself disciplinable, and the report is confidential. That statutory rule does not cover every arrest or pending charge, but it creates a prompt event-based notice layer that is distinct from renewal. I have not identified an equivalent BHWP own-event criminal-reporting requirement in R088-26P or another current Chapter 641 provision that would perform the same continuing-notice function for BHWPs.

Agency staff further advised that Oregon plans to use its existing biennial character-and-fitness renewal questions, with appropriate adjustment, for LBHWPs. Those questions include whether there are pending investigations, professional complaints, civil or criminal actions and, since the last renewal or application, whether the licensee has been arrested, charged, convicted, or pled guilty or no contest to a misdemeanor or felony. The planned question calls for disclosure even when a charge was dismissed or dropped, judgment was deferred or set aside, records were expunged, or the matter involved pretrial diversion or deferred prosecution, followed by an explanation and supporting documentation. This broader renewal screen functions as a backstop to contemporaneous statutory reporting rather than a replacement for it.

The courtesy draft adds other layers. While an application is pending, an applicant would have to notify the Board immediately when submitted information changes, including complaints, disciplinary actions, civil, criminal, or ethical charges, and certain employment investigations. The draft would require the licensee to notify the Board within 14 days of termination of supervision, a change in employment or practice location, or a pending investigation or disciplinary action. It would require a supervisor to promptly notify the Board of professional or ethical concerns and, within 30 days, of specified pending investigations or disciplinary actions involving the licensee or supervisor. The draft also provides for Board-approved supervision before professional services begin and when a supervisor changes.

Oregon's developing code also provides useful youth-facing examples without resolving every youth-safety question. The courtesy draft contains specific parent and legal-guardian consent language, minor assent, developmentally appropriate explanations, rules about what information will be shared with caregivers, a prohibition on social-media or online communications with clients, and explicit attention to minors and other persons with diminished autonomy. It would also require the practitioner's professional representations to include the supervisor's name and the designation “supervisor.” At the same time, I have not identified a general Oregon two-adult/no-one-on-one physical-access or transportation rule. That is why I continue to present youth access, transportation, and off-site contact as a distinct structural question for Nevada rather than claiming Oregon has solved it.

Oregon's June 15 meeting also provides an important real-world illustration of the distinction between professional supervision and physical access. Participants discussed rural schools in which a licensed supervisor might be split among several schools and therefore not physically co-located with the practitioner at all times. That model may be operationally reasonable, but it demonstrates why professional supervision alone does not answer every youth-safeguarding question about private access to a minor.

Taken together, Oregon shows that workforce access and stronger public-safety architecture can coexist. As of August 17, 2026, Oregon's current law and developing LBHWP package are more protective - and in several respects stricter - than Nevada's proposed R088 framework: current Oregon law already supplies prompt felony-arrest and criminal-conviction reporting, while the developing LBHWP rules add broader renewal screening, applicant update duties, supervisor and licensee reporting, affirmative supervisor identification, and minor-specific consent and boundary protections. This is not merely a cross-profession analogy. Oregon is implementing the same-named LBHWP credential for closely parallel prevention and early-intervention services and substantially overlapping populations and settings. Nevada does not need to copy Oregon wholesale, and I do not treat draft Oregon provisions as adopted law. The comparison instead supplies concrete options available now: earlier notice, clearer responsibility, better documentation, stronger youth boundaries, and a regulator receiving information in time to act proportionately.

Safeguard / checkpoint	Nevada proposed BHWP	Oregon developing LBHWP
Entry screening	Initial fingerprints / Nevada and FBI background check.	Initial fingerprints / background check in application framework.
Rap Back	No NBOPE Rap Back mechanism has been identified in the public materials reviewed.	Oregon MHRA staff advised Board of Psychology is not participating in Rap Back and does not anticipate it for LBHWP.
Event-based criminal notice	No express BHWP own-event serious-criminal-reporting rule identified in R088; R089 applicability remains unclear and operative text says “A psychologist shall report.”	ORS 676.150: felony arrest or misdemeanor/felony conviction reported within 10 days; report confidential.
Renewal	Three-year BHWP term; future BHWP criminal-history questions not yet identified. Current NBOPE psychologist renewal and reinstatement forms do not directly ask about arrests or pending criminal charges; the renewal form asks about convictions/pleas and profession-related proceedings, while reinstatement uses a broad suitability question.	Planned biennial character-and-fitness renewal; staff advised questions include pending criminal actions and arrests, charges, convictions, guilty/no-contest pleas.
Supervision changes / concerns	Supervisor reports termination of supervision under R088; no comparable broad criminal-event mechanism identified.	Draft: Board-approved supervision; licensee 14-day notice for specified changes/investigations; supervisor prompt concerns and 30-day notice for specified investigations/discipline.
Supervisor identity	R088 requires supervised status; supervisor name and occupation disclosed upon patient request.	Draft public-representation rule would include supervisor name and designation “supervisor.”

Safeguard / checkpoint	Nevada proposed BHWP	Oregon developing LBHWP
Youth-facing safeguards	Professional-conduct, confidentiality, consent, and child-safety provisions; structural one-on-one/transportation questions remain.	Draft adds parent/guardian consent, minor assent, caregiver-information plan, online-contact boundary, and explicit minor-welfare language; no general two-adult rule identified.

Nevada - continuing-notice pathway identified in the current public record
Initial fingerprints -> no identified NBOPE Rap Back -> no express BHWP own-event criminal-report rule in R088 -> three-year license period -> future BHWP renewal questions not yet identified; current psychologist renewal and reinstatement forms do not directly ask about arrests or pending criminal charges.

Oregon - layered pathway now being developed
Initial fingerprints -> no Board of Psychology Rap Back -> 10-day statutory notice for felony arrest or misdemeanor/felony conviction -> biennial character-and-fitness renewal questions -> explanation/supporting documentation -> Board review as appropriate.

Oregon source note: ORS 676.150; Oregon Laws 2026 / SB 1547; Oregon Board of Psychology Administrative Rulemaking page; Oregon SB 1547 Rules Advisory Committee public meetings dated June 15, July 7, and July 27, 2026; written correspondence from LaReé Stashek, Policy Advisor, Oregon Mental Health Regulatory Agency (August 2026, on file); and "LBHWP Rules, Combined FINAL DRAFT TC" provided as a courtesy and treated here as a non-adopted working draft.

Washington - layered health-profession reporting

Washington's agency-affiliated counselor model is not identical to BHWP practice, but its health-profession framework illustrates layered accountability. Uniform reporting rules include licensee self-reporting of specified convictions and inability to practice safely, reporting by other license holders in defined circumstances, and employer reporting of certain safety-related final terminations or restrictions. The model separates notice from the ultimate disciplinary decision.

Arizona - prompt notice and child-serving screening

Arizona supplies two different examples. First, state health-professional law requires reporting of specified felony charges and patient-safety-related misdemeanor charges within a defined period, allowing a board to receive notice without treating the charge as a conviction. Second, covered child-serving systems use fingerprint-clearance mechanisms and employer reporting for certain arrests or charges. These are different legal structures, but both demonstrate that a system can pair access with continuing accountability.

Nevada already uses earlier-notice models in other professions

Nevada also has strong internal examples. Marriage and family therapists, clinical professional counselors, and certain interns must notify their board in writing within 10 days after a criminal charge is filed. Social workers must notify their board within 30 days after a criminal charge is filed and after specified other criminal, civil, and professional events. Nevada medical licensees and applicants have a 30-day arrest-or-criminal-conviction reporting rule, subject to specified exceptions. Direct agency correspondence supplied additional implementation context: Social Work Board staff advised me that the Board conducts a background check at initial application, renews licenses annually with questions about arrests, charges, and convictions, requires supporting documentation for affirmative responses, requires a new background check for restoration or reactivation, and reviews legal or sanction self-reports case by case. Medical Board General Counsel likewise advised that reported matters are investigated and outcomes determined case by case. These professions are not legally identical to BHWPs, but they serve many of the same or overlapping behavioral-health and healthcare populations and settings as psychologists and BHWPs, including children, families, adults, and vulnerable persons. Yet the Psychology Board's current psychologist renewal and reinstatement forms do not directly ask about arrests or pending criminal charges, and R088 does not presently create a comparable BHWP own-event criminal reporting duty. The Psychology Board is therefore not being asked to invent an unfamiliar

precaution; comparable Nevada regulators already use layered continuing-notice measures while preserving case-by-case review.

