

LCB File No. R090-01

**PROPOSED REGULATION OF
THE BOARD OF PSYCHOLOGICAL EXAMINERS**

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Adoption, Amendment, and Repeal of Regulations of the
Nevada State Board of Psychological Examiners

The Nevada State Board of Psychological Examiners will hold a public hearing at 9:00 a.m. on Saturday, August 18, 2001 at Childrens Behavioral Services, 2655 Enterprise Road, Reno, Nevada 89512

The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment and repeal of regulations that pertain to chapter 641 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

The proposed adoption of Section 2 is necessary to establish standards of conduct for child custody evaluations.

The proposed adoption of Sections 3 is necessary to revise the requirements to obtain a license for those applicants who have been licensed at least twenty years in another state or Canada. (Amendment to NAC 641.025)

The proposed adoption of Section 4 is necessary to revise the provisions regarding the renewal of licenses and the procedures for the completion and reporting of continuing education. (Amendment to NAC 641.132)

The proposed adoption of Section 5 is necessary to clarify the requirements for placing and maintaining a license on inactive status. (Amendment to NAC 641.133)

The proposed adoption of Section 6 is necessary to reduce certain fees associated with an inactive license and to establish fees for the activation of such a license. (Amendment to NAC 641.135)

The proposed adoption of Section 7 is necessary to clarify and change methods by which continuing education requirements are satisfied. (Amendment to NAC 641.136)

The text of the proposed regulation is attached to this notice.

The adoption or amendment of these regulations will not create an adverse or a beneficial economic effect on the public or upon licensees except that licensees who place and maintain their licenses on inactive status, or activate an inactive license, will pay reduced fees.

There are no immediate or long-term economic effects of the adoption or amendment of these regulations anticipated with respect to the public or upon licensees except that licensees who place and maintain their licenses on inactive status, or activate an inactive license, will pay reduced fees.

The Nevada State Board of Psychological Examiners will have no additional costs incurred to administer the regulations adopted. Enforcement of the regulations can be accomplished through present resources at no additional cost to the Board. In the event any unknown or unanticipated cost does occur, the cost would be assumed by the Board from its fees charged to licensees, as the Board receives no appropriated funds from the state of Nevada.

The proposed adoption or amendment of these regulations do not overlap or duplicate any regulations of other state or local agencies, nor do they overlap or duplicate a federal regulation, nor are they required pursuant to federal law.

Persons wishing to comment upon the proposed action of the Nevada State Board of Psychological Examiners may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to the Nevada State Board of Psychological Examiners, P.O. Box 2286, Reno, Nevada 89505-2286. Written submissions must be received by the Nevada State Board of Psychological Examiners on or before August 13, 2001. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada State Board of Psychological Examiners may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be adopted and amended will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be adopted and amended will be available at the office of the Nevada State Board of Psychological Examiners, 275 Hill Street, Ste. 246, Reno, Nevada, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within thirty (30) days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

Board of Psychological Examiners, 275 Hill Street, Suite 246, Reno
Grant Sawyer Building, 555 East Washington Avenue, Las Vegas
Office of the Attorney General, 100 No. Carson Street, Carson City
Attached List of Libraries

