

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

LCB File No. R077-02

June 4, 2002

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

AUTHORITY: §§1-7 and 11, NRS 641.100; §8, NRS 641.100 and 641.170; §9, NRS 641.100 and 641.370; §10, NRS 641.100 and 641.113.

Section 1. Chapter 641 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this regulation.

Sec. 2. *If, after investigating a complaint, the attorney general determines that the complaint does not justify or require a formal disciplinary proceeding, the president or a person designated by the president may consider and resolve the complaint through informal conferences, meetings, agreements or other informal action as may be appropriate under the circumstances. Such informal action is held without prejudice to the board, and formal proceedings may be instituted subsequently by the board, the president or a person designated by the president for the same or related matters. If new evidence is discovered, the matter may, at any time, be reopened and investigated further if the circumstances so warrant.*

Sec. 3. 1. *Each pleading or paper filed with the board in connection with a proceeding for a disciplinary action must be designated as an application, petition, complaint, answer or motion.*

2. *All pleadings, other than motions and complaints, brought by the board on its own motion must be verified.*

3. The board may allow any pleading to be amended or corrected or any omission therein to be supplied.

4. Pleadings will be liberally construed and defects that do not affect substantial rights of the parties will be disregarded.

Sec. 4. 1. *An answer to a formal complaint reported to the board by the attorney general must be filed with the board and service thereof made on parties of record within 15 days after service of the complaint, unless the board for good cause extends the time by which the answer must be filed.*

2. A respondent who fails to answer a complaint in a timely manner pursuant to subsection 1 shall be deemed to have denied the allegations set forth in the complaint generally and, unless otherwise allowed by the board, is precluded from establishing any affirmative defense at the hearing. The board will proceed with the matter based solely upon the issues set forth in the complaint unless the matter is continued by the board.

3. Any motion upon the complaint must be filed before the answer is due. If it is not so filed, the objection must be raised in the answer.

4. If a motion is directed toward an answer, the motion must be filed within 5 days of service after the answer.

5. All other motions must be timely filed.

Sec. 5. 1. *A respondent may be represented by an attorney licensed to practice law in this state. If the attorney is not licensed to practice law in this state, he must be associated with an attorney who is so licensed. The respondent may appear on his own behalf.*

2. An attorney appearing in a hearing before the board shall ensure that his conduct complies with the Nevada Rules of Professional Conduct.

3. *All persons appearing in a hearing before the board shall conform to the standards of ethical and courteous conduct required in the courts of this state.*

4. *If a person fails to conform his conduct to the standards required by this section, the board may:*

(a) *Limit the evidence presented by that person; or*

(b) *Exclude the person or his representative from the hearing.*

5. *Any action taken by the board pursuant to this section and the specific reasons for that action will be stated on the record.*

6. *The respondent shall pay the cost for representation by his attorney at a hearing before the board.*

Sec. 6. *An attorney may withdraw from his representation of a respondent upon notice to the respondent and the board. The notice must include the reason for the requested withdrawal. The board may deny permission to withdraw if the withdrawal would unreasonably delay the hearing.*

Sec. 7. 1. *The board will convene a disciplinary hearing at the time and place specified in the complaint and notice of hearing. The person presiding at the hearing may grant a continuance only upon:*

(a) *A joint stipulation of the parties;*

(b) *The existence of an emergency condition; or*

(c) *A written request by a party filed at least 5 days before the date of the hearing. A continuance based on a written request pursuant to this paragraph may be granted only upon a showing of good cause which term must be narrowly construed.*

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A party requesting a continuance must appear on the date of the hearing and be prepared to proceed unless the request for a continuance has been made pursuant to a joint stipulation.

2. The hearing must then proceed in the following manner unless the board for good cause or to prevent manifest injustice orders otherwise:

(a) An opening statement may be made on behalf of the board or be waived.

(b) An opening statement on behalf of the respondent may be made, reserved until the close of the board's case or waived.

(c) The presentation of the board's case is followed by cross-examination.

(d) The presentation of the respondent's case is followed by cross-examination.

(e) Any rebuttal is limited to issues previously raised. No new matter may be presented upon rebuttal unless the board for good cause so permits.

(f) Argument on behalf of the board is presented unless waived.

(g) Argument on behalf of the respondent is presented unless waived.

(h) The matter is submitted to the board for decision.

3. After the matter is submitted, the board will render a decision and its order.

Sec. 8. NAC 641.080 is hereby amended to read as follows:

641.080 1. Before an applicant is eligible for examination for full licensure, he must complete 2 years of supervised and documented experience which is the equivalent of full-time experience.