Source note: NAC 641A.243(17); NAC 641B.200(21); NRS 641B.202; NRS 630.306(1)(l); written responses from MFT/CPC Board staff (April 24, 2026), Social Work Board staff (May 4, 2026), and Nevada State Board of Medical Examiners General Counsel (June 9, 2026), on file. Oregon, Washington, and Arizona sources are identified above.

12. Regulatory risk and the importance of a clear administrative record

Because these concerns are being raised during the rulemaking process - before broad implementation - I respectfully ask that they be addressed prospectively and on the record. Identifying foreseeable implementation questions now gives the Board an opportunity to evaluate and reduce preventable risk while the regulatory architecture is still being built.

If the Board determines that existing law, another regulation, employer policy, supervision requirements, mandated-reporting duties, a renewal process, or another mechanism already adequately addresses a concern raised here, I respectfully ask the Board to identify that mechanism on the record. If the Board determines that a proposed safeguard is unnecessary, impracticable, or better addressed through another regulatory track, a concise explanation of that reasoning would likewise create a clearer and more durable administrative record.

I do not suggest that the Board intentionally omitted protections or that every recommendation in this comment must be placed verbatim in R088 itself. Some safeguards may appropriately be addressed by regulation, formal Board policy, approved supervisor training, required employer-supervisor agreements, application and renewal forms, patient disclosures, or another enforceable implementation mechanism. The important point is that the safeguards be identifiable, operational, and understandable before they are needed.

13. Minimum safeguards requested before adoption or implementation

1. In addition to the existing 30-day out-of-jurisdiction disciplinary-reporting duty in NRS 641.230(1)(i), require each BHWP to report specified serious criminal events within a defined period, including felony arrests; felony charges and defined serious misdemeanor charges; guilty or nolo contendere pleas; convictions; material loss of professional good standing; and termination or loss of required supervision.

2. State expressly that a report is notice, not proof of wrongdoing; a charge is not a conviction; reporting does not itself require discipline or public disclosure; and the Board will use confidential, case-by-case review consistent with due process.

3. Require an approved supervisor who obtains reliable knowledge of a reportable event involving a supervised BHWP to independently notify the Board within a defined period, regardless of whether the BHWP has separately reported the event. This creates a second notice channel rather than making supervisor reporting depend on proof or suspicion that the practitioner failed to self-report.

4. Require approved supervisors to report their own defined criminal, professional-standing, or fitness events that materially affect their ability to protect patients, regardless of the supervisor's underlying licensing chapter, while avoiding duplication where another board already provides reliable notice.

5. Require a new state and federal fingerprint-based criminal-history check at each three-year renewal, or at another reasonable interval, unless the Board publicly documents that it receives substantially equivalent continuing criminal-history notification through Rap Back or another reliable system.

6. Clarify the meaning of "complaints or charges" in R088 section 8(1)(d), including whether "charges" refers to licensing or disciplinary charges, criminal charges, or another category, in order to reduce ambiguity, promote consistent application, and avoid unnecessary future interpretive or legal disputes concerning vagueness or the provision's scope.

7. Clarify expressly whether and how R089-26P applies to BHWPs, including treatment of convictions and plea dispositions, rather than relying on potentially conflicting uses of "psychologist," "licensee," and "any licensee."

8. Adopt written youth-safety safeguards governing one-on-one access to minors, including transportation, off-site and home contact, private electronic communications, parental/guardian or lawful-custodian notice, supervisor awareness, authorized settings, and documented exceptions. Consider a two-adult or comparable no-one-on-one-contact rule for nonclinical activities.

9. Require youth-serving employer-supervisor agreements to identify responsibility for transportation, off-site contact, incident escalation, communications boundaries, emergency procedures, and documentation so that organizational duties are not assumed or fragmented.

10. Establish an implementation protocol for children in foster care, state custody, kinship care, or other child-welfare placements addressing who may consent, who receives notice, emergency contacts, confidentiality, complaint access, and supervisor escalation, consistent with applicable law.

11. Integrate NRS 432B.220 mandatory-reporter notice and acknowledgment into BHWP onboarding and supervisor training, while making clear that mandated reporting does not replace preventive youth-safeguarding rules.

12. Require affirmative written patient and parent/guardian disclosure of the BHWP’s title, license number, scope, supervised status, supervisor identity and licensing information, the official online license-verification directory, complaint pathway, and public-disciplinary-record location before services begin.

13. Maintain a single searchable public BHWP online directory or verification portal that allows lookup by practitioner name or license number and displays current license status, the current approved supervisor’s name, profession, license number and licensing board, public restrictions or conditions, final public discipline to the extent authorized by law, and a direct complaint link or instructions. If the supervisor is licensed by another board, link to that board’s official verification page.

14. Publish one clear complaint process that explains NRS 641.250 inter-board notification, the role of the BHWP's supervisor and employer, urgent child-safety reporting, and how anonymous information is handled. Clearly distinguish (a) complaint and investigative material that is confidential from the general public, even though identifying information may be shared with Board personnel, investigators, counsel, and the respondent as needed for investigation and due process, from (b) charging documents, disciplinary orders, hearing materials, and other records that may later become public. Explain these distinctions before sensitive information is submitted and require public-facing disciplinary materials to undergo privacy and redaction review designed to protect patient and minor identity and PHI to the fullest extent permitted by law.

15. Adopt and publish a privacy-review and redaction protocol for patient, complainant, minor, family, medical, school, placement, and other sensitive information before formal disciplinary materials are publicly released. Require an affirmative review of patient/minor names and direct identifiers in exhibits and attachments, and address indirect identification where combinations of facts could identify a patient, consistent with applicable law and due-process requirements.

16. Use the BHWP Advisory Group period through December 31, 2028 to conduct a formal implementation review of supervision, criminal-event notice, complaints, youth safety, renewal screening, and public information, using aggregate data and protecting confidential information.

14. Illustrative regulatory or policy language for Board and counsel review

The following language is offered as a policy model only. It is not legal advice, does not purport to identify the Board's only lawful option, and should be revised by Board counsel as needed to fit statutory authority, confidentiality law, due process, and Nevada drafting conventions.

A. Practitioner reporting

Proposed concept
"A behavioral health and wellness practitioner shall notify the Board in writing within [defined period] after the practitioner receives notice that: (a) the practitioner has been arrested for a felony or a felony charge has been filed; (b) a misdemeanor charge involving violence, abuse, exploitation, sexual conduct, dishonesty, controlled substances, a child, an elderly or vulnerable person, or other conduct reasonably bearing on patient safety or fitness to practice has been filed; (c) the practitioner has entered a guilty or nolo contendere plea or has been convicted of a criminal offense; (d) the practitioner has suffered a material loss of professional good standing not already reportable under NRS 641.230(1)(i); or (e) required supervision has terminated or the practitioner has been removed from service for a patient-safety reason. Reporting is notice only and is not an admission or finding of wrongdoing."

B. Supervisor reporting and organizational accountability

Proposed concept
"An approved supervisor who obtains reliable knowledge of a reportable event involving a supervised behavioral health and wellness practitioner shall independently notify the Board within [defined period], regardless of whether the practitioner has separately reported the event. When the supervisor and practitioner are employed by different entities, the required written agreement shall identify responsibility for incident escalation, youth-safety rules, transportation and off-site contact, electronic communications, emergency procedures, and documentation of exceptions."

