

**ADOPTED REGULATION OF THE BOARD OF EXAMINERS
FOR MARRIAGE AND FAMILY THERAPISTS AND
CLINICAL PROFESSIONAL COUNSELORS**

LCB File No. R060-08

Effective September 18, 2008

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1, 7, 15 and 27-30, NRS 641A.160; §2, NRS 641A.160 and 641A.210; §§3-6, NRS 641A.160, 641A.220 and 641A.231; §8, NRS 641A.160 and 641A.260; §§9, 10 and 12-14, NRS 641A.160, 641A.287 and 641A.288; §11, NRS 641A.160, 641A.287, 641A.288 and 641A.310; §§16-20, 641A.160 and 641A.310; §§21-26, 641A.160 and 641A.330.

A REGULATION relating to the marriage and family therapists and clinical professional counselors; providing requirements relating to licensure as a marriage and family therapist intern, clinical professional counselor or clinical professional counselor intern; revising provisions governing licensure as a marriage and family therapist; and providing other matters properly relating thereto.

Section 1. NAC 641A.035 is hereby amended to read as follows:

641A.035 As used in this chapter, unless the context otherwise requires:

1. *“Approved supervisor” has the meaning ascribed to it in NRS 641A.025 and includes an approved primary and secondary supervisor.*
2. “Board” ~~means the Board of Examiners for Marriage and Family Therapists.~~
- ~~2. “Candidate” means a person seeking registration as an intern.~~
- ~~3. “Clinical practice” means the use of personal interaction, the theory of systems and other methods to solve problems of individual clients or regarding their marital or family relationships, or both.~~ *has the meaning ascribed to it in NRS 641A.030.*
3. *“Clinical professional counselor” has the meaning ascribed to it in NRS 641A.031.*

4. *“Clinical professional counselor intern” means a person licensed as a clinical professional counselor intern pursuant to NRS 641A.288.*
5. “Intern” means a ~~{person who holds a master’s degree in marriage and family therapy, or an equivalent degree from an accredited university, whose registration by the Board has been approved.~~
- ~~—5.} marriage and family therapist intern or a clinical professional counselor intern.~~
6. “Internship” means ~~{an approved program of}~~ *the period of* supervised ~~{and documented}~~ experience ~~{in clinical practice.~~
- ~~—6.} required of a marriage and family therapist intern pursuant to NRS 641A.287 or a clinical professional counselor intern pursuant to NRS 641A.288.~~
7. “License” has the meaning ascribed to it in NRS 641A.040.
- ~~{7. “Supervisor” means a marriage and family therapist who supervises an intern.~~
- ~~—8. “Therapist” means a person who is licensed by the Board as a marriage and family therapist.}~~
8. *“Marriage and family therapist” has the meaning ascribed to it in NRS 641A.060.*
9. *“Marriage and family therapist intern” means a person licensed as a marriage and family therapist intern pursuant to NRS 641A.287.*
10. *“Practice of clinical professional counseling” has the meaning ascribed to in NRS 641A.065.*
11. *“Practice of marriage and family therapy” has the meaning ascribed to it in NRS 641A.080.*

Sec. 2. NAC 641A.065 is hereby amended to read as follows:

641A.065 1. Any person desiring licensure ~~for registration~~ by the Board must submit or have submitted to the Board:

- (a) An application completed on the forms provided by the Board;
- (b) Official transcripts from each institution of higher education he attended which are sent directly to the Board from the institution;
- (c) A total of three letters of personal or professional reference, or both, written by persons not related to the applicant which are addressed and sent directly to the Board;
- (d) A ~~photograph of the applicant which has been taken within 12 months before the date of the application; and~~ *copy of the applicant's valid driver's license, passport or other government-issued identification card;*
- (e) A written summary by the applicant of his experiences and qualifications for licensing, including documentation of his internship and recommendations from supervisors or any person approved by the Board ~~H~~;
- (f) If the person is licensed as a marriage and family therapist or clinical professional counselor in another state, evidence satisfactory to the Board of such licensure and of good standing as a marriage and family therapist or clinical professional counselor in that state; and*
- (g) A complete set of fingerprints and written permission authorizing the Board to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The Board may exchange with the Federal Bureau of Investigation any information relating to the fingerprints of an applicant pursuant to this section.*

2. To have the Board act upon his application for a license at a scheduled meeting, the applicant must have filed his completed application with the Board at least 10 working days before that meeting. For good cause, the Board may allow an applicant to present material at its meeting in addition to the materials which he has previously submitted to the Board.

3. By submitting his application, an applicant grants the Board full authority to make any investigation or personal contact necessary to verify the authenticity of the matters and information stated within his application. If the Board so requests, the applicant must supply such a verification.

4. The Board may appoint a subcommittee to examine an application and conduct interviews before the Board's meeting and to make recommendations for its action.

5. The Board may require the personal appearance of the applicant ~~{ }~~ *at the meeting.*

6. The same application which is filed for ~~{registration}~~ *licensure* as an intern ~~{must be refilled with}~~ will be used by the Board for *application for* licensure as a *marriage and family* therapist or *clinical professional* counselor upon completion of the internship . ~~{along with the completion of any portions of the application which are required for licensure.}~~

Sec. 3. NAC 641A.075 is hereby amended to read as follows:

641A.075 For the purposes of qualifying for licensure, each applicant's ~~{undergraduate and graduate degrees}~~ *graduate degree* must be from an institution which has been accredited by a recognized regional accrediting organization.

