

**ADOPTED REGULATION OF THE BOARD OF  
PSYCHOLOGICAL EXAMINERS**

**LCB File No. R117-08**

Effective December 17, 2008

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

AUTHORITY: §§1, 4 and 6, NRS 641.100, 641.110 and 641.170; §2, NRS 641.100, 641.110, 641.170 and 641.190; §3, NRS 641.100 and 641.170; §5, NRS 641.100, 641.110 and 641.220; §§7-9, NRS 641.100.

A REGULATION relating to psychology; providing that an application for licensure as a psychologist shall be deemed withdrawn and application fees will be forfeited under certain circumstances; providing that an application for registration as a psychological assistant shall be deemed withdrawn under certain circumstances; revising certain provisions relating to accredited programs for psychology; revising certain provisions relating to continuing education requirements and approval of continuing education courses; revising the registration requirements of psychological assistants; requiring a psychologist to notify the Board of Psychological Examiners of a change in address or telephone number; revising certain provisions relating to a psychologist who the Board suspects is impaired; and providing other matters properly relating thereto.

**Section 1.** Chapter 641 of NAC is hereby amended by adding thereto a new section to read as follows:

*1. An application for licensure as a psychologist shall be deemed withdrawn and all fees for the application are forfeited if:*

*(a) The application is not completed as described in NRS 641.170 within 2 years after the date on which the Board first received the application materials; or*

*(b) The applicant has not taken the examination required pursuant to NRS 641.180 within 2 years after the date on which the Board first received the application materials.*

*2. An application for registration as a psychological assistant shall be deemed withdrawn if the application is not completed within 2 years after the date on which the Board first received the application materials.*

*3. If an application is deemed withdrawn pursuant to this section, the applicant may reapply for such licensure or registration and must pay any application fees in effect at the time of the reapplication.*

**Sec. 2.** NAC 641.025 is hereby amended to read as follows:

641.025 1. The Board may issue a license to an applicant who:

(a) Has been licensed to practice psychology not less than 20 years in other states of the United States or in Canada, if that license was based on a doctoral degree which *was earned from a regionally accredited program, accredited by a national regulatory body approved by the Board, and which* relates primarily to psychology;

(b) Has not previously been convicted of a felony;

(c) Has not had the scope of his license to practice psychology limited by another jurisdiction;

(d) Has not previously been denied licensure by the Board;

(e) Has passed an oral examination conducted by the Board; and

(f) Submits to the Board the appropriate application and fees and three letters of professional reference that attest without reservation to the professional competence, moral character and current fitness to practice of the applicant.

2. The Board may require the applicant to appear before the Board to demonstrate his:

(a) Moral character;

(b) Current fitness to practice psychology; or

(c) Intent to practice psychology in a manner consistent with his education, training and experience.

**Sec. 3.** NAC 641.050 is hereby amended to read as follows:

641.050 1. For the purposes of paragraph (d) of subsection 1 of NRS 641.170, the Board adopts the current list of programs holding accreditation status from the American Psychological Association. ~~[These programs are listed in the publication American Psychologist. This publication may be obtained for the price of \$12 a copy from the book order department of]~~ *This current list of programs may be obtained, free of charge, from* the American Psychological Association ~~[, P.O. Box 2710, Hyattsville, Maryland 20784-0710, telephone: (202) 336-5500.]~~ *at the Internet address <http://www.apa.org/ed/accreditation>.*

2. For the purposes of paragraph (d) of subsection 1 of NRS 641.170, the Board considers the following to be accredited educational institutions:

(a) In the United States, all institutions which are regionally accredited by regulatory bodies approved by the Council ~~[on Recognition of Postsecondary]~~ *for Higher Education* Accreditation and the United States ~~[Office]~~ *Department* of Education;

(b) In Canada, all institutions holding membership in the Association of Universities and Colleges of Canada; or

(c) In any other country, all institutions accredited by the respective official organization having such authority.

**Sec. 4.** NAC 641.061 is hereby amended to read as follows:

641.061 1. An applicant for licensure who has completed a training program not accredited by the American Psychological Association must establish to the satisfaction of the Board that the program is equivalent to a program accredited by the association.

2. The applicant must present to the Board:

(a) Transcripts, a description of the training program, letters from the directors of the departments of the institution where the program is conducted or other suitable documents showing that the program substantially complies with the *accreditation* standards of the American Psychological Association.