C. Renewal screening

Proposed concept
"As a condition of renewal, a behavioral health and wellness practitioner shall submit fingerprints for a new state and federal criminal-history records check unless the Board has determined and publicly documented that the practitioner is enrolled in a continuing criminal-history notification system that provides substantially equivalent notice."

D. Youth safety and nonclinical one-on-one access

Proposed concept
"A behavioral health and wellness practitioner who provides services to a minor shall comply with written youth-safety policies approved by the Board or employer that address guardian or lawful-custodian notice, authorized service settings, transportation, off-site and home contact, private electronic communications, supervisor awareness, emergency escalation, and documentation of exceptions. For transportation, outings, extracurricular activities, or other nonclinical contact, a practitioner shall not be alone with a minor unless a documented emergency or other specifically authorized exception applies."

E. Patient disclosure and public verification

Proposed concept
"Before services begin, a behavioral health and wellness practitioner shall provide the patient, parent, legal guardian, or other legally authorized decision-maker with written notice of the practitioner's title, license number, supervised status, authorized scope and limitations, approved supervisor's name, profession and license number, official license-verification location, public-disciplinary-record location, and complaint pathway. The Board shall maintain a searchable public verification portal that links each practitioner to the current approved supervisor to the extent authorized by law and, when the supervisor is licensed by another board, provides a link or other clear route to verify the supervisor's license."

15. The Advisory Group sunset creates a natural checkpoint for early evaluation

NRS 641.2253 establishes the BHWP Advisory Group through December 31, 2028, creating a natural checkpoint while the original implementation expertise is still assembled. I respectfully encourage the Board to schedule a formal review before that sunset using aggregate, nonconfidential information about licensure, supervision changes, complaints, reportable events, disciplinary matters, youth-serving settings, renewal screening, and recurring implementation questions. A planned review allows Nevada to establish

strong baseline safeguards now and refine them based on early experience rather than waiting for a serious event to reveal a weakness.

16. Long-term child safety, public confidence, and program integrity

Nevada should not create a lower practical level of protection for children and families merely because they receive prevention or early-intervention services through a newly created, supervised workforce. The April 17 public record describes substantial youth-facing use in schools, community programs, pediatric settings, youth psychiatric settings, and one-on-one support. The safety architecture should therefore travel with the practitioner across settings rather than depend entirely on the policies of a particular employer or the assumption that professional supervision is equivalent to physical oversight of every encounter.

Clear safeguards also protect the credibility and durability of the BHWP program itself. A serious preventable incident involving a newly established credential could undermine confidence among parents, schools, employers, supervisors, practitioners, policymakers, and the public - particularly if the event involved information that an effective continuing-notice or escalation system could have brought to regulatory attention earlier. This is not a prediction that such an event will occur. It is a reason to build a resilient framework before broad implementation.

The question is not whether Nevada should expand behavioral-health access quickly or protect the public carefully. A durable implementation of SB165 should accomplish both. Clear continuing notice, renewal screening, supervisor accountability, youth-access rules, public license verification, complaint privacy, and early implementation review can strengthen public confidence in the new profession and reduce the need for corrective regulatory changes after implementation.

17. Conclusion

Nevada's behavioral-health workforce needs thoughtful and timely expansion. Access and accountability should advance together.

R088-26P contains substantial protections in education, practicum, scope, supervision, confidentiality, professional conduct, and disciplinary authority. My purpose is not to minimize those protections, but to identify where continuing notice and prevention remain incomplete or unclear in the current public record, particularly for a youth-facing profession with a three-year license term.

Because this is a newly created profession, Nevada has an unusual opportunity to build prevention, detection, accountability, transparency, and youth-safety structure into the system from the beginning. I have placed concrete alternatives in this record before adoption, including Nevada's own earlier-notice models and Oregon's contemporaneous work on the closely analogous licensed behavioral health and wellness practitioner credential.

For these reasons, I support timely implementation of SB165, but respectfully ask the Board to establish, identify, or commit on the record to the mechanisms that will operate after initial licensure: how serious post-licensure events reach the Board; how R088 and R089 work together; what renewal screening occurs; how supervisors and employers escalate concerns; how youth-facing access is structured; and how patients can verify practitioners, supervisors, discipline, and complaint pathways.

If additional responsive records or hearing materials answer or materially qualify a concern, I will supplement or correct this analysis. Otherwise, I respectfully ask the Board to address the questions before adoption or, where it concludes that an existing safeguard already resolves them, to identify that safeguard and its reasoning on the record.

Nevada does not have to choose between timely workforce expansion and meaningful public protection. The strongest implementation of SB165 will do both: expand access while ensuring that continuing notice,

supervision, renewal screening, youth safeguards, public verification, privacy protection, and accountability are clear from the beginning.

I respectfully request that this comment be clearly identified in the August 21 hearing record, meeting materials, meeting minutes, informational statement, and complete R088-26P rulemaking record so that future reviewers can locate the safeguards and comparative evidence raised before adoption. Pursuant to NRS 233B.064, I also request a concise statement of the principal reasons for and against adoption and the Board's reasons for overruling considerations urged against adoption if it proceeds without the safeguards requested here.

Thank you for your time, service, and consideration of these patient-safety, child-safety, privacy, and public-accountability concerns.

Respectfully submitted,

Rebecca Savio
Nevada Citizen and Public-Interest Researcher
Founder & Research Analyst, Nevada Applied Victimology & Policy Analytics
Las Vegas, Nevada | NVPolicyAnalytics.com
Submitted in my individual capacity.

Appendix A. Questions I respectfully ask the Board to answer on the record

1. After the initial fingerprint check, what reliable mechanism ensures that the Board learns of a serious criminal or fitness-related event during the three-year BHWP license period, including any interval in which R088 is operative before R089?
2. What does “complaints or charges” mean in R088 section 8(1)(d)? Does “charges” include criminal charges, licensing/disciplinary charges, or another category, and how will the Board prevent inconsistent interpretation?
3. Does the Board intend R089-26P section 3 to apply to BHWPs, and how will guilty pleas, nolo contendere pleas, and other plea dispositions be treated for affirmative reporting purposes?
4. Will BHWP fingerprints be retained or resubmitted at renewal, or will another reliable continuing criminal-history notification or renewal-screening mechanism be used?
5. What duties will approved supervisors or employers have to report reliable knowledge of a BHWP serious criminal event, loss of supervision, removal from service, impairment, or other patient-safety concern?
6. What youth-specific rules will govern private one-on-one access, transportation, home or off-site contact, private electronic communications, and services involving minors in foster care, state custody, guardianship, kinship care, or other child-welfare placements?
7. Will the supervisor's identity and licensing information be affirmatively disclosed before services begin, and will the Board maintain a single public BHWP verification portal linking the practitioner to the current approved supervisor, public restrictions or discipline, and complaint pathway?
8. What public-facing complaint, inter-board notification, privacy, and redaction procedures will apply, including review of patient/minor names and identifiers in exhibits and protection against indirect identification from combinations of sensitive facts?
9. Will the Board conduct a formal implementation review before the BHWP Advisory Group sunsets on December 31, 2028?
10. Does the Board consider the SB165 Behavioral Health and Wellness Practitioner Advisory Group a public body subject to NRS Chapter 241 and, if so, where are its meeting notices, agendas, minutes,

recordings or transcripts, attendance information, and supporting materials maintained and made available to the public?

Appendix B. Source and evidence guide

This comment relies principally on official legal text, the Board's public meeting record, direct governmental correspondence, and identified comparative materials. It is prepared for submission as an updated written public comment through August 17, 2026. The URLs and source descriptions below preserve an accessible source trail. Comparative models are used to isolate discrete safeguards, not to claim that the professions or legal systems are identical.