Sec. 4. NAC 641A.085 is hereby amended to read as follows:

641A.085 1. To qualify ~~{to take the written examination}~~ for licensure ~~{ }~~ *as a marriage and family therapist or marriage and family therapist intern*, an applicant's graduate education in marriage and family therapy must include the following areas of study:

Area of Study	<i>Minimum</i> Number of Courses	Minimum Number of Semester Hours of Credit	Minimum Number of Quarter Hours of Credit
Human Development, including			
Issues of Sexuality	2 [-4]	6 [-12]	8 [-16]
Marital and Family Systems	2 [-4]	6 [-12]	8 [-16]
Marital and Family Therapy	3 [-5]	9 [-20]	12 [-20]
[Ethics and Professional Studies]			
<i>Ethical and Legal Issues in</i>			
<i>Marriage and Family Therapy</i>	1	3	4
Supervised [Clinical] Practice <i>of</i>			
<i>Marriage and Family Therapy</i>	3	9	12
Diagnosis and Assessment			
<i>(including the use of the</i>			
<i><u>Diagnostic and Statistical</u></i>			
<i><u>Manual of Mental Disorders</u>)</i>	1	3 [-4]	4
Research	1	3	4
Abuse of Alcohol or Controlled			
Substances	1	3	4

2. *To qualify for licensure as a clinical professional counselor or clinical professional counselor intern, an applicant's graduate education in clinical professional counseling must include the following areas of study:*

<i>Area of Study</i>	<i>Minimum Number of Courses</i>	<i>Minimum Number of Semester Hours of Credit</i>	<i>Minimum Number of Quarter Hours of Credit</i>
<i>Human Growth and Development</i>	<i>1</i>	<i>3</i>	<i>4</i>
<i>Individual Counseling Theories</i>	<i>1</i>	<i>3</i>	<i>4</i>
<i>Individual Counseling Techniques and Practice</i>	<i>1</i>	<i>3</i>	<i>4</i>
<i>Lifestyle and Career Development</i>	<i>1</i>	<i>3</i>	<i>4</i>
<i>Group Dynamics, Counseling and Consulting</i>	<i>1</i>	<i>3</i>	<i>4</i>
<i>Ethics and Professional Studies</i>	<i>1</i>	<i>3</i>	<i>4</i>
<i>Supervised Practice of Clinical Professional Counseling</i>	<i>3</i>	<i>9</i>	<i>12</i>

<i>Area of Study</i>	<i>Minimum Number of Courses</i>	<i>Minimum Number of Semester Hours of Credit</i>	<i>Minimum Number of Quarter Hours of Credit</i>
<i>Diagnosis and Assessment</i> <i>(including the use of the</i> <i><u>Diagnostic and Statistical</u></i> <i><u>Manual of Mental</u></i> <i><u>Disorders</u>)</i>	<i>1</i>	<i>3</i>	<i>4</i>
<i>Social and Cultural</i> <i>Foundations</i>	<i>1</i>	<i>3</i>	<i>4</i>
<i>Research and Evaluation</i>	<i>1</i>	<i>3</i>	<i>4</i>
<i>Abuse of Alcohol or Controlled</i> <i>Substances</i>	<i>1</i>	<i>3</i>	<i>4</i>

3. The courses in *the* supervised ~~clinical~~ practice *of marriage and family therapy and clinical professional counseling* required pursuant to subsection 1 *or 2* must include three courses taken during three semesters or *four courses taken during* four quarters over a minimum of 1 year.

~~[3.—The applicant must have completed at least 45 semester hours of graduate credit in courses relating to the areas of study described in subsection 1 before taking the written examination for licensure.]~~

4. *For a graduate degree to fulfill the educational requirements for licensure as a marriage and family therapist, clinical professional counselor or intern pursuant to this section, the degree must require at least 48 semester hours or 72 quarter hours.*

5. *The Board will consider only courses completed at the graduate level for fulfillment of the educational requirements for licensure as a marriage and family therapist, clinical professional counselor or intern.*

6. *A course may not be used to satisfy the requirements for more than one area of study set forth in subsection 1 or 2.*

7. The Board may consider ~~graduate~~ :

(a) *Graduate* degrees *in fields related to mental health* which are comparable to degrees in marriage and family therapy, ~~psychology or social work,~~ *counseling or mental health counseling* and which meet the requirements for course content listed in subsection 1 *or 2*, regardless of the terminology used in the degree granted by the educational institution ~~it~~, *as fulfilling the educational requirements for licensure as a marriage and family therapist, clinical professional counselor or intern.*

(b) *Years of clinical experience as a marriage and family therapist or clinical professional counselor in lieu of specific academic courses in the supervised practice of marriage and family therapy or clinical professional counseling, in diagnosis and assessment, or in the abuse of alcohol or controlled substances.*

Sec. 5. NAC 641A.095 is hereby amended to read as follows:

641A.095 1. ~~An applicant is not eligible to take the written examination until:~~
~~—(a) The Board has received his completed application and all supporting documents; and~~
~~—(b) All other requirements for licensure have been satisfied.~~

~~—2.—The Board will conduct written examinations in Reno and Las Vegas, Nevada, at least annually.~~

~~—3.]~~ A failed examination *required pursuant to NRS 641A.230* may be retaken at the next scheduled offering of the examination, except that the examination may be taken only one additional time within the 12 months following the date of the original examination. Thereafter, only one examination in any calendar year may be taken. If an applicant fails the exam for a third time, the Board may require additional courses of study or may impose other conditions before allowing the applicant to retake the examination.

~~[4.]~~ 2. The application of an applicant who does not:

- (a) Take an examination within 1 year after being notified of his eligibility; or
- (b) Retake an examination within 1 year after failing the examination,

↪ shall be deemed lapsed. An applicant seeking to pursue licensure whose application has lapsed must fulfill all requirements at the time the new application is submitted and provide documentation concerning the lapsed application.

Sec. 6. NAC 641A.111 is hereby amended to read as follows:

641A.111 1. The Board will, after verifying that an applicant for licensure meets the requirements of NRS 641A.220 *or 641A.231* and holds an *active*, equivalent license in good standing from another jurisdiction, issue an interim permit authorizing the applicant to practice as a *marriage and family* therapist ~~H~~ *or clinical professional counselor*, under the supervision of a person approved by the Board, until the results of the examination required by NRS 641A.230 *or 641A.231* are received.