CARSON CITY LIBRARY
900 NORTH ROOP ST
CARSON CITY NV 89701

CHURCHILL COUNTY LIBRARY
553 SOUTH MAINE ST
FALLON NV 89406

LAS VEGAS-CLARK COUNTY LIBRARY
833 LAS VEGAS BLVD NORTH
LAS VEGAS NV 89101

DOUGLAS COUNTY LIBRARY
P O BOX 337
MINDEN NV 89423

ELKO COUNTY LIBRARY
720 COURT ST
ELKO NV 89801

GOLDFIELD PUBLIC LIBRARY
P O BOX 430
GOLDFIELD NV 89013

EUREKA BRANCH LIBRARY
P O BOX 293
EUREKA NV 89316

HUMBOLDT COUNTY LIBRARY
85 E 5TH ST
WINNEMUCCA NV 89445

LANDER COUNTY
BATTLE MOUNTAIN BRANCH LIBRARY
P O BOX 141
BATTLE MOUNTAIN NV 89820

LINCOLN COUNTY LIBRARY
BOX 330

PIOCHE NV 89043

LYON COUNTY LIBRARY
20 NEVIN WAY
YERINGTON NV 89447
MINERAL COUNTY LIBRARY
P O BOX 1390
HAWTHORNE NV 89415

NYE COUNTY
TONOPAH PUBLIC LIBRARY
P O BOX 449
TONOPAH NV 89049

PERSHING COUNTY LIBRARY
P O BOX 781
LOVELOCK NV 89419

STOREY COUNTY LIBRARY
P O BOX 14
VIRGINIA CITY NV 89440

WASHOE COUNTY LIBRARY
P O BOX 2151
RENO NV 89505

WHITE PINE COUNTY LIBRARY
950 CAMPTON
ELY NV 89301

STATE LIBRARY AND ARCHIVES
100 N STEWART STREET
CARSON CITY NV 89701-4285

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**PROPOSED REGULATION OF
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EXPLANATION - Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §§1-7, NRS 641.100; NRS 641.370

Section 1. Chapter 641 of NAC is hereby amended by adding thereto the provisions set forth in section 2 of this regulation.

Section 2.

1. If a psychologist performs a child custody evaluation, the psychologist shall:

- (a) Place the child's psychological interests and well-being as the primary concerns;*
- (b) Remain impartial and objective and shall not have or have had any role with the child and parental figures other than as child custody evaluator;*
- (c) Provide a fair, non-biased assessment and shall not necessarily endorse the perspective of the individual or agency that made the request for the evaluation, or would be paying for the services;*
- (d) Have special knowledge and experience, including but not limited to, knowledge and experience in child and family development, diversity in family living structure, culture and function, child abuse and neglect, the dynamics of divorce and its effect on children, court procedures, and legal options in custody;*
- (e) Gather and maintain data necessary to a child custody evaluation, including but not limited to, information from all meaningful settings in the child's life, the recency*

and nature of the child's interactions with all parental figures and other significant individuals, the child's developmental needs, and the resulting fit;

(f) Determine if other professionals are evaluating the child and make every effort to minimize redundant evaluation sessions, while conducting as many sessions as necessary to enable the psychologist to render a recommendation that can confidently be made in the best interest of the child;

(g) Take steps to protect the child, including but not limited to, following the mandated reporting procedures, when any form of child abuse is reasonably suspected in the course of a custody evaluation;

(h) Determine the scope of the evaluation based upon the child's best interest, even when a request may be made to evaluate only a specific aspect of child custody;

(i) Obtain informed consent from adult participants and, as much as possible, from the child and, prior to beginning of the evaluation, shall inform all participants of the limits of confidentiality and the conditions of disclosure of information;

(j) Limit his opinion to information derived from the integration of all available data and shall not overinterpret nor inappropriately interpret clinical or assessment data;

(k) Be aware of personal and societal biases and shall engage in nondiscriminatory practice;

(l) Make the report in a timely manner; and

(m) Clarify and obtain an agreement regarding financial arrangements prior to commencing the child custody evaluation.

2. For the purposes of this section, “child custody evaluation” is defined as any service intended to affect a child’s legal relationship with the biological, surrogate, foster or adoptive parents, or any other legal guardian.

Sec. 3. NAC 641.025 is hereby amended to read as follows:

641.025. Issuance of license to psychologist licensed not less than 20 years in another state or Canada. (NRS 641.100, 641.190)

1. The board will issue a license to an applicant who has:

~~11-~~ *(a). 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 relates primarily to psychology;*

~~12. Had no disciplinary action taken against him during the period of licensure;~~

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

(c) Has not been subject to disciplinary action in another jurisdiction;

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

~~13-~~ *(e) Passed an oral examination conducted by the board; and*

*4. (f) Submitted 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:

(a) His moral character;

(b) His current fitness to practice psychology; and

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

Sec. 4. NAC 641.132 is hereby amended to read as follows:

641.132. **Renewal of license.**

1. To renew his license, a psychologist must submit to the board an application for renewal, the required fees and *the form for the biennial report of continuing education. The licensee must possess and maintain* evidence of the completion of the continuing education required by NAC 641.136. Evidence of completion of continuing education includes, without limitation, a letter signed by the instructor of the course or program or the agent of the sponsoring agency or organization, or a certificate of completion approved by the board pursuant to NAC 641.138. *The licensee must provide evidence of completion of continuing education to the board on request.*

2. The board will mail to each licensee, before the expiration of his license, a form for the biennial report of continuing education. Each applicant for renewal must sign the form signifying that ~~the~~ *he has completed the continuing education required by NAC 641.136 and that all* evidence of completion of continuing education is true and accurate. *The Board may require that the licensee attach evidence of completion of continuing education to the form.*

3. If a licensee misrepresents the completion of continuing education, he will be subject to disciplinary action, including, *but not limited to*, suspension, revocation or nonrenewal of his license. A licensee whose license has been suspended or not renewed must complete the continuing education required by NAC 641.136 before the board will reinstate his license.