Nevada proposed regulation - R088-26P - LCB Proposed Draft dated July 6, 2026.
https://www.leg.state.nv.us/Register/2026Register/R088-26P.pdf

Related Nevada Initial Agency Draft - R089-26I - Posted April 23, 2026; includes the separate "conviction of or entry of a plea" phrase.
https://www.leg.state.nv.us/Register/2026Register/R089-26I.pdf

Related Nevada LCB Proposed Draft - R089-26P - May 27, 2026; operative section 3 begins "A psychologist shall report."
https://www.leg.state.nv.us/Register/2026Register/R089-26P.pdf

Nevada Revised Statutes Chapter 641 - Includes NRS 641.010, 641.160, 641.170, 641.2252-.2257, 641.230-.250, and 641.285.
https://www.leg.state.nv.us/NRS/NRS-641.html

Nevada Administrative Procedure Act - NRS Chapter 233B - Includes NRS 233B.064 statement-of-reasons provision.
https://www.leg.state.nv.us/NRS/NRS-233B.html

Nevada child-abuse/neglect reporting - NRS Chapter 432B - Includes NRS 432B.220, effective July 1, 2026.
https://www.leg.state.nv.us/NRS/NRS-432B.html

Nevada Board - 2026 Board & Committee Meetings page - Board agendas, packets, minutes, and August 21 regulation-hearing notice; as reviewed August 17, 2026, I did not locate separate BHWP Advisory Group meeting entries or separately posted Advisory Group agendas, minutes, or recordings on this page.
https://www.psyexam.nv.gov/meetings/2026-board--committee-meetings/

Nevada Board - 2025 Board & Committee Meetings page - Board and identified committee meeting entries and documents; as reviewed August 17, 2026, I did not locate a separate December 3, 2025 BHWP Advisory Group meeting entry or separately posted Advisory Group meeting materials on this page.
https://www.psyexam.nv.gov/meetings/2025-board-committee-meetings/

Nevada Board - 2027-2028 Active Psychologist Renewal Form - Question 5 asks about conviction/guilty/nolo pleas since last renewal; the public form does not contain a general arrest or pending-criminal-charge question.
https://www.psyexam.nv.gov/siteassets/content/licensing/renewal_form-active_2026-fill-includes_demosurvey.pdf

Nevada Board - Reinstatement Application - Current public form contains professional-history and broad suitability questions but does not directly ask whether the applicant has been arrested or has pending criminal charges.
https://www.psyexam.nv.gov/uploadedFiles/psyexamnvgov/content/Licensing/Reinstatement_App-8-2024-FILL.pdf

Nevada Board - Rules/Regs - Board regulatory-information page.
https://www.psyexam.nv.gov/About/Regulations/

Oregon SB 1547 (2026), enrolled - Creates the closely analogous “licensed behavioral health and wellness practitioner” credential and provides the statutory foundation for Oregon implementation.
https://olis.oregonlegislature.gov/liz/2026R1/Downloads/MeasureDocument/SB1547/Enrolled

Oregon Revised Statutes 676.150 - Health-profession reporting, including 10-day reporting of felony arrests and misdemeanor/felony convictions and confidentiality of reports.
https://www.oregonlegislature.gov/bills_laws/ors/ors676.html

Oregon Board of Psychology - Administrative Rulemaking / SB 1547 implementation calendar (RAC meetings May-August 2026; Board review and proposed-rule process thereafter).
https://www.oregon.gov/psychology/Pages/Rulemaking.aspx

Oregon SB 1547 Rules Advisory Committee public meeting recordings/transcripts reviewed for this comment: June 15, July 7, and July 27, 2026. Selected verification checkpoints included the June 15 discussion of Nevada’s 175-hour standard and rural-school supervision (approximately 14:42-16:34 and 1:35:21-1:36:43); the July 7 discussion of the information a board needs to regulate, real-time versus renewal supervision notice, and front-end public protection (approximately 1:09-1:11, 1:31-1:39, and 2:00); and the July 27 discussion of public protection, institutional oversight, and up-front supervision verification (approximately 18:59-21:21 and 37:19-39:44). Public recordings are available through the Oregon Mental Health Regulatory Agency / Board of Psychology meeting resources and Oregon MHRA YouTube channel.

Oregon implementation correspondence and courtesy draft - Written correspondence from LaReé Stashek, Policy Advisor, Oregon Mental Health Regulatory Agency, August 2026, and “LBHWP Rules, Combined FINAL DRAFT TC” supplied as a courtesy. The draft is treated in this comment as non-adopted and not as current Oregon law.

Washington uniform health-profession reporting rules - WAC 246-16-220, -230, -235, and -270.
https://app.leg.wa.gov/WAC/default.aspx?cite=246-16&full=true

Arizona health-professional reporting - A.R.S. 32-3208.
https://www.azleg.gov/ars/32/03208.htm

Nevada MFT/CPC reporting comparison - NAC 641A.243(17).
https://www.leg.state.nv.us/NAC/NAC-641A.html

Nevada Social Work reporting comparison - NAC 641B.200(21); fingerprint authority in NRS 641B.202.
https://www.leg.state.nv.us/NAC/NAC-641B.html

Nevada Medical Board reporting comparison - NRS 630.306(1)(l).
https://www.leg.state.nv.us/NRS/NRS-630.html

National Institute of Justice - deterrence - Research summary emphasizing certainty of detection relative to severity.
https://nij.ojp.gov/topics/articles/five-things-about-deterrence

Exploring youth safeguarding - 2025 mandatory ride-along standard for youth under 18.
https://www.exploring.org/blog/exploring-ride-along-standard-change/

U.S. Department of Justice - Explorer Program case - Western District of Kentucky, Nov. 16, 2020.
https://www.justice.gov/usao-wdky/pr/feds-charge-third-officer-explorer-program

Ballmer Institute for Children's Behavioral Health - Background on the youth-focused educational model referenced in R088 and Board discussion.
https://childrensbehavioralhealth.uoregon.edu/

Board record specifically relied upon

- NBOPE October 24 and December 12, 2025 meeting packets, approved minutes, and available recordings/transcripts.
- NBOPE January 23, 2026 meeting packet, approved minutes, and transcript/recording concerning criminal-conduct/reporting development.
- NBOPE March 6, 2026 revised meeting packet, approved minutes, and transcript/recording concerning both BHWP and R089 development.
- NBOPE April 17, 2026 revised meeting packet, approved minutes, and transcript/recording, including BHWP implementation examples involving youth and families.
- NBOPE July 10, 2026 meeting packet and available transcript/recording concerning the continuing R089 rulemaking record.
- Nevada DPS/NCJIS Compliance Unit correspondence to Rebecca Savio, May 15, 2026, concerning Nevada State Rap Back generally and the Unit's limitation on discussing NBOPE-specific participation except with approved Board points of contact (on file).

• Educational correspondence from Deputy Attorney General Harry B. Ward, July 23, 2026, concerning complaint confidentiality, respondent disclosure, anonymous complaints, evidentiary needs, and potential public-hearing consequences; counsel expressly stated the communication was not an official Attorney General opinion (on file).

• Direct Nevada comparator correspondence: MFT/CPC Board staff (April 24, 2026), Social Work Board staff (May 4, 2026), and Nevada State Board of Medical Examiners General Counsel (June 9, 2026), concerning criminal-event reporting, renewal screening, background checks, and case-by-case review (on file).

- Public-records and procedural requests relevant to this comment: July 20, 2026 NBOPE request for R088 hearing/rulemaking materials; August 5, 2026 detailed request for Advisory Group records, drafts/redlines, criminal-reporting, continuing-notification, supervisor/employer reporting, renewal screening, R088/R089 integration, and related development records; August 11 supplemental implementation-record request and separate packet-inclusion deadline inquiry; August 12 Advisory Group-specific request for meeting dates, notices/agendas, minutes, notes, recordings/transcripts, attendance, supporting materials, work product, and any existing determination concerning NRS Chapter 241 status; the Board's July 24 response directing me to the Board Meetings webpage; and the Board's August 11 response that all records currently available regarding the regulation were publicly available on that webpage.