2. If the applicant does not pass the examination, the interim permit expires upon notification by the Board. The interim permit is not renewable.

Sec. 7. NAC 641A.131 is hereby amended to read as follows:

- 641A.131 1. To maintain his licensure, a *marriage and family therapist or clinical professional counselor* must ~~attend~~ *complete* at least ~~40~~ *20* hours of continuing education ~~every 2 years.~~ *each year, at least 3 hours of which must be on ethics issues specifically pertaining to the field of practice of the marriage and family therapist or clinical professional counselor. If the marriage and family therapist or clinical professional counselor is an approved supervisor, at least 1 hour of the requirements of this subsection must be on issues specifically pertaining to supervising in the field of practice of the approved supervisor and must include education in at least one of the following:*
- (a) An overview of a supervision model;*
 - (b) Areas of focus for a supervisor and the roles of a supervisor;*
 - (c) The process of supervising and the practical application of that process;*
 - (d) Ethical dilemmas involved in supervising;*
 - (e) Methods of effectively addressing and preventing ethical dilemmas in supervising; or*
 - (f) An overview of the supervision standards of the American Association for Marriage and Family Therapy, the National Board for Certified Counselors or the Association for Counselor Education and Supervision, or the provisions of this chapter and chapter 641A of NRS relating to the practice of marriage and family therapy or the practice of clinical professional counseling, as applicable.*
2. A *marriage and family therapist or clinical professional counselor* shall not use more than ~~15~~ *10* hours of distance education to satisfy the requirements of subsection 1.
3. *With the approval of the Board, a marriage and family therapist or clinical professional counselor may satisfy the requirements of subsection 1 by teaching at an*

institution, seminar, workshop, conference or other program. The content of the teaching material must be related to the field of practice of the marriage and family therapist or clinical professional counselor and may not be part of the primary or regular employment of the marriage and family therapist or clinical professional counselor. For each such hour taught, 2 hours of continuing education may be credited pursuant to this subsection.

4. A *marriage and family therapist or clinical professional counselor* is subject to disciplinary action by the Board if he fails to satisfy the requirements for continuing education ~~+~~ ~~—4.]~~ *set forth in subsection 1.*

5. *To reactivate an inactive license, an inactive licensee must complete at least 20 hours of continuing education in the year immediately preceding his application for reactivation.*

6. As used in this section, “distance education” means education, training, courses or programs that are delivered to a student who is geographically separate from the instructor.

Sec. 8. NAC 641A.133 is hereby amended to read as follows:

641A.133 1. An application for the renewal of a license must be accompanied by an affidavit *and the form for reporting continuing education provided by the Board* evidencing the completion by the *marriage and family therapist or clinical professional counselor* of at least ~~[the minimum number of]~~ 20 hours of continuing education required pursuant to NAC 641A.131 during the ~~[2-years]~~ *year* immediately preceding the date of the ~~[application.]~~ *expiration of the current license.*

2. A *marriage and family therapist or clinical professional counselor* shall maintain sufficient documentation verifying the information which he includes in his affidavit relating to his continuing education for at least 3 years after the date on which the affidavit is executed. A

marriage and family therapist *or clinical professional counselor* will not be given credit for any hours of continuing education that are not supported by documentation.

3. The Board may audit such affidavits *and forms* as the Board deems necessary to verify the authenticity of the information set forth in the affidavit ~~or form~~.

Sec. 9. NAC 641A.146 is hereby amended to read as follows:

641A.146 1. ~~{Except as otherwise provided in NAC 641A.111, before an applicant is eligible for licensure as a therapist, he must complete at least 3,000 hours of experience in an approved internship. The internship to provide the experience}~~ *An internship* must be:

(a) Approved by the Board before the applicant begins the internship; and

(b) Completed within ~~{6}~~ 3 years after the Board approves the internship.

2. ~~{An extension of that period may be granted at the Board's discretion. An extension is valid only for the period specified by the Board.~~

~~—3.}~~ An intern shall, on or before September 15 and March 15 of each year, submit to the Board a written report from ~~{his}~~ *the approved* supervisor evaluating his internship. The Board may terminate the ~~{registration}~~ *license* of any intern who fails to file such a written report.

~~{4.}~~ 3. To ~~{satisfy the requirements of subsection 1,}~~ *obtain the hours of supervised experience required pursuant to NRS 641A.220 or 641A.231*, an intern must complete:

(a) At least 1,500 hours ~~{, completed at a rate not to exceed 20 hours per week,}~~ of direct contact with clients in the practice of marriage and family therapy ~~or~~ *or the practice of clinical professional counseling, as applicable;*

(b) At least 300 hours of marriage and family therapy *or clinical professional counseling, as applicable*, that is supervised by the primary *approved* supervisor or secondary *approved* supervisor of the intern, including:

(1) At least 160 hours supervised by the primary **approved** supervisor of the intern; and

(2) At least 40 hours supervised by the secondary **approved** supervisor of the intern; and

(c) At least 1,200 hours of work related to the practice of marriage and family therapy ~~or~~ **or the practice of clinical professional counseling, as applicable**, including:

(1) ~~In addition to the requirements of paragraph (a), direct contact with clients in the practice of marriage and family therapy that is:~~

~~——(I) Supervised by the primary supervisor of the intern; and~~

~~——(II) Completed at a rate not to exceed 20 hours per week;~~

~~——(2) In addition to the requirements of paragraph (a), not~~ **Not** more than 500 hours which consist of direct contact with clients in the practice of marriage and family therapy **or the practice of clinical professional counseling, as applicable**, that is ~~:~~

~~——(I) Performed~~ **performed** in conjunction with a graduate program of study;

~~——(II) Supervised by the primary supervisor or secondary supervisor of the intern; and~~

~~——(III) Completed at a rate not to exceed 20 hours per week;~~

~~——(3) In addition to the requirements of paragraph (b), not more than 300 hours of marriage and family therapy that are supervised by the primary supervisor or secondary supervisor of the intern;~~