(b) Proof of doctoral training at an institution which is considered by the Board to be an accredited educational institution pursuant to subsection 2 of NAC 641.050.

(c) Proof that the primary purpose of the training program is the professional training of psychologists. Catalogs and brochures advertising the program must indicate that the program is intended to educate and train professional psychologists.

(d) Proof that the program:

(1) Is a recognizable, coherent organizational entity within the institution where the program is conducted.

(2) Is an integrated, organized sequence of study.

(3) Has an identifiable faculty composed primarily of psychologists and a psychologist who is responsible for the program.

(4) Has an identifiable body of students who are matriculated in the program for a degree.

(5) Includes supervised practical, internship, field or laboratory training appropriate to the practice of psychology.

(e) Proof that the curriculum encompasses at least 3 academic years of full-time graduate study, not including any internships. The Board will count only 12 semester hours or 18 quarter hours of preparation of a dissertation toward the 3 academic years of full-time graduate study.

(f) Proof that the program requires at least 60 semester hours or 90 quarter hours of credit in courses in substantive psychology. Dissertation hours may be counted toward the minimum hours required.

(g) Proof that the applicant, while in the program, completed the equivalent of courses consisting of 3 semester hours in the following areas:

(1) Scientific and professional ethics and standards.

(2) Research design and methodology.

(3) Statistics.

(4) Psychometrics.

(5) Biological bases of behavior, which may be satisfied by at least one of the following courses:

(I) Physiological psychology;

(II) Comparative psychology;

(III) Neuropsychology;

(IV) Psychopharmacology; or

(V) Human sexuality.

(6) Cognitive-affective bases of behavior, which may be satisfied by at least one of the following courses:

(I) Learning;

(II) Memory;

(III) Perception;

(IV) Cognition;

(V) Thinking;

(VI) Motivation; or

(VII) Emotion.

(7) Social bases of behavior, which may be satisfied by at least one of the following courses:

(I) Social psychology;

(II) Cultural, ethnic and group processes;

(III) Sex roles; or

(IV) Organizational and systems theory.

(8) Individual differences, which may be satisfied by at least one of the following courses:

(I) Personality theory;

(II) Human development;

(III) Abnormal psychology; or

(IV) Psychology of the handicapped.

(h) A description of each course completed pursuant to paragraph (g), accompanied by a statement which attests that the course is equivalent in content, focus and all other relevant standards to a similar course offered by a program accredited by the American Psychological Association. The statement must be submitted by the instructor of a substantially similar course or the chairman of the department or program accredited by the American Psychological Association. If there is a program accredited by the American Psychological Association at the institution where the applicant's course is taken, the statements must come from appropriate members of the faculty of that institution. If there is no such program, the applicant must establish for the Board the basis upon which the attesting member of the faculty has knowledge upon which to judge the equivalency of the programs.

**Sec. 5.** NAC 641.136 is hereby amended to read as follows:

641.136 1. To renew his license, a psychologist must certify to the Board that during the 2 years immediately preceding the date he submits his application for renewal he has completed 30 hours of continuing education in courses approved by the Board pursuant to subsection 2 or NAC 641.138. At least 6 hours must include instruction in scientific and professional ethics and standards, and common areas of professional misconduct. Not more than 15 hours may be obtained from an approved distance education course. A licensee may not receive credit for continuing education for a course in which he is the instructor.

2. ~~The~~ *Except as otherwise provided in subsection 3, the* Board will accept the following types of continuing education courses or programs:

(a) Formally organized workshops, seminars or classes which maintain an attendance roster and are conducted by or under the auspices of an accredited institution of higher education offering graduate instruction.

(b) Workshops, seminars or classes which maintain an attendance roster and are certified or recognized by a state, national or international accrediting agency, including, but not limited to:

- (1) The American Psychological Association;
- (2) The American Psychiatric Association;
- (3) The American Medical Association;
- (4) The American Association for Marriage and Family Therapy;
- (5) The American Counseling Association;
- (6) The International Congress of Psychology; or
- (7) The National Association of Social Workers.

(c) Other workshops, classes, seminars and training sessions in psychology or a closely related discipline which have a formal curriculum and attendance roster and receive approval by the Board.

(d) Distance education courses in psychology or a closely related discipline that are approved by the Board.