ADDENDUM TO WRITTEN PUBLIC COMMENT REGARDING LCB FILE NO. R088-26P

Behavioral Health and Wellness Practitioners

Submitted for the August 21, 2026 Regulation Hearing

Rebecca Savio
Nevada Citizen and Public-Interest Researcher
Supplement to Written Public Comment Submitted August 17, 2026 to NBOPE
August 20, 2026

Purpose of This Addendum

Members of the Board:

Thank you for the opportunity to supplement my August 17, 2026 written public comment regarding LCB File No. R088-26P.

I continue to support the purpose of Senate Bill 165 and the responsible development of Nevada's Behavioral Health and Wellness Practitioner profession. I support expanding access to appropriately trained and supervised behavioral-health promotion, prevention, and early-intervention services. **At this time, however, I respectfully ask the Board to defer final adoption of R088-26P in its current form for further consideration of the public safety, procedural, competency, supervision, and educational issues identified in this addendum and my August 17, 2026 written comment, including whether the public has sufficient access to the records and materials associated with the Advisory Group's regulatory-development work and whether the available regulatory record is sufficiently complete for informed review.**

I am not submitting this addendum as a subject-matter expert in behavioral-health workforce regulation, nor am I a psychologist. I submit it as a Nevada member of the public and public-interest researcher who believes that meaningful public participation depends, in part, upon the public's ability to identify and review records and materials relevant to important regulatory decisions. Access to that information allows interested persons to better understand the development of a proposal, verify relevant facts, and provide more informed data, views, and arguments during the rulemaking process.

That concern is particularly relevant here because Oregon is simultaneously developing a closely analogous Licensed Behavioral Health and Wellness Practitioner profession and has provided public access to its Rules Advisory Committee (RAC) meetings, including meeting videos and transcripts. That open and transparent access has allowed me to review portions of Oregon's regulatory-development discussions directly and to better understand the reasoning behind several important policy choices. I have

attempted to conduct a comparable review of Nevada's process, but I have not been able to identify an equivalent public record of the substance of the Nevada Advisory Group's separately held meetings.

Accordingly, this addendum reflects my effort to review the Nevada regulatory-development record that is publicly available, compare relevant portions of Nevada's proposed framework with Oregon's developing process, verify the sources upon which I rely, and identify questions that appear important to public protection, transparent rulemaking, and effective public participation.

This addendum is necessary in substantial part because of timing. I submitted my original written comment in time for inclusion in the August 21 Board meeting packet. I appreciate that the Board did include that comment in the packet. At the time I submitted it, however, Oregon's August 17, 2026 LBHWP Rules Advisory Committee meeting had not yet occurred. My original comment expressly contemplated supplementation if later information materially affected the analysis. The August 21 packet confirms that my original comment is part of the R088 hearing materials.

I therefore needed to wait for Oregon's August 17 meeting before completing this supplemental analysis. Oregon was the jurisdiction in which I was able to review the closely analogous LBHWP advisory group's actual regulatory-development discussions. Oregon publicly identifies its Rules Advisory Committee meetings and makes those discussions available through the Mental Health Regulatory Agency's public video archive. The August 17 afternoon meeting, which I attended and observed by way of Zoom, contained helpful discussion directly relevant to Nevada's proposed competency and supervision provisions.

By contrast, despite Nevada records requests beginning July 20, increasingly specific follow-up requests, repeated review of the Board's public materials, requests for assistance locating responsive records, and my offer to inspect responsive records at the Board office in person, I have not been able to identify a comparable substantive meeting record for the Nevada SB165 Advisory Group's own separately held meetings.

The purpose of this addendum is therefore twofold: first, to place into Nevada's rulemaking record relevant information that became available through Oregon's August 17 public RAC meeting after my original comment had been submitted; and second, to address a broader procedural question concerning public access to, preservation of, and future usability of the regulatory-development record associated with Nevada's Advisory Group.

This addendum supplements and does not replace, narrow, withdraw, or supersede my August 17 written comment or my outstanding public-records requests. My August 17 comment addresses continuing post-licensure criminal and fitness-event notice, renewal screening, supervisor accountability, youth safeguards, patient and parent information, complaint and privacy protections, and related public-safety matters. I incorporate those recommendations rather than repeat them here.

Priority	Issue	Requested Board Action
1	Advisory Group status and separate meeting record	Clarify Chapter 241 status and identify what record exists
2	Public access and institutional recordkeeping	Ensure the development record can be located and understood
3	Alternative competency pathway	Establish objective, predetermined standards
4	Pre-licensure supervision	Consider guaranteed one-on-one supervision
5	Education and accreditation	Further examine instructional depth and accreditation safeguards

1. The Board Record Refers to Separately Held Advisory Group Meetings

The Board's regular public meetings contain meaningful discussion of R088-26P and updates concerning the Advisory Group's work. I have reviewed and relied upon those materials. My concern is narrower.

The regular Board record refers to **meetings of the SB165 Behavioral Health and Wellness Practitioner Advisory Group held separately from the regular Board meetings**.

Earlier Board materials identify the Advisory Group's first meeting as occurring on December 3, 2025, an all-day meeting scheduled for January 30, 2026, and another meeting scheduled for March 27, 2026. The January materials also state that the Advisory Group would work on the SB165 regulations and forward materials to the Board after its January meeting.

At the April 17 Board workshop, Dr. Michelle Paul subsequently explained that the Advisory Group had **"met twice"** since the March workshop to incorporate and address the public comment received. Dr. Paul then publicly reviewed with the Board the revisions resulting from that work.

The distinction is important. The regular Board record provides useful **Board-level summaries, discussion, successive regulatory drafts, and descriptions of Advisory Group work**. I do not suggest otherwise.

What I have not been able to identify is a separately discernible record of the **substance of the Advisory Group's own separately held meetings**, for example, the Group's agendas, minutes, audio-recording information, transcripts, substantive notes, attendance records, or equivalent documentation showing what occurred during those meetings.

Such a record, if it exists, could provide information different from a later Board-level summary: what alternatives were considered, what concerns members raised, what information was relied upon, how public comments were evaluated, and why particular revisions were accepted or declined.

It is that separate Advisory Group meeting record that I have been attempting to identify and review. By comparison, Oregon's meeting recordings and transcripts were readily accessible for public review.

2. The August 21 Packet Confirms the Advisory Group's Substantial and Continuing Role

I have now reviewed the August 21, 2026 meeting packet.

The packet's R088 staff report states that the Board established a four-member Advisory Group and included within the Group's charge **drafting the regulations for BHWPs and the practice of BHPP**. It further states that the Advisory Group met and drafted proposed regulations for the March 6 and April 17 workshops.

The current legislative and regulation status materials also state:

> "The BHWP Advisory Group continues to meet and work toward satisfying the Board's charge as it relates to the SB165 requirements."

Accordingly, the access and recordkeeping question is not solely historical. The August 21 materials indicate that the Advisory Group's work is continuing.

Tomorrow's agenda separately includes **Item 11, "Discussion and Possible Action on Updates Regarding the Work of the 2025 SB165 Behavioral Health and Wellness Practitioner Advisory Group."**

I appreciate that the packet contains substantial Board-level material concerning R088 and that my August 17 public comment has been included. After reviewing the complete packet, however, **I did not identify a separately labeled supporting report or attachment for Item 11, nor did I locate a reference identifying where audio recordings or transcripts of the Advisory Group's separately held meetings may be accessed.**

I do not infer from that observation that such records do not exist or that Board members have not received other information through an appropriate channel. I simply have not been able to identify that material in the public record available to me.