~~——(4)~~ **(2)** Not more than 300 hours of leading group **therapy or** counseling sessions;

~~——(5)~~ **(3)** Not more than 200 hours of teaching, including, but not limited to, leading sessions for parent or family education, leading workshops or participating in other teaching activities, which are:

(I) Approved by the primary **approved** supervisor of the intern; and

(II) Documented;

~~[(6)]~~ (4) Not more than 150 hours of individual counseling or therapy which the intern personally receives from a licensed mental health professional who is not the *approved* supervisor of the intern; and

~~[(7)]~~ (5) Not more than 50 hours of training approved by the primary *approved* supervisor of the intern, including, but not limited to:

(I) Graduate course work at a university; or

(II) Attendance at a workshop related to the practice of marriage and family therapy ~~[-]~~

~~—5. Except as otherwise provided in this subsection, credit]~~ *or the practice of clinical professional counseling.*

4. *Credit* must not be given for experience gained by a person before the person ~~[(registered)]~~ *was licensed* as an intern pursuant to the provisions of NAC 641A.156. ~~[(Credit may be given for hours received as part of a graduate program of study.)]~~

5. *As used in this section, “mental health professional” means a person licensed in the State of Nevada as a psychiatrist, psychologist, marriage and family therapist, clinical professional counselor or clinical social worker.*

Sec. 10. NAC 641A.156 is hereby amended to read as follows:

641A.156 1. ~~[(Except as otherwise provided in subsection 3, a candidate)]~~ *An applicant for licensure as an intern* must:

(a) Satisfy the requirements of NAC 641A.065 , ~~[(and)]~~ 641A.075 ~~[-]~~ *and 641A.085;*

(b) Submit to the Board a proposed plan for internship, including the name of the proposed supervisors;

(c) Complete a personal interview and, if requested by the Board, pass an oral examination conducted by the Board; and

(d) Pass the examination required by NRS 641A.230 ~~[H]~~ or 641A.231, as applicable. An applicant must take such an examination for the first time:

(1) If the applicant is applying for licensure as a marriage and family therapist intern, at any time after completing 1 year as a marriage and family therapist intern and before the expiration of his license as a marriage and family therapist intern.

(2) If the applicant is applying for licensure as a clinical professional counselor intern, at any time during his final semester of graduate study and before the expiration of his license as a clinical professional counselor intern.

2. The Board will issue a ~~[certificate of registration]~~ license as an intern in the State of Nevada to each qualified ~~[candidate who receives a passing score on the examination].~~

~~—3.— A person who began an internship before April 1, 1995, may elect to sit for the written examination required pursuant to NRS 641A.230 either before or upon completion of his internship.]~~ applicant upon approving the proposed internship plan of the applicant.

Sec. 11. NAC 641A.176 is hereby amended to read as follows:

641A.176 1. The Board may, for good cause shown, grant, deny, suspend or revoke the ~~[registration of internship]~~ license of any ~~[person.]~~ intern.

2. An intern is subject to the same standards of professional ethics as a marriage and family therapist ~~[H]~~ or clinical professional counselor, as applicable.

3. The Board may, for good cause shown, approve, deny or revoke the proposed supervisor or approved supervisor of any intern.

Sec. 12. NAC 641A.178 is hereby amended to read as follows:

641A.178 1. ~~[Each]~~ Before beginning an internship, each intern must have at least two supervisors approved by the Board. During the course of the supervision of the intern:

(a) The primary **approved** supervisor shall meet with the intern for at least 160 hours to discuss and evaluate the performance of the intern; and

(b) The secondary **approved** supervisor shall meet with the intern for at least 40 hours.

2. Unless otherwise authorized by the Board, not more than:

(a) Six interns may be placed under the supervision of any primary **approved** supervisor at one time; and

(b) Ten interns may be placed under the supervision of any secondary **approved** supervisor at one time.

3. The time required for supervision includes the time devoted to:

(a) Meetings between the **approved** supervisor and the intern where videotapes or audiotapes are reviewed;

(b) Therapy sessions in which the **approved** supervisor participates;

(c) Therapy sessions in which the **approved** supervisor observes the session from a location whereby the **approved** supervisor is neither seen nor heard; or

(d) The presentation of a case by the intern and a discussion by the **approved** supervisor of the proper management and treatment of the case.

4. The time required for supervision does not include the time devoted to attendance at seminars, workshops or classes.

5. The Board will approve the use of conference calls for supervision of an intern in extenuating circumstances.

Sec. 13. NAC 641A.182 is hereby amended to read as follows:

641A.182 1. Except as otherwise provided in subsection 2, ~~an~~ **an approved** supervisor of an intern must be a **marriage and family** therapist ~~and~~ **or clinical professional counselor**.

Each potential supervisor must offer evidence *satisfactory* to the Board of his training or experience, or both, which qualifies him to supervise.

2. In extenuating circumstances, the Board may approve as a secondary supervisor a person who is a licensed psychologist, psychiatrist or social worker who has received training in supervision.

3. Each supervisor must:

- (a) Have been licensed for at least 3 years.
- (b) Not be related to the intern by closer than the fourth degree of consanguinity.
- (c) Have never professionally provided mental health therapy to the intern.
- (d) *Maintain liability insurance covering the supervision.*

(e) Be approved by the Board.

(f) Agree to be available to consult with the Board concerning the professional record, competence in ~~clinical~~ practice, and emotional and mental stability or professional and ethical conduct of the intern.

4. ~~Each~~ *Except as otherwise provided in subsection 5, each potential* primary supervisor must ~~be designated by the American Association for Marriage and Family Therapy as a supervisor or supervisor candidate.~~ *provide evidence satisfactory to the Board of completion of:*

(a) Supervisory training that consists of:

(1) At least one graduate-level course taught by an instructor deemed appropriate by the Board, which includes at least 45 semester hours on the supervision of the practice of marriage and family therapy or the practice of clinical professional counseling, as applicable; or

(2) A professional training program on supervision taught by an instructor deemed appropriate by the Board, which is provided by the American Association for Marriage and Family Therapy or the National Board for Certified Counselors, as applicable; and

(b) At least 25 hours of supervisory experience.