2. Except as otherwise provided in subsection 3, the 2 years of experience required pursuant to paragraph (e) of subsection 1 of NRS 641.170 must be supervised experience and comply with the following requirements:

(a) Each year must consist of not less than 1,750 hours;

(b) The first year must satisfy the requirements of subsection 4; and

(c) The second year must be postdoctoral and satisfy the requirements of subsection 5.

3. If an applicant has been licensed for at least 5 years in another state and has had no disciplinary action or other adverse action taken against him by the regulatory body, the 2 years of experience required pursuant to paragraph (e) of subsection 1 of NRS 641.170 must be supervised experience and comply with the following requirements:

(a) Each year must consist of not less than 1,500 hours;

(b) Each year must satisfy the requirements of subsection 5; and

(c) One year must be postdoctoral.

4. One year of supervised experience must be satisfactorily completed in an internship program approved by the American Psychological Association, or the supervised experience must:

(a) Be completed in an institutional setting which is appropriate for the training of a professional psychologist;

(b) Serve a group of persons which is sufficient in number and variability to provide a broad range of training experiences;

(c) Be completed in not less than 10 months but not more than 24 months;

(d) Have formal written policies and procedures;

(e) Have nondiscriminatory policies and operate under nondiscriminatory conditions;

(f) Have training objectives which are based on:

(1) The science and practice of psychology; and

(2) A model that is sequential, cumulative and graded in complexity;

(g) Offer an organized internship program which includes:

(1) Experiential training with regularly scheduled supervision by a psychologist licensed in the jurisdiction in which the program is located who has an integral role in the institution and whose primary responsibility is the provision of services; and

(2) A minimum of 10 percent of the internship hours per week spent under supervision, including 1 hour or 5 percent of the internship hours per week, whichever is less, spent under direct individual supervision;

(h) Have a training program which includes:

(1) Theories and methods of assessment and diagnosis;

(2) Effective intervention;

(3) Theories and methods of consultation and evaluation; and

(4) Strategies of scholarly inquiry;

(i) Be provided in a setting in which training takes precedence over providing services or raising revenue;

(j) Include exposure to a sufficient number of professionals to ensure meaningful peer interactions, support and socialization;

(k) Provide each intern, at least semiannually, with a written performance evaluation of his:

(1) Professional conduct;

(2) Psychological knowledge and skills; and

(3) Competence in psychological assessment, intervention and consultation; and

(l) Provide for written documentation of completion of the program.

5. One year of supervised experience must meet the guidelines established by the Association of State and Provincial Psychology Boards. Supervised experience is credited only for:

(a) Work experience other than experience which is acquired in connection with a practicum for which graduate credits are granted;

(b) Professional work in an organized public or private agency, institution or organization which provides an opportunity for contact with other disciplines and an opportunity for work with a broad range of clients, or other settings if the applicant has made prior arrangement with and obtained the approval of the board;

(c) The equivalent of 1 full year's experience on an assignment to ensure a comprehensive, supervised work experience;

(d) Work which is conducted under the supervision of a licensed psychologist or a professional who is licensed in his area of speciality, including, but not limited to, a psychiatrist, social worker, or marriage and family therapist who:

(1) Possesses legal, administrative and professional responsibility for the work of the applicant he supervises; and

(2) Whose relationship with the applicant is clearly differentiated from that of consultant;
and

(e) Work experience in which:

(1) Not more than one-quarter of the number of supervised hours are accrued under the direction of a specialist; and

(2) A minimum of 1 hour per week is spent under direct individual supervision with additional supervisory contact for specific case discussion and skill training.

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the applicant precludes regular or frequent direct individual supervision and the applicant has available an alternative schedule of supervision that is satisfactory to the board.

Sec. 9. NAC 641.135 is hereby amended to read as follows:

641.135 The board will charge and collect the following fees:

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| 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..... | 100 |
| For the biennial renewal of a license on inactive status..... | 100 |
| For the restoration to active status of a license on inactive status if the restoration occurs during the first year of the biennium in which the license was issued or renewed | 400 |
| For the restoration to active status of a license on inactive status if the restoration occurs during the second year of the biennium in which the license was issued or renewed | 150 |
| 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. 10. NAC 641.1505 is hereby amended to read as follows:

641.1505 1. Except as otherwise provided in subsection 3, a firm, partnership or corporation that engages in or offers to engage in the practice of psychology must register with the board and pay the fee for registration before it commences to engage in or offer to engage in the practice of psychology.