Because the August 21 materials state that the Advisory Group continues to meet, I respectfully believe clarification now would assist not only in understanding the historical development of R088-26P, but also in establishing a clear public-access and recordkeeping framework for the Group's continuing work.

I have attempted in good faith to determine what meeting-record requirements, if any, apply to the Advisory Group. I would welcome clarification regardless of the answer.

The continuing absence of a clear answer leaves unresolved a practical question concerning whether interested members of the public can identify and review the regulatory-development record relevant to evaluating the proposal and participate as fully and effectively as reasonably possible.

3. My Records-Request History Illustrates a Broader Procedural Question

I include my own request history because it provides a practical example of what an interested member of the public may encounter when attempting to reconstruct the Advisory Group's regulatory-development process. **My principal concern is not that I personally did not receive a particular record. It is whether the Board's procedures provide a sufficiently clear, accessible, and durable regulatory-development record for the public and for future institutional review.**

I first requested R088-26P and related hearing and regulatory-development materials on **July 20, 2026**. When I could not identify the Advisory Group's separate meeting record in the publicly posted materials, I submitted a detailed public-records request on August 5 and additional requests or clarifications on August 11, August 12, August 18 and August 20. My August 17 public comment documents part of that history and the specific categories requested.

My August 12 request specifically sought the dates of Advisory Group meetings or work sessions and available notices or agendas, minutes or notes, recordings or transcripts, attendance information, supporting materials, drafts, redlines, recommendations, and other work product. I also requested any existing nonprivileged record reflecting whether the Board considers the Advisory Group a public body subject to NRS Chapter 241.

I also offered to come to the Board office to inspect responsive records in person if that would assist.

The Board's responses have stated that the records 'currently available' regarding the regulation are available on the Board Meetings webpage. I have repeatedly reviewed that page, the 2025 and 2026 meeting materials, and now the August 21 packet.

I recognize that **it is possible I have overlooked responsive material**. That possibility is one reason I have repeatedly requested clarification and assistance rather than concluding that records do not exist. I also recognize that Board staff and counsel may have information or legal considerations that are not apparent from the public materials available to me, and I welcome clarification where my understanding is incomplete.

As of this submission, however, I have not been provided a specific location for the substantive record of the Advisory Group's separately held meetings, confirmation that no such records exist, or a direct answer concerning the Advisory Group's Chapter 241 status. I also did not receive a response to my offer to inspect responsive records at the Board office before preparing this addendum.

Any of those answers would be useful.

If no separate audio recordings, transcripts, substantive minutes, or comparable records exist, confirmation would clarify the record. If the Board's position is that the Advisory Group is not a public body subject to Chapter 241, identifying that position and, to the extent appropriate, its basis would likewise clarify the process. If responsive records exist and are publicly accessible, identifying their specific location would resolve much of the access question.

I therefore do not present the present uncertainty as proof of noncompliance. I present it as a procedural and practical recordkeeping question that warrants clarification.

4. The Concern Extends Beyond One Commenter

This issue extends beyond my ability to prepare this particular public comment.

NRS 233B.061 provides interested persons a **"reasonable opportunity to submit data, views or arguments"** concerning a proposed regulation.

I do not contend that NRS 233B.061 independently requires disclosure of every developmental document, nor do I ask the Board in this comment to make a legal finding that a violation has occurred.

The narrower concern is practical:

How can interested members of the public make full use of a "reasonable opportunity" to contribute data, views, or arguments if a material portion of regulatory development occurred in separately held Advisory Group meetings but the public cannot readily determine what substantive record exists of those meetings or where that record may be reviewed?

The regular Board record tells the public that the Advisory Group met, developed and revised regulatory language, considered public comment, and continued its work. What I have not been able to identify is a record of the substance of those separate Advisory Group discussions themselves.

That distinction matters beyond a current commenter.

A sufficiently preserved and accessible regulatory-development record may assist **current Board members** in independently evaluating recommendations; **future Board members** who may later interpret or amend provisions developed before their service; **the Legislative Counsel Bureau and other governmental reviewers** evaluating the regulatory framework; and **future policymakers, oversight officials, researchers, affected stakeholders, and members of the public** attempting to understand how and why particular regulatory choices were made.

This is therefore not solely a public-records issue. It also presents a **practical institutional-memory and recordkeeping concern.**

A useful regulatory history allows a later reviewer to determine whether a provision was deliberately selected after consideration of competing alternatives, what concerns were addressed, and why a

particular approach was chosen. A sufficiently preserved record may also be useful to other jurisdictions evaluating similar regulatory frameworks in the future.

If the Advisory Group's substantive meeting record exists, identifying where it is maintained would substantially address this concern.

If no such record exists, confirmation of that fact would itself improve the intelligibility of the record.

5. The Advisory Group's Status Under NRS Chapter 241 Warrants Clarification

NRS 241.015 includes within the definition of a public body, under specified circumstances, a subcommittee or working group of at least two persons appointed by a public body, including where the group is authorized to make a recommendation to the appointing public body for action.

The August 21 staff report confirms that the Board established the four-member Advisory Group and expressly included **drafting the BHWP regulations** within its charge.

I do **not** offer a legal conclusion that the Advisory Group is therefore a public body under Chapter 241. That determination may depend upon facts or legal considerations not available to me.

I respectfully ask a question and request clarification on the record:

> **Does the Nevada Board of Psychological Examiners consider the SB165 Behavioral Health and Wellness Practitioner Advisory Group a public body subject to NRS Chapter 241?**

If yes, I respectfully request identification of the applicable meeting notices, agendas, minutes, audio-recording or transcript information, attendance records, supporting materials, and recommendations, to the extent maintained and available under applicable law.

If no, I respectfully request that the Board identify the basis for that determination to the extent appropriate.

If no separate audio recordings, transcripts, minutes, or substantive meeting records exist, I respectfully request confirmation of that fact.

If the Advisory Group is determined to be a Chapter 241 public body, it is my understanding that NRS 241.035 contains requirements concerning written minutes and meeting audio recordings or transcripts, subject to the statute's terms and exceptions.

Again, my purpose is not to prejudge that legal question. **Clarifying the Group's status and the applicable recordkeeping framework would itself strengthen the public regulatory record.**

Because the August 21 packet states that the Advisory Group **continues to meet**, I respectfully suggest that this clarification would be useful prospectively as well as historically.

6. Oregon Demonstrates the Practical Value of an Accessible Advisory-Group Record

Oregon provides a useful contemporary comparison because it is developing the same-named Licensed Behavioral Health and Wellness Practitioner profession under its own separate statute and regulatory process.

Nevada and Oregon are not legally interchangeable, and I do not suggest that Nevada is required to duplicate Oregon's procedures.

Oregon is nevertheless particularly useful here because its Rules Advisory Committee expressly considered Nevada's developing framework and because the public can review the Oregon advisory-group discussions themselves. A complete development record may also help future reviewers understand what comparative models, if any, were considered during Nevada's regulatory development.

Oregon publicly identifies its LBHWP Rules Advisory Committee meetings and makes the recordings available through the Oregon Mental Health Regulatory Agency's public meeting archive:

Oregon Mental Health Regulatory Agency – Public Meeting Videos
https://www.youtube.com/@Oregon-MHRA

I include this address so Board members, members of the public, LCB personnel, and other interested persons can independently review the same source material and reach their own conclusions.

I reviewed and analyzed Oregon RAC recordings and/or transcripts from **June 15, July 7, July 27, and August 17, 2026**. My August 17 Nevada comment already documented my review of the June and July discussions and the issues examined.

I also communicated directly in writing with **LaReé Stashek, Policy Advisor for the Oregon Mental Health Regulatory Agency**, concerning several regulatory and implementation questions. Ms. Stashek provided clarifying information and a current Oregon LBHWP draft as a courtesy. She has expressly authorized me to attribute the regulatory information and quotations used in this addendum.

