

# NPA LEGISLATIVE UPDATE

## OVERVIEW

Now that the 82nd Session of the Nevada Legislature has wrapped up, we want to share some important information for psychologists. Over the course of the 120-day session, NPA's Legislative Committee monitored multiple bills addressing our scope of practice, access to care, and the need for expanding mental health services in Nevada (we are ranked lowest in the nation). Working with our new legislative affairs team, Tri-Strategies, we were present at the Legislature for "Mental Health Day," testified multiple times on behalf of psychologists and the practice of psychology, and continued our advocacy efforts for diversity, equity and inclusion in mental health.

The following will highlight legislation that was enacted (or vetoed) with special attention to changes in laws/policies that will impact your practice today. To look at the individual bills, hearings, and testimony in more detail, please visit NELIS:

<https://www.leg.state.nv.us/Session/82nd2023/>.

## SCOPE OF PRACTICE

**SB 431** created the Office of Nevada Boards, Commissions & Councils. This legislation was dormant until the last days of the Legislative Session when it was included during final budget negotiations with the Governor. It will streamline the administrative functions of all professional boards including psychology and set common standards for investigation of consumer complaints. Look for more information from BOPE and the State about how this will impact your application for licensure and renewals.

**SB 119** continues parity for telehealth services for mental healthcare in Nevada (legislation that had been enacted during covid but was set to expire in July 2023). Third-party insurers are required to pay for telehealth at the same rates for in person treatment.

**AB 267** expands cultural competency CE training requirements for most behavioral health providers in Nevada to 6 CE's per licensing cycle. Given the known discrepancy between the majority-culture background of most providers and our diverse client population, it is our hope that additional training requirements will support increased access to culturally-competent care in Nevada. FYI – NPA membership comes with discounted registration for CE trainings!

**AB 236** clarified language in the correctional systems making the role of clinical and forensic psychologists distinct from other providers of psychological services.

**AB 7** mandates all healthcare providers maintain electronic healthcare records and provide access to these records to their patients. Psychologists are included but small businesses have until 2030 to comply.

**AB 244** makes changes to compelled forensic evaluations. This bill allows patients of compelled forensic evaluations to request a third-party observer of their choice in the evaluation and to take notes/make recordings, allows for examinees to sue their evaluator, and requires a 21-day notice for all such evaluations. There are exceptions for some evaluations including custody and examinations pursuant to NRS Titles 5, 14, 15 and Chapter 432b. Unfortunately, despite our opposition to the impact of this bill on forensic practitioners and repeated efforts to work with the sponsor and the lawyers behind the bill to address its problems, it was passed by the Legislature, signed by the Governor, and is immediately effective.

*NPA is continuing to work on minimizing the negative impact of this legislation on forensic psychological evaluations. We are reviewing the legislation in comparison to NAC codes, HIPAA concerns, and APA Ethical Standards and will be working with the BOPE to address these issues. Our Legislative Committee is also creating a subcommittee/task force to address the impact of AB 244 and will be inviting NPA members to participate to assist with our efforts. We believe that by establishing this task force, we can leverage the expertise and dedication within our organization to address the challenges presented by the passed bill effectively. Our members' participation will be invaluable in shaping the direction and success of our collective efforts*

**AB 404** is a tort reform bill that passed this legislative session. It increases the cap on damages for professional negligence and wrongful death lawsuits and applies to all providers of healthcare including psychologists. We were in opposition due to concerns about potential impact on malpractice insurance rates.

**SB 150** and **SB 267** attempted to change language in NRS to allow psychology trainees, interns and psych assistants to be “licensed or provisionally licensed” – expanding opportunities for reimbursement. We advocated for these bills but unfortunately they did not receive votes. We will continue to push for expanding reimbursement and rates so that more psychologists who train in Nevada will stay in Nevada.

## ACCESS TO CARE

**AB 37** creates the first Behavioral Health Workforce Development Center in Nevada. Based on successful models in Nebraska and Illinois, the Legislature and Governor agreed to fund this program that will both increase the pipeline of providers and expand mental health education and outreach.