5. In lieu of providing evidence satisfactory to the Board of the completion of supervisory training and supervisory experience as required pursuant to subsection 4, a potential supervisor may provide evidence satisfactory to the Board that he has obtained and maintained, as applicable:

(a) A designation as an “Approved Supervisor” or “Supervisor Candidate” from the American Association for Marriage and Family Therapy; or

(b) A credential as an “Approved Clinical Supervisor” from the National Board for Certified Counselors.

Sec. 14. NAC 641A.186 is hereby amended to read as follows:

641A.186 An intern may perform marriage and family therapy *or clinical professional counseling* only under the supervision of a *marriage and family* therapist *or clinical professional counselor* and in accordance with his approved plan for internship.

Sec. 15. NAC 641A.196 is hereby amended to read as follows:

641A.196 1. ~~{Am}~~ *Except as otherwise provided in subsection 4, an* intern may engage in private practice only at facilities which have a licensed *marriage and family* therapist, *clinical professional counselor, clinical alcohol and drug abuse counselor*, psychologist, psychiatrist or social worker on the site.

2. An intern shall inform each of his clients that he is not ~~licensed therapist~~ *licensed to engage independently in the practice of marriage and family therapy or the practice of clinical professional counseling, as applicable.*

3. An intern shall include a statement describing his status as an intern on all forms of advertising, including, but not limited to, business cards, directory listings and brochures.

4. The Board will only allow an intern to engage in private practice at facilities other than those listed in subsection 1:

(a) In extenuating circumstances; and

(b) If other arrangements approved by the Board have been established for supervision of the intern in emergency situations.

Sec. 16. NAC 641A.243 is hereby amended to read as follows:

641A.243 A *marriage and family* therapist, *clinical professional counselor* or intern:

1. Shall not misrepresent, in advertising or otherwise, his education, training, type of license, ~~for certificate,~~ qualifications, competence or service, or the results to be achieved if he provides service to a client.

2. Shall not engage in the practice of marriage and family therapy *or the practice of clinical professional counseling* while he is impaired by:

(a) Alcohol, drugs or any other chemical; or

(b) A mental or physical condition that prevents him from safely engaging in the practice of marriage and family therapy ~~or~~ *or the practice of clinical professional counseling.*

3. Shall not use his relationship with a client to further his own personal, religious, political or business interests.

4. Shall set and maintain professional boundaries with clients, interns and persons with whom he works.
5. Shall not give or receive, directly or indirectly, a fee, commission, rebate or other compensation for professional services that he has not actually and personally provided.
6. Shall not knowingly offer service to a client who is receiving treatment from another *marriage and family* therapist, *clinical professional counselor* or intern, or a ~~licensee or~~ holder of a *license*, certificate *or registration* issued by any other similar board, without prior consultation between the client and the other *marriage and family* therapist, *clinical professional counselor*, intern ~~licensee~~ or holder of ~~the~~ *the license*, certificate ~~or~~ *registration*.
7. Except as otherwise provided in subsection 8, shall not disparage the qualifications of any colleague.
8. Shall report to the Board any unlicensed, unauthorized, unqualified or unethical practice of marriage and family therapy *or the practice of clinical professional counseling* that is occurring.
9. Shall not attempt to diagnose, prescribe for, treat or provide advice for any problem which is outside of his field of competence, the scope of the practice of marriage and family therapy *or the practice of clinical professional counseling, as applicable*, or the scope of his license. ~~for certificate.~~
10. Shall base his practice upon the recognized knowledge relevant to marriage and family therapy ~~or~~ *or clinical professional counseling, as applicable*.

11. Shall critically examine and keep current with emerging knowledge relevant to the practice of marriage and family therapy ~~H~~ *or the practice of clinical professional counseling, as applicable.*

12. Based upon recognized knowledge and standards for the practice of marriage and family therapy ~~H~~ *or the practice of clinical professional counseling, as applicable*, shall prepare and maintain in a timely manner a record for each of his clients which:

(a) Sets forth his assessment of the problems of the client, plan of action for the client, course of treatment for the client and progress notes regarding the course of treatment of the client; and

(b) Includes copies of other relevant documentation, including, without limitation:

(1) All documents relating to the informed consent given by the client;

(2) All documents relating to the release of information regarding the client; and

(3) All other legal documents regarding the client.

↪ As used in this subsection, “assessment” means an evaluation of the ~~H~~*patterns of interaction* ~~and~~ impairment in the functioning of a client that is based upon comprehensive information about the client.

13. Shall complete and submit any reports required by this chapter and chapter 641A of NRS, or pursuant to any rule, order or instruction of a court of competent jurisdiction, in a timely manner.

14. Shall comply with the provisions of this chapter and chapter 641A of NRS and all other applicable federal laws and regulations.

15. Shall not authorize a person under the supervision of the *marriage and family* therapist *or clinical professional counselor* to perform services that are outside of the scope of the license, ~~H~~*certificate of registration,* training or experience of the person performing the services,

or allow such a person to hold himself out as having expertise in a field or activity in which that person is not qualified.

16. Shall notify the Board in writing within 10 days after:

(a) An action is taken against any license, certification, registration or other credential held by the *marriage and family therapist , clinical professional counselor* or intern that was issued by another state or territory of the United States;

(b) A criminal charge is filed against the *marriage and family therapist , clinical professional counselor* or intern;

(c) The *marriage and family therapist , clinical professional counselor* or intern is convicted of a criminal offense, other than a traffic offense which is a misdemeanor that does not involve alcohol or controlled substances;

(d) A civil action, including, without limitation, an action for malpractice, is filed against the *marriage and family therapist , clinical professional counselor* or intern; or

(e) A settlement or judgment is made in any civil action, including, without limitation, an action for malpractice, in any case filed against the *marriage and family therapist , clinical professional counselor* or intern for any act relating to the practice of marriage and family therapy. or the practice of clinical professional counseling, as applicable.