The significance of Oregon for present purposes is procedural.

Because Oregon's committee discussions are publicly accessible, an interested person can evaluate both the proposed regulatory language and portions of the reasoning that produced it. Members of the public can independently listen to discussions, identify alternatives, understand where Oregon considered Nevada's approach, and assess whether a commenter has fairly characterized the proceedings.

That is an important feature of a transparent regulatory-development record: the public need not rely solely upon one person's summary because the underlying discussion remains available for independent review.

I have not been able to perform an equivalent analysis of Nevada's separately held Advisory Group meetings.

That difference does not establish that Nevada acted improperly. It illustrates the practical value of identifying and preserving the substantive record of a group performing significant regulatory-development work.

7. Oregon's Public Process Identified a Material Competency Difference

Nevada law expressly permits the Board to establish an alternative method of demonstrating competency when the national examination does not exist or is not being administered. My concern therefore is not whether Nevada possesses authority to establish an alternative pathway.

The question is whether the pathway described in R088-26P is sufficiently predetermined, objective, and consistent before it is used to license applicants.

Section 11 permits the Board, when the national examination is unavailable, to evaluate competency through methods that may include practicum performance, a competency portfolio, a structured oral examination, or supervisor attestation concerning competence, ethical conduct, and fitness. The August 21 packet confirms those alternatives in the current LCB draft.

Those methods may each provide useful evidence. **They are not necessarily equivalent assessment instruments.**

This issue arose in Nevada's own public process. During the March workshop, questions were raised regarding the absence of a national examination, who would develop an examination, and how validity and reliability would be ensured.

The matter then returned to the Advisory Group, which subsequently met and returned revised language. The separate Advisory Group discussion explaining how those concerns were analyzed is precisely the type of development record I have been attempting to locate.

During Oregon's publicly accessible August 17 RAC meeting, Ms. Stashek addressed Nevada's fallback approach and stated, in discussing the absence of a national test:

> "if there is no test in place, then we go through this sort of arbitrary process to approve somebody without an exam, which I do not recommend for Oregon administrative rulemaking."

I characterize that statement carefully. **The term "arbitrary" is Ms. Stashek's characterization during the Oregon regulatory discussion; it is not my legal characterization of Nevada's proposed regulation.** I understand her statement to mean that she did not recommend Nevada's alternative competency approach for Oregon administrative rulemaking. I do not present her statement as a formal determination of the Oregon Board of Psychology, and Oregon's statutory framework does not control Nevada.

The important policy question is:

How will applicants be evaluated consistently and defensibly when the national competency examination is unavailable?

Oregon's current developing draft answers that question differently. It requires standard applicants to pass an approved competency examination and identifies the national Ballmer Institute examination, or its successor. I did not identify a counterpart to Nevada's portfolio, oral-examination, or supervisor-attestation fallback in the Oregon draft.

Had Nevada's Advisory Group substantive meeting record been available, it could have explained **why Nevada selected its alternative pathway, what alternatives were considered, and what criteria the Group believed would adequately address validity, reliability, and consistency concerns.**

I respectfully recommend that, before such an alternative pathway is used, the Board establish predetermined competency domains, evaluator qualifications, required assessment methods, documentation standards, minimum performance criteria, and mechanisms designed to promote consistency among applicants.

8. Oregon Also Added Guaranteed One-on-One Practicum Supervision

Nevada and Oregon each contain different strengths. Nevada has post-licensure supervision provisions. My narrower concern involves the **700-hour pre-licensure practicum**.

Both developing frameworks use 700 hours of supervised practice and at least 175 hours of direct client contact. Nevada requires at least one hour of direct supervision for every 20 practicum hours and limits such supervision to no more than three students at once.

Oregon's developing framework additionally requires that at least **25 percent of required practicum supervision be individual, one-on-one supervision**.

During Oregon's August 17 RAC discussion, that requirement was described as **"the most meaningful place that we differ from Nevada."**

Nevada need not adopt Oregon's precise percentage. I respectfully ask the Board to consider the underlying policy question:

Should every Nevada BHWP trainee be assured some minimum amount of individualized supervisory attention before licensure?

Individual supervision provides protected time to evaluate professional judgment, ethical reasoning, competency deficiencies, boundary concerns, remediation needs, and readiness for the responsibilities of the BHWP role in order to serve vulnerable populations.

9. Education and Accreditation Deserve Further Examination

Oregon's current developing draft also uses a more prescriptive educational framework, including quantified substantive behavioral-health coursework and specified minimum study within important competency areas.

Nevada's proposed Section 10 contains program-structure, competency, direct-observation, and practicum safeguards. It also permits the Board to recognize a nationally recognized organization that accredits behavioral-health-promotion-and-prevention educational programs, with completion of such an accredited program constituting prima facie evidence of satisfaction of Section 10.

I do not suggest that national program accreditation is inherently inadequate. My narrower question is **what substantive quality-assurance criteria Nevada will apply before relying upon such an accreditation pathway.**

As part of my comparative research, Ms. Stashek provided a December 5, 2025 public memorandum from the **Oregon Board of Licensed Professional Counselors and Therapists** as a starting point for additional accreditation research.

That memorandum concerns a different Oregon board, different professions, and separate rulemaking. I do not present it as an Oregon Board of Psychology LBHWP determination.

Ms. Stashek expressly permitted me to draw relevant research issues from that memorandum.

The memorandum raises broader questions concerning changes in the federal accreditation landscape, accreditor recognition, competency-based and experiential education, movement among accreditors, and the distinction between federal recognition of an accreditor and a licensing board's independent determination that education is sufficient for professional licensure.

I respectfully suggest that Nevada independently examine the substantive educational standards of any proposed accreditor; instructional depth; faculty qualifications; supervised experience and competency assessment; treatment of experiential or competency-based learning; monitoring and enforcement mechanisms; consequences of material changes or loss of accreditation; and how the public will identify the accreditors and programs recognized by the Board.

The central question should not merely be whether an accrediting organization is nationally recognized. It should be whether its standards provide reliable assurance that future Nevada BHWP graduates have received the education, supervised training, and competency preparation Nevada considers necessary for safe practice.

Further Reading on Accreditation

With Ms. Stashek's permission, I identify the following materials referenced in the Oregon memorandum as resources for further research. I provide them for review and do not represent that Nevada should adopt any particular author's conclusions:

Walter Hudson, "Department of Education Relaxes Accreditation Change Rules, Raising Quality Concerns," *The EDU Ledger*, May 1, 2025; **U.S. Department of Education**, "Distance Education and

Innovation," *Federal Register*, April 2, 2020; **Daniel Kees**, "Changing Credentials in College Accreditation," *The Regulatory Review*, February 25, 2020; and **Paul Fain**, "New Rules on Accreditation and State Authorization," *Inside Higher Ed*, October 31, 2019.

10. My August 17 Public-Safety Recommendations Remain in Effect

My August 17 written comment addresses in detail continuing post-licensure criminal and fitness-event notice, renewal screening, supervisor accountability, youth safeguards, patient and parent information, privacy, complaint procedures, and related public-protection measures. That comment is now included in the August 21 packet.

I do not repeat that analysis here.

I preserve one implementation question:

If R088-26P proceeds before R089-26P, what continuing-notice mechanism will apply to BHWPs and approved supervisors during that interval, and is R089 ultimately intended to apply to BHWPs?

The August 21 status materials confirm that R089 has an LCB draft but that its regulation hearing has not yet been scheduled, while R088 is proceeding to hearing on August 21.

If an existing statute, regulation, renewal process, supervisor or employer duty, background-notification mechanism, or other system resolves that question, identifying it on the record would substantially address the concern.

Conclusion

I support Nevada's creation of the Behavioral Health and Wellness Practitioner profession and the goal of expanding access to behavioral-health promotion, prevention, and early-intervention services.