2. ~~The registration of such a firm, partnership or corporation expires on December 31 of each odd-numbered year. To continue to engage in or offer to engage in the practice of psychology, a firm, partnership or corporation must reregister with the board and pay the fee for registration on or before December 31 of each odd-numbered year.~~ *A firm, partnership or corporation shall notify the board of any change in ownership or of the addition or departure of any psychologist associated with the firm, partnership or corporation within 30 days after the change. The firm, partnership or corporation must complete a new registration for any change in ownership.*

3. The following entities are exempt from the requirements of this section:

(a) A federal, state or local governmental agency or institution.

(b) A firm or corporation that bears the name of a psychologist licensed by the board who is the only person practicing under the name of the firm or corporation.

(c) A firm, partnership or corporation that is formed for the sole purpose of sharing administrative expenses, including, without limitation, rent, services for billing patients and clerical support, if:

(1) The place of business of the firm, partnership or corporation is not identified by the name of the firm, partnership or corporation;

(2) Records of patients, correspondence concerning patients and materials for billing patients do not display the name of the firm, partnership or corporation;

(3) The name of the firm, partnership or corporation is not used in any advertising by the firm, partnership or corporation;

(4) The firm, partnership or corporation does not hold a business license issued by a county, city or town to engage in the practice of psychology; and

(5) Professional liability insurance is not held in the name of the firm, partnership or corporation.

Sec. 11. NAC 641.207 is hereby amended to read as follows:

641.207 1. A psychologist who performs a child custody evaluation shall:

(a) Ensure that his primary concerns in completing the child custody evaluation are the psychological interests and well-being of the child;

(b) Remain impartial and objective throughout the child custody evaluation;

(c) Not have or have had a relationship with the child, surrogate, parent or other legal guardian of the child other than as a psychologist performing the child custody evaluation unless

ordered to perform such an evaluation by a court of competent jurisdiction that has knowledge that such a relationship exists or existed;

(d) Provide a child custody evaluation that is fair and unbiased;

(e) Gather and maintain the information necessary to complete the child custody evaluation, including, without limitation, information relating to:

(1) Each significant setting in which the child spends time;

(2) The recency and nature of the interactions of the child with each parental figure and other significant person in the child's life; and

(3) The developmental needs of the child;

(f) Provide an opportunity for the child to meet privately with the psychologist and express any concerns he may have;

(g) Determine whether other psychologists are evaluating the child and, if so, coordinate, to the extent possible, with those psychologists to minimize the possibility of conducting redundant child custody evaluations;

(h) Base his determination of the scope of the child custody evaluation on the best interests of the child, regardless of whether a request was made to evaluate only one aspect of the custody of the child;

(i) Before performing the child custody evaluation:

(1) Obtain the informed written consent of each adult who is participating in the child custody evaluation and, to the extent practicable, of the child who is the subject of the child custody evaluation;

(2) Inform each participant in the child custody evaluation, including, to the extent practicable, the child who is the subject of the child custody evaluation, of the conditions set

forth in subsections 2, 3 and 4 of NAC 641.224 pursuant to which the psychologist will disclose confidential information relating to the child custody evaluation;

(3) Inform each participant in the child custody evaluation, including, to the extent practicable, the child who is the subject of the child custody evaluation, of the limitations on the confidentiality of communications with the psychologist as required pursuant to subsections 5 and 6 of NAC 641.224; and

(4) Clarify the cost of the child custody evaluation and obtain an agreement concerning the payment of fees;

(j) Base an opinion relating to child custody on the integration of all the information obtained as part of the child custody evaluation without placing an inappropriate emphasis on data relating to clinical assessment and after taking into consideration any limitations in the information obtained or the methods used to obtain the information; and

(k) Complete the child custody evaluation in a timely manner.

2. *Except as otherwise provided in this subsection, a psychologist shall not render any opinion concerning the psychological functioning of any person who has not been personally evaluated by the psychologist for a child custody evaluation. A psychologist may report what a person personally evaluated by the psychologist in a child custody evaluation has stated about a person who has not been so evaluated or may address theoretical or hypothetical questions concerning such a person so long as the limited basis of the information is noted.*

3. As used in this section:

(a) “Child custody evaluation” means any evaluation which is performed by a psychologist and which is intended to affect the legal relationship between a child and:

(1) The biological parent, adoptive parent or foster parent of the child;

- (2) A surrogate; or
 - (3) Any other legal guardian of the child.
- (b) “Surrogate” has the meaning ascribed to it in NRS 126.045.