4. If a licensee does not satisfy the continuing education requirement, his license will not be renewed and he will be subject to disciplinary action. The board ~~will~~ *may* grant a licensee a 60-day extension if he submits to the board, ~~before his license expires~~ *on or before December 1 immediately preceding the expiration of his license*, a written request for an extension which

includes a compelling explanation for his inability to complete the continuing education requirement during the immediately preceding two years.

Sec. 5. NAC 641.133 is hereby amended to read as follows:

641.133. Placement of license on inactive status; renewal or restoration to active status.

1. Upon written request to the board and payment of the fee prescribed by the board, a person who is licensed to engage in the practice of psychology in this state may have his license placed on inactive status.

2. A person whose license is placed on inactive status shall not engage in the practice of psychology during the period in which the license is on inactive status.

3. A person who wishes to renew a license that is placed on inactive status must submit to the board:

(a) An application for the renewal of the license; *and*

(b) ~~Proof of completion of the requirements for continuing education for the 2 years immediately preceding the renewal of the license; and~~

~~(e)~~ The fee for the biennial renewal of a license on inactive status.

4. A person whose license is placed on inactive status may apply to the board to have his license restored to active status. The board shall restore the license to active status upon:

(a) The submission of an application for the restoration of the license;

(b) The payment of the fee for ~~the biennial renewal of a license~~ *activation of a license on inactive status*;

(c) The submission of proof of completion of the requirements for continuing education for ~~each biennium that the license was on inactive status;~~ *the two years immediately preceding the date of the application*;

(d) If the applicant has engaged in the practice of psychology in another jurisdiction during the period his license was on inactive status, the submission of proof that he is in good standing and that there are no disciplinary proceedings pending against him in that jurisdiction;

(e) Submission of any other proof the board may require to determine whether the applicant is qualified and competent to engage in the practice of psychology; and

(f) If the board considers it necessary, the successful completion of a written or oral examination.

Sec. 6. NAC 641.135 is hereby amended to read as follows:

641.135 **Fees. (NRS 641.370)** The board will charge and collect the following fees:

| | |
|---|--------------------|
| For an application for licensure | \$100 |
| For the written examination for licensure..... | 350 |
| For the oral examination for licensure..... | 240 |
| For the issuance of an initial license..... | 25 |
| For the biennial renewal of a license | 500 |
| For the biennial registration of a firm, partnership or corporation..... | 300 |
| For the placement of a license on inactive status..... | 250 100 |
| For the biennial renewal of a license on inactive status | 250 100 |
| <i>For the activation of a license on inactive status in the first year of the biennium</i> | <i>400</i> |
| <i>For the activation of a license on inactive status in the second year of the biennium ...</i> | <i>500</i> |
| For the registration of a nonresident consultant | 100 |
| For reproduction and mailing of material for an application..... | 25 |
| For a set of mailing labels..... | 15 |
| For a dishonored check | 15 |
| For the review of a failed examination | 175 |
| For a change of name on a license | 25 |
| For a duplicate license | 25 |
| For a list of practicing psychologists | 10 |
| For a list of persons granted a license in any year | 10 |
| For copies of the provisions of NRS relating to the practice of psychology and the rules and regulations adopted by the board..... | 25 |
| For a letter of good standing | 15 |
| For the review and approval of a course or program of continuing education..... | 25 |

Sec. 7. NAC 641.136 is hereby amended to read as follows:

NAC 641.136. Continuing education; Requirement for renewal of license; acceptance of courses and programs by board.

1. To renew his license, a psychologist must submit evidence of completion, during the 2 years immediately preceding the date he submits his application for renewal, of 30 hours of continuing education in courses approved by the board pursuant to 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 ~~10~~ 15 hours may include *distance learning, including but not limited to home or internet study, ~~instruction received at home~~* from an approved course or program. A licensee may not receive credit for continuing education for a course in which he is the instructor.

2. 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 ~~prior~~ approval by the board.