3. *Before a licensee may receive credit for continuing education for a course in scientific and professional ethics and standards and common areas of professional misconduct, the licensee must submit information concerning the course to the Board for approval of the course unless the Board has previously approved the course. The Board will make available at its office a list of courses and programs that are currently approved by the Board.*

4. As used in this section, “distance education course” means a course of instruction in which the student receives instruction at a location at which the instructor is not physically present. The term includes, without limitation, a course designed for home study and a course in which instruction is provided via CD-ROM, the Internet or videoconference.

**Sec. 6.** NAC 641.151 is hereby amended to read as follows:

641.151 1. A person must register with the Board as a psychological assistant if the person wishes to obtain any postdoctoral supervised experience that is required pursuant to paragraph (c) of subsection 2 of NAC 641.080 or paragraph (c) of subsection 3 of NAC 641.080 for licensure as a psychologist ~~and~~ *by submitting the appropriate application to the Board.*

2. Unless otherwise approved by the Board, a person may apply to the Board for registration as a psychological assistant only after he graduates with a doctoral degree from:

(a) A training program which is accredited by the American Psychological Association or a program which meets the requirements of NAC 641.061; or



(b) An institution which meets the requirements of subsection 2 of NAC 641.050.

3. Registration as a psychological assistant is for 3 years unless otherwise approved by the Board.

**Sec. 7.** NAC 641.1563 is hereby amended to read as follows:

641.1563 1. A psychologist who wishes to serve as a supervisor must:

(a) Except as otherwise approved by the Board, be licensed by the Board to practice psychology;

(b) Except as otherwise approved by the Board, have been licensed by the Board to practice psychology for 3 years or more; and

(c) Have had training ~~for experience~~ in clinical supervision, including, without limitation, the completion of continuing education courses, other courses or courses of independent study relating to clinical supervision.

2. A supervisor shall maintain, and provide to the Board upon request, documentation substantiating that he satisfies the requirements set forth in subsection 1.

**Sec. 8.** NAC 641.210 is hereby amended to read as follows:

641.210 A psychologist:

1. Shall display his license in a conspicuous place on the premises of his office or place of employment.

2. Shall, except as otherwise provided in this subsection, respond within 30 days after his receipt of the communication to any written communication from the Board and shall make available any relevant record with respect to an inquiry or complaint about his professional conduct. If a communication is mailed to a psychologist by the Board, he shall respond to the

communication within 30 days after it is mailed to him at the address shown on the records of the Board.

3. *Shall notify the Board in writing of a change of address or telephone number within 30 days after the change.*

4. Shall not mislead or withhold from a patient, prospective patient or other person who will be responsible for payment of the psychologist's services, information concerning the fee for the professional services of the psychologist.

~~[4.]~~ 5. Shall not directly or indirectly offer, give, solicit, receive or agree to receive any fee or other consideration for the referral of a patient.

~~[5.]~~ 6. Shall not permit any person, other than:

(a) A partner, employee or associate in his professional firm or corporation;

(b) A psychologist retained as a subcontractor or consultant; or

(c) A properly registered psychological assistant practicing under his supervision,

↳ to share in a fee for professional services. The prohibition of this subsection includes any arrangement or agreement whereby the amount paid for office space, facilities, equipment or personal services used by the psychologist is based upon the income or receipts of his practice.

~~[6.]~~ 7. Shall exercise appropriate supervision over any person who is authorized to practice psychological services under his supervision.

~~[7.]~~ 8. Shall not exploit a person who is authorized to practice psychological services under his supervision.

**Sec. 9.** NAC 641.229 is hereby amended to read as follows:

641.229 1. A psychologist shall not begin or continue a professional relationship with a patient if the psychologist is impaired, or has received notification from the Board that ~~another~~

~~mental health professional]~~ *the Board* reasonably suspects him to be impaired, because of mental, emotional, physiological, pharmacological or substance abuse problems. If such a problem develops during the course of a professional relationship, the psychologist shall:

- (a) Terminate the relationship;
- (b) Notify the patient in writing of the termination; and
- (c) Assist the patient in obtaining services from another professional.

2. A psychologist shall not begin or continue a professional relationship with a patient if the objectivity or competency of the psychologist is impaired, or if the psychologist has received notification from the Board that ~~[another mental health professional]~~ *the Board* reasonably suspects his objectivity or competency to be impaired, because the psychologist has or had a family, social, sexual, emotional, financial, supervisory, political, administrative or legal relationship with the patient or a person associated with or related to the patient.