Sec. 17. NAC 641A.247 is hereby amended to read as follows:

641A.247 1. A marriage and family therapist , clinical professional counselor or intern shall serve his clients with professional skill and competence.

2. If a marriage and family therapist , clinical professional counselor or intern must act on behalf of a client who has been declared to be incompetent or if a client is otherwise found by the

Board to be incapable of acting in his own best interest, the marriage and family therapist , clinical professional counselor or intern shall safeguard the interests and rights of that client.

3. If another person has been legally authorized to act on behalf of an incompetent client, a marriage and family therapist , clinical professional counselor or intern shall deal with the legal representative of the client in accordance with the best interest of the client.

4. A marriage and family therapist , clinical professional counselor or intern shall not practice, condone, facilitate or collaborate with any form of discrimination on the basis of race, color, sex, sexual orientation, age, religion, national origin, social, economic, health or marital status, political belief, diagnosis or physical disability, or on the basis of any preference or personal characteristic, condition or status of a person.

5. A marriage and family therapist , clinical professional counselor or intern shall not misrepresent to a client the efficacy of his service or the results to be achieved.

6. A marriage and family therapist , clinical professional counselor or intern shall apprise each of his clients of the risks, rights, opportunities and obligations, financial or otherwise, associated with the provision of marriage and family therapy or clinical professional counseling, as applicable, to the client.

7. A marriage and family therapist , clinical professional counselor or intern shall seek the advice and counsel of his colleagues and supervisors when such a consultation is in the best interest of the client.

8. A marriage and family therapist , clinical professional counselor or intern shall terminate service to a client and a professional relationship with a client when the service and relationship are no longer required or no longer serve the needs of the client.

9. A marriage and family therapist , clinical professional counselor or intern shall not withdraw his counseling services precipitously, except under unusual circumstances and after giving careful consideration to all factors in the situation and taking care to minimize possible adverse effects to the client.

10. A marriage and family therapist , clinical professional counselor or intern who anticipates the termination or interruption of service to a client shall notify the client as promptly as possible and seek the transfer, referral or continuation of service in relation to the needs and preferences of the client.

11. A marriage and family therapist , clinical professional counselor or intern shall not influence or attempt to influence a client in any manner which could be reasonably anticipated in his deriving benefits of an unprofessional nature from the client during the time that the client is receiving marriage and family therapy from the marriage and family therapist ~~for~~ , *clinical professional counseling from the clinical professional counselor, or marriage and family therapy or clinical professional counseling, as applicable, from an* intern , and for 2 years after the termination of those services.

12. Throughout the period of treatment of a client and for the 2 years immediately following the termination of the professional relationship between the client and the *marriage and family therapist , clinical professional counselor* or intern treating the client, the *marriage and family therapist , clinical professional counselor* or intern shall not:

(a) Enter into a close personal relationship with the client, including, without limitation, sponsorship of the client in a group for self-help, or a romantic or sexual relationship;

(b) Enter into, or attempt to enter into, a financial relationship with the client that is unrelated to the practice of marriage and family therapy ~~or~~ *or the practice of clinical professional counseling, as applicable;* or

(c) Enter into a romantic or sexual relationship with any person who was in a romantic or sexual relationship with the client during the time that the *marriage and family therapist, clinical professional counselor* or intern was providing marriage and family therapy *or clinical professional counseling* to the client.

13. Within the 2 years immediately following the termination of a professional relationship with, internship for or supervision of a client, intern or other person, a *marriage and family therapist or clinical professional counselor* shall not solicit or enter into a dual relationship with the client, intern or other person if it is foreseeable that such a relationship would harm or exploit the client, intern or other person.

Sec. 18. NAC 641A.252 is hereby amended to read as follows:

641A.252 1. The Board hereby adopts by reference ~~the~~ :

(a) The AAMFT Code of Ethics of the American Association for Marriage and Family Therapy as it existed on July 1, ~~{2003,}~~ *2001*, as a standard for professional conduct in the State of Nevada *for marriage and family therapists and marriage and family therapist interns*, excluding those provisions which apply exclusively to the American Association for Marriage and Family Therapy. ~~A violation of the provisions of the Code constitutes cause for disciplinary action.~~

(b) The Code of Ethics of the National Board for Certified Counselors as it existed on October 8, 2005, as a standard for professional conduct in the State of Nevada for clinical

professional counselors and clinical professional counselor interns, excluding those provisions which apply exclusively to the National Board for Certified Counselors.

2. The AAMFT Code of Ethics ~~of the American Association for Marriage and Family Therapy~~ is available , *free of charge*, from the American Association for Marriage and Family Therapy by mail at 112 South Alfred Street, Alexandria, Virginia 22314-3061, by telephone at (703) 838-9808 or on the ~~internet~~ *Internet* at [~~<<http://www.aamft.org/about/ethics.htm>>~~]. ~~The first copy is provided at no cost.~~

http://www.aamft.org/resources/LRM_Plan/Ethics/ethicscode2001.asp.

3. The Code of Ethics of the National Board for Certified Counselors is available, *free of charge*, from the National Board for Certified Counselors by mail at 3 Terrace Way, Greensboro, North Carolina 27403-3660, by telephone at (336) 547-0607 or on the Internet at <http://www.nbcc.org/ethics> 2.

4. *A violation of the provisions of a code of ethics adopted by reference pursuant to this section constitutes cause for disciplinary action.*

Sec. 19. NAC 641A.256 is hereby amended to read as follows:

641A.256 1. For the purposes of subsection 7 of NRS 641A.310, the Board will interpret the term “unprofessional conduct” to mean a lack of knowledge, skill or ability in discharging a professional obligation, and to include, without limitation, malpractice and gross negligence.