**AB 45** expands opportunities for student loan reimbursement for behavioral healthcare providers who agree to stay in Nevada and work in underserved communities (this is almost

the entire state). This state-sponsored program seeks to retain mental and behavioral health providers in Nevada. A similar bill, [AB 69](#) sponsored by the Washoe Regional Behavioral Health Board did not pass.

#### Medicaid Expansion:

Several Medicaid expansion bills were approved including:

[AB 137](#) making fetal alcohol syndrome disorders a qualifying disability and eligible for Medicaid coverage;

[AB 138](#) which expands Medicaid reimbursement for integrating behavioral health care in primary care settings;

[AB 389](#) which expands Medicaid so incarcerated individuals can apply for benefits prior to their discharge;

[AB 435](#) expanding Medicaid coverage for co-occurring disorders,

[SB 191](#) making reimbursement rate adjustments for behavioral analysts, ABA and RBTs.

#### Gender-affirming care:

Although the Governor vetoed [SB 302](#) which sought to protect providers of gender-affirming care from prosecution, he signed [SB 153](#) requiring the Dept. of Corrections to provide gender-congruent housing, medical and mental health care to inmates and [SB 163](#) requiring insurers to cover gender-affirming care, including surgery, for minors with parental consent.

Protection for children and adults with mental illness in the justice system was expanded by [SB 411](#) authorizing juvenile court programs for ASD and [AB 405](#) expanding programs for individuals with mental illness or intellectual disabilities in the justice and municipal courts. [SB 237](#) continues funding for the state's 988 Crisis Line by levying a surcharge on cell phones.

Nevada joined a growing number of states by passing legislation about step therapy treatment protocols ([SB 167](#) and [SB 177](#)). These bills prevent insurers from denying access to prescriptive care by their physicians by forcing consumers to use less-expensive/generic medication before authorizing the recommended medication.

## ADVOCACY

[SB 131](#) guarantees protection for providers of abortion and was signed by the Governor.

[AB 226](#) expands in-state tuition for DACA recipients.

[AJR10](#) Removing language from the NV Constitution that allows the use of slavery or involuntary servitude as criminal punishments.

[AJR1](#) Changing language from "Institutions for the insane, blind, deaf and dumb" to "persons with significant mental illness, persons who are blind or visually impaired, persons who are deaf or hard of hearing and persons with intellectual disabilities or developmental disabilities...shall be fostered and supported by the State..."

**SJR 7** guarantees the right to an abortion in NV. The bill will be heard again in 2025 before being sent to voters for approval – if passed and approved it will become a constitutional right in our state.

## In Conclusion

---

- Assemblywoman Sarah Peters from Reno was recognized as NPA's 2023 Legislator of the Year for her work in mental health, education, and advocacy for diverse populations.
- Nevada continue to be at the forefront in the nation within the diversity of representation in our legislature. Both chambers are over 60% women and 43% of the Assembly are BIPOC representatives. Divided government (both chambers of the Legislature with Democratic majority, the Governor a Republican) set a somewhat contentious tone and special session #1 to finalize the state's budget. Approximately 1/6th of the Governor's 75 vetoes were health-care related, including medical aid to the dying legislation and efforts to expand Medicaid to undocumented workers. The Governor surprised some by breaking with the Republican Party to support gender affirming care and abortion access. He held to many of his campaign promises signing [AB 330](#) and [AB 400](#) regarding school safety and educational opportunities, [SB 412](#) crime reduction, and [SB 431](#) streamlining governmental operations in Nevada.
- As with all NPA committees, participation is voluntary and we greatly welcome any of you who wish to be more involved in our legislative and advocacy efforts. If you'd like to be involved in the task force for [AB 244](#) or join our next legislative committee meeting to learn more, please email us at [admin@nvpsychology.org](mailto:admin@nvpsychology.org).

Laura Drucker, Psy.D. & Michelle McGuire, Psy.D.  
NPA Legislative Committee co-chairs