I respectfully ask the Board to consider deferring final adoption of R088-26P in its current form because several important issues warrant further review, particularly the Advisory Group regulatory-development record, objective standards governing the alternative competency pathway, individualized pre-licensure supervision, educational and accreditation safeguards and the criminal reporting and other issues raised in my August 17 public comment.

My request is not that the Board abandon SB165 or unnecessarily delay workforce development. It is that Nevada establish a regulatory framework, and preserve a regulatory-development record, that is sufficiently **transparent, objective, durable, and protective before implementation.**

The regular Board record contains meaningful public discussion, regulatory drafts, and summaries of the Advisory Group's work. The August 21 packet further confirms that drafting the BHWP regulations was part of the Group's charge and that the Group **continues to meet and work** toward satisfying that charge.

At the same time, after requests beginning July 20, subsequent detailed requests, repeated review of the Board's public materials, requests for assistance locating responsive records, and an offer to inspect responsive records at the Board office, I have not been able to identify the substantive meeting record for the Advisory Group's separately held meetings or a reference directing the public to audio recordings or transcripts of those meetings.

I recognize that I may have overlooked material. For that reason, I have sought clarification rather than assuming that the records do not exist or that the Board failed to satisfy a legal requirement.

The question nevertheless has broader significance.

The public should be able to determine what record exists of a body performing substantial regulatory-development work and where that record may be reviewed. Current Board members should have an adequate basis for independently evaluating recommendations. Future Board members should be able to understand why provisions were developed. LCB, future policymakers, and oversight officials should be able to reconstruct the regulatory history without relying solely on institutional memory or later summaries.

This is therefore a matter of **public access, informed participation, practical recordkeeping, and institutional continuity.**

For the public, it also bears upon the practical value of the "reasonable opportunity" to submit data, views, and arguments contemplated by NRS 233B.061. The issue is not whether a person is technically permitted to submit a written statement. It is whether an interested person who chooses to analyze the development of a proposed regulation can reasonably determine what underlying governmental record exists and how to review it.

By the final hours before the R088 written-comment deadline, the opportunity to obtain, analyze, and meaningfully incorporate any unidentified Nevada Advisory Group meeting record into this particular submission had effectively passed. I include that experience as a practical illustration, **not as the sole or primary concern**.

Oregon provides a useful procedural comparison. Because its LBHWP RAC meetings are publicly accessible, I was able to review multiple meeting discussions, compare them with developing regulatory language, identify important differences, and seek focused clarification from agency staff. Other members of the public can independently review those same underlying discussions.

The value of that transparency is not that every member of the public will review every meeting. It is that the underlying regulatory-development record is available to those who need or choose to examine it.

I therefore respectfully ask the Board to clarify on the record:

whether the SB165 Behavioral Health and Wellness Practitioner Advisory Group is considered a public body subject to NRS Chapter 241; where the substantive record of its separately held

meetings may be reviewed if such a record exists; what procedures govern access to and preservation of the Group's continuing work; or, if no such meeting record exists, that fact.

Providing that clarification would improve the present rulemaking record and preserve a clearer institutional record for future public, Board, legislative, and oversight review.

Finally, this profession is intended to serve people who may include **children, families, and individuals experiencing behavioral-health needs.**

We owe it to Nevada's children and vulnerable populations to ensure that this new profession is built on a sound foundation, with meaningful competency standards, effective supervision, appropriate educational requirements, transparent regulatory development, and public-protection safeguards established before preventable problems arise rather than after them.

Expanding access and protecting the public are not competing goals. A carefully constructed regulatory framework can and should accomplish both.

I therefore respectfully ask the Board to defer final adoption of R088-26P in its current form until these questions can be adequately examined and, where appropriate, addressed through further revision or clarification. If R088-26P is adopted, my prior request pursuant to **NRS 233B.064** remains in effect. I respectfully request the concise statement provided for under that statute concerning the principal reasons for and against adoption and the reasons for overruling considerations urged against adoption.

Record-Inclusion Request

I respectfully request that **this August 20, 2026 addendum and my August 17, 2026 written public comment be considered together and preserved as part of the complete record concerning LCB File No. R088-26P**, including the August 21, 2026 regulation-hearing record, the Board's meeting record and minutes, the rulemaking record, and any informational statement or other rulemaking materials prepared or transmitted in connection with the regulation. I further respectfully request that both submissions be attached to, linked in, incorporated by reference into, or otherwise clearly identified in the minutes and regulatory record so that the Board, Legislative Counsel Bureau, Legislative Commission, future Board members, interested members of the public, and other reviewers can readily locate and consider them as part of the regulatory history of R088-26P.

Thank you for your consideration.

Respectfully submitted,

Rebecca Savio
Nevada Citizen and Public-Interest Researcher
Public Comment Email: pinnaclelegalresearch@gmail.com
August 20, 2026

Official Sources and Public Records Reviewed

Nevada: Nevada Revised Statutes, Chapters 233B, 241, and 641; Senate Bill 165 (2025), Chapter 379, Statutes of Nevada 2025; LCB File No. R088-26P, Proposed Regulation of the Nevada Board of Psychological Examiners, July 6, 2026; LCB File Nos. R089-26I and R089-26P; Nevada Board of Psychological Examiners public agendas, meeting packets, minutes, transcripts, workshop materials, and August 21, 2026 regulation-hearing materials.

August 21, 2026 Meeting Packet: Nevada Board of Psychological Examiners, 145-page meeting packet for the August 21, 2026 meeting and R088-26P regulation hearing, including the hearing notice, R088 staff report, proposed regulation, public comments, July 10 meeting minutes submitted for approval, legislative/regulatory status materials, and other supporting materials. The public meeting itself is scheduled for August 21, 2026 at 8:00 a.m.

Oregon: Oregon Senate Bill 1547 (2026); Oregon Board of Psychology/Mental Health Regulatory Agency, *LBHWP Rules, Combined Final Draft*, Chapter 858, Division 60; Oregon SB1547 Rules Advisory Committee public meetings and recordings, including June 15, July 7, July 27, and August 17, 2026; relevant comparative Oregon supervision rules; and August 2026 written communications with LaReé Stashek, Policy Advisor, Oregon Mental Health Regulatory Agency. Ms. Stashek expressly authorized attribution of the regulatory information and quotations used in this addendum.

Oregon Mental Health Regulatory Agency Public Meeting Video Archive:
https://www.youtube.com/@Oregon-MHRA

Oregon Public Meeting Passages Relied Upon: Oregon SB1547 Rules Advisory Committee, August 17, 2026, discussion concerning Nevada's alternative competency pathway, approximately **30:55–31:22**, and discussion concerning individual supervision and comparison with Nevada, approximately **4:57–8:27**. These are source references, not separate exhibits.

Accreditation Background: Oregon Board of Licensed Professional Counselors and Therapists, *Rulemaking Agenda Item, Unaccredited Program Requirements*, December 5, 2025. Reviewed solely as comparative accreditation background and a research starting point suggested by Ms. Stashek. It concerns a separate Oregon board, professions, and rulemaking and is not presented as an Oregon Board of Psychology LBHWP determination. Consistent with Ms. Stashek's recommendation, the memorandum is not attached in its entirety.

Further Reading on Accreditation, as suggested within the memo provided by Policy Advisor Ms. Stashek: Walter Hudson, "Department of Education Relaxes Accreditation Change Rules, Raising Quality Concerns," *The EDU Ledger*, May 1, 2025; U.S. Department of Education, "Distance Education and Innovation," *Federal Register*, April 2, 2020; Daniel Kees, "Changing Credentials in College Accreditation," *The Regulatory Review*, February 25, 2020; Paul Fain, "New Rules on Accreditation and State Authorization," *Inside Higher Ed*, October 31, 2019.