2. The Board will consider the following acts by a *marriage and family* therapist , *clinical professional counselor* or intern to constitute unprofessional conduct:

(a) Performing services relating to the practice of marriage and family therapy *or the practice of clinical professional counseling* as an intern outside the scope of an approved plan of internship.

(b) Performing services relating to the practice of marriage and family therapy *or the practice of clinical professional counseling* as a *marriage and family* therapist , *clinical professional counselor* or intern under a license ~~for certificate of registration~~ that has lapsed or been deactivated.

(c) Failing to cooperate with any investigation of a complaint filed against the *marriage and family* therapist , *clinical professional counselor* or intern, including, without limitation, denying or failing to cooperate with a request for records made by the Board.

3. As used in this section:

(a) “Gross negligence” means conduct in the practice of marriage and family therapy *or the practice of clinical professional counseling* which represents an extreme departure from the standard of care required from a *marriage and family* therapist , *clinical professional counselor* or intern under the circumstances.

(b) “Malpractice” means conduct in the practice of marriage and family therapy *or the practice of clinical professional counseling* which falls below the standard of care required from a *marriage and family* therapist , *clinical professional counselor* or intern under the circumstances.

Sec. 20. NAC 641A.258 is hereby amended to read as follows:

641A.258 1. Any violation of this chapter or chapter 641A of NRS by a *marriage and family* therapist , *clinical professional counselor* or intern constitutes unprofessional conduct and subjects the *marriage and family* therapist , *clinical professional counselor* or intern to disciplinary action by the Board.

2. If a *marriage and family* therapist , *clinical professional counselor* or intern violates any provision of this chapter or chapter 641A of NRS or engages in any other unprofessional conduct

while his license ~~for certificate of registration~~ is in effect, the Board will take disciplinary action against the *marriage and family therapist, clinical professional counselor* or intern, including, without limitation, taking action against the *marriage and family therapist, clinical professional counselor* or intern after his license ~~for certificate of registration~~ has expired or been suspended.

3. If a board or entity in this State or in another state which has issued a license, certificate, registration or other credential to a *marriage and family therapist, clinical professional counselor* or intern for the practice of marriage and family therapy, *the practice of clinical professional counseling* or *practice in* a related field revokes or suspends the license, certificate, registration or other credential, or takes any other disciplinary action against the *marriage and family therapist, clinical professional counselor* or intern, the revocation, suspension or disciplinary action is a ground for disciplinary action by the Board against the *marriage and family therapist, clinical professional counselor* or intern for unprofessional conduct.

4. The failure of a *marriage and family therapist, clinical professional counselor* or intern to comply with a stipulation, agreement, advisory opinion or order issued by the Board constitutes unprofessional conduct and is a ground for disciplinary action by the Board against the *marriage and family therapist, clinical professional counselor* or intern.

5. As used in this section, “related field” means a field related to the social sciences or the study of the human mind and mental illness, including, without limitation, social work, alcohol and drug abuse counseling, psychology, psychiatry, nursing or medicine.

Sec. 21. NAC 641A.303 is hereby amended to read as follows:

641A.303 “Accusation” means a complaint against a *marriage and family therapist, clinical professional counselor* or intern filed with the Board pursuant to the provisions of NAC 641A.421.

Sec. 22. NAC 641A.311 is hereby amended to read as follows:

641A.311 1. ~~["Complainant"]~~ **"Complainant"** means a person who complains to the Board of any act of another person.

2. In any proceeding which the Board initiates, the Board is the ~~["complainant."]~~ **complainant.**

Sec. 23. NAC 641A.313 is hereby amended to read as follows:

641A.313 "Formal complaint" means a complaint against a **marriage and family** therapist , **clinical professional counselor** or intern prepared by the staff or an investigator pursuant to the provisions of NAC 641A.451.

Sec. 24. NAC 641A.331 is hereby amended to read as follows:

641A.331 "Presiding officer" means:

1. The ~~Chairman]~~ **President** of the Board; or
2. Another member of the Board appointed by the ~~Chairman.]~~ **President.**

Sec. 25. NAC 641A.421 is hereby amended to read as follows:

641A.421 1. A person may file an accusation with the Board, on a form provided by the Board, concerning the acts of or the services provided by a **marriage and family** therapist , **clinical professional counselor** or ~~an]~~ intern.

2. The complainant shall include in the accusation information that is sufficiently detailed so as to enable the respondent to prepare a response.

3. Except as otherwise provided in NAC 641A.424, the Board will initially consider any accusation as an informal complaint.

Sec. 26. NAC 641A.424 is hereby amended to read as follows:

641A.424 1. If a complainant filing an accusation is the client of and is filing an accusation relating to his treatment by a *marriage and family therapist , clinical professional counselor* or intern, the Board will provide the complainant with a form for a limited waiver of confidentiality regarding his records.

2. If the Board provides a limited waiver of confidentiality to a complainant filing an accusation, the staff or legal counsel for the Board will not further review or process the accusation until the limited waiver of confidentiality has been signed by the complainant and returned to the Board.

3. After the complainant signs and returns the limited waiver of confidentiality regarding his records to the Board, the Board will initially consider the accusation as an informal complaint.

Sec. 27. NAC 641A.437 is hereby amended to read as follows:

641A.437 If the staff and legal counsel for the Board determine that the preliminary information from its investigation of an informal complaint reasonably indicates that a program in which a *marriage and family therapist , clinical professional counselor* or intern is employed or otherwise treating clients may have also violated any statutes or regulations applicable to the operation of the program, the staff and legal counsel for the Board may:

1. Coordinate with and seek the assistance of the Health Division of the Department of Health and Human Services in the investigation of the alleged violations; and
2. Request the Health Division to share with the staff and legal counsel for the Board any findings made by and information in the possession of the Health Division, to the fullest extent allowable under 42 C.F.R. Part 2.