3. If a psychologist has rendered professional services to a person, the psychologist shall not:

(a) Engage in any verbal or physical behavior with the person which is sexually seductive, demeaning or harassing;

(b) Engage in sexual contact with the person; or

(c) Enter into a financial or other potentially exploitive relationship with the person,

↳ for at least 2 years after the termination of the professional relationship, or for an indefinite time if the person is clearly vulnerable to exploitive influence by the psychologist because of an emotional or cognitive disorder.

**NOTICE OF ADOPTION OF PROPOSED REGULATION  
LCB File No. R117-08**

The Board of Psychological Examiners adopted regulations assigned LCB File No. R117-08 which pertain to chapter 641 of the Nevada Administrative Code.

**INFORMATIONAL STATEMENT**

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

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent by U.S. Mail to all licensees and applicants as well as any persons who had specifically requested such notice. There was limited response to the Notice. These documents were also made available at the website of the Board of Psychological Examiners, <http://psyexam.state.nv.us>, mailed to all county libraries in Nevada and posted at the following locations:

State of Nevada  
Board of Psychological Examiners  
4600 Kietzke Lane, Bldg E-141  
Reno, NV 89502

State of Nevada  
Office of the Attorney General  
100 N. Carson Street  
Carson City, NV 89701

Grant Sawyer Building  
555 E. Washington Avenue  
Las Vegas, NV 89101-1083

Carson City City Hall  
200 N. Carson Street  
Carson City, NV 89701-4201

A workshop was held on July 21, 2008 in Las Vegas, in the conference room at 7473 W. Charleston Blvd, Las Vegas, NV 89128 and in Reno at 4600 Kietzke Lane, Bldg B-111, Reno, NV 89502. There were two people in attendance in Las Vegas. Both expressed concern that the change (section 4) adding “accreditation” to standards could be interpreted as only accepting APA programs for licensure, which would leave anyone from a non-APA program unable to be licensed in Nevada.

At the Reno Workshop, there was no one was in attendance. There were two written comments; one faxed suggested clarifying the change (section 5) by adding “except were the brochure specifically states prior approval.” One comment was sent by U.S. mail concerning changes to the training requirement for supervisor, stating it is too vague.

A Public Hearing was held on August 22, 2008 in conjunction with a regular Board meeting, by video conference at University of Nevada Las Vegas, 4505 Maryland Pkwy, Frank & Estella Beam Hall, Room 122, Las Vegas, Nevada and the University of Nevada, Reno, Edmond J. Cain Hall, room 202, 1664 N. Virginia Street, Reno, Nevada.

A copy of the written comments and summary of the public response to the proposed regulation may be obtained by writing to the State of Nevada Board of Psychological Examiners at 4600 Kietzke Lane, Bldg E-141, Reno, NV 89502 or e-mail to nbop@govmail.state.nv.us.

**2. The number of person who:**

- (a) **Attended each hearing;** July 21, 2008 – 2 August 22, 2008 - 3
- (b) **Testified at each hearing;** July 21, 2008 – 2 August 22, 2008 - 2
- (c) **Submitted to the agency written comments:** 2

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

Comments were solicited from affected businesses in the same manner as they were solicited from the public. This Board licenses individual psychologists not businesses, although some psychologists are in private practice, there were no comments from any businesses. 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 reason for adopting the regulation without change.**

The permanent regulation was adopted on August 22, 2008 and included one change to the proposed regulation NAC 641.136 (3) to clarify when approval does not need to be requested for ethics CE credits. We also added “a list of approved courses is available through the Board office.”

**5. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public.**

- A. Adverse effect: There is no know adverse effect to the public or licensees.
- B. Beneficial effect: Short and long effect will be to protect the public health and safety by ensuring that psychologists get qualified ethics training.
- C. Short term effect: See A and B
- D. Long term effect: See A and B

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

There is no additional cost to the agency for enforcement of this regulation.

**7. A description of any regulations of other state or government agencies that 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.**

The Board is not aware of other state or government agency regulations that proposed amendments duplicate.

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

The Board is not aware of other state or government agency regulations that proposed amendments duplicate.

**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.**

There were no new fees or increases in existing fees.

**10. Is the proposed regulation is 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 proposed regulation is not 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. In making this determination the Board considered the fact that they license individual psychologists and not businesses, although some psychologists are in private practice, there should be no economic burden or directly restrict the formation, operation or expansion on small businesses.