Sec. 28. NAC 641A.441 is hereby amended to read as follows:

641A.441 1. During an investigation of an informal complaint, the staff or investigator, if any, may demand that a respondent produce his records or other evidence for inspection or copying, with or without prior notice to the respondent and with or without a subpoena. A respondent shall not deny any such request for records or other evidence if the record or other evidence is not subject to the provisions of 42 C.F.R. Part 2.

2. If the respondent initially refuses or fails to cooperate with a request for records in violation of this section, the Board may immediately suspend his license ~~for certificate of registration~~ until the respondent complies with the request for records or other evidence.

3. If the respondent continues to refuse or fail to cooperate with a request for records or other evidence in violation of this section after the Board has suspended his license ~~for certificate of registration~~ pursuant to subsection 2, the Board may take such further disciplinary action against the respondent as the Board determines necessary.

Sec. 29. NAC 641A.447 is hereby amended to read as follows:

641A.447 1. Except as otherwise provided in this subsection, the staff, legal counsel for the Board and investigator, if any, shall keep all information gathered during an investigation of a complaint confidential during the investigation. Except as otherwise provided in this section, nothing in this subsection prohibits the staff, legal counsel for the Board or investigator, if any, from:

(a) If the confidential information to be communicated is relevant to the investigation or regulation of the person or program by another agency or board, communicating confidential information to, or otherwise cooperating with, another agency or board that:

(1) Is investigating a person licensed ~~for certified~~ by the Board;

(2) Is investigating a program in which a person licensed ~~for certified~~ by the Board is engaging in the practice of marriage and family therapy ~~or~~ *or the practice of clinical professional counseling*; or

(3) Regulates or has jurisdiction over the violations of law alleged in a complaint; or

(b) Communicating confidential information to the operator of a program, or his designee, if the complaint to which the confidential information relates:

(1) Is filed against a person who is a member of the staff of that program; and

(2) Alleges the existence of a condition which poses a significant hazard to the health or safety of the clients and staff of, and the visitors to, the program.

2. Notwithstanding any provision of this section to the contrary, information which is subject to the standards of confidentiality set forth in 42 C.F.R. Part 2 may be communicated by the Board, staff, legal counsel for the Board or investigator, if any, only if such communication does not violate those standards of confidentiality.

Sec. 30. NAC 641A.308 is hereby repealed.

TEXT OF REPEALED SECTION

641A.308 “Certificate of registration” defined. (NRS 641A.160) “Certificate of registration” means a certificate of registration as a marriage and family therapist intern issued pursuant to the provisions of NAC 641A.156.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R060-08

The Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors adopted regulations assigned LCB File No. R060-08 which pertain to chapter 641A of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

1. A description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

The Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors (Board) held public workshops on January 14, 2008 in Las Vegas, Nevada and on January 15, 2008 in Carson City, Nevada. Notice of these workshops was posted at the University of Nevada Reno Getchell Library, Reno; Grant Sawyer Building, Las Vegas; Office of Attorney General, Carson City; University of Nevada Las Vegas Lied Library, Las Vegas; Clark County District Library, Las Vegas; and on the Board's website, www.marriage.state.nv.us, and at the Board's office, Las Vegas. Copies of the notice were sent to individuals on the Board's mailing list.

On May 12, 2008, the Board held a third public workshop, which was connected by videoconference at the Grant Sawyer Building in Las Vegas and at the Nevada Legislature in Carson City, Nevada. The Board held a public hearing to consider the regulation on May 13, 2008, which was connected by videoconference at the Grant Sawyer Building in Las Vegas and at the Nevada Legislature in Carson City, Nevada. The notice of intent to act upon a regulation, which also contained a notice of workshop, was posted at the meeting location, at the State Library in Carson City, and at the Board's office in Las Vegas and on its website, www.marriage.state.nv.us. Copies of the proposed regulation and notice of intent to act upon a regulation which contained a notice of workshop were also made available to all county libraries in Nevada as well as to individuals on the Board's mailing lists.

Minutes of the workshops and hearing contain summaries of the public response to the proposed amendments. A copy of the minutes may be obtained from the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, 9436 W. Lake Mead Blvd., Suite 11-K, Las Vegas, NV 89134, 702-486-3688, e-mail to nvmftbd@mftbd.nv.gov, or on its website at www.marriage.state.nv.us.

2. The number of persons who:

- (a) **Attended each hearing:** January 14, 2008—14; January 15, 2008—13; May 12, 2008—6; May 13, 2008—3
- (b) **Testified at each hearing:** January 14, 2008—9; January 15, 2008—6; May 12, 2008—6; May 13, 2008—3
- (c) **Submitted to the agency written comments:** No written comments were submitted.

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation of how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses in the same manner as they were solicited from the public. The summary may be obtained as instructed in the response to question 1.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The permanent regulation was adopted on June 6, 2008 and included non-substantive changes suggested at the workshop on May 12, 2008 and the public hearing on May 13, 2008 as noted.

5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:
(a) Both adverse and beneficial effects; and
(b) Both immediate and long-term effects.

(a) There will be no adverse economic effect of this regulation on businesses which it is to regulate or the public. The amendment of the regulation will benefit the marriage and family therapists and clinical professional counselors to be regulated and the public by providing clarification of the regulation.

(b) This regulation will have immediate and long-term beneficial effects through the clarification of the regulation.

6. The estimated cost to the agency for enforcement of the adopted regulation.

There will be no additional cost to the agency for enforcement of the proposed regulation.

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

N/A

8. If the regulation includes provisions which are more stringent than a federal regulation, which regulates the same activity, a summary of such provisions.

N/A

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

N/A

10. Is the proposed regulation likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business? What methods did the agency use in determining the impact of the regulation on a small business?

The Board has determined that the proposed regulation does not impose a direct and significant economic burden upon a small business or restrict the formation, operation or expansion of a small business. In making this determination the Board considered that the proposed amendment applies to licensing individuals to practice as marriage and family therapists or clinical professional counselors and imposes no direct requirements on any private businesses.