

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

LCB File No. R089-03

Effective January 18, 2005

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

AUTHORITY: §§1-4, 9, 22-25, NRS 641.100; §§5-8, 10, 14 and 15-20, NRS 641.100 and 641.170; §§11 and 12, NRS 641.100 and 641.180; §13, NRS 641.100 and 641.113; §21, NRS 641.100 and 641.390.

A REGULATION relating to psychology; revising the requirements governing psychological assistants, psychological interns and psychologists who supervise psychological assistants or psychological interns; prohibiting psychologists from supervising psychological assistants and psychological interns under circumstances which involve a potential conflict of interest; requiring such psychologists to prepare and retain certain records concerning the psychological assistants and psychological interns whom the psychologists supervise; and providing other matters properly relating thereto.

Section 1. Chapter 641 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this regulation.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 641.015 and sections 3, 4 and 5 of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Board” means the Board of Psychological Examiners.*

Sec. 4. *“Psychological assistant” means a person registered with the Board pursuant to NAC 641.151.*

Sec. 5. *“Supervisor” means a psychologist who supervises a psychological assistant pursuant to this chapter.*

Sec. 6. 1. *A supervisor shall not supervise a psychological assistant if that supervision involves a potential conflict of interest, including, without limitation, supervision of a psychological assistant:*

(a) Who is a member of his household;

(b) Who is related to him by blood, adoption or marriage, within the third degree of consanguinity or affinity;

(c) With whom he has had or is having a dating relationship;

(d) With whom the supervisor has a financial or business relationship, including, without limitation, an agreement concerning compensation of the supervisor by the psychological assistant for his supervision, unless the financial or business relationship is approved by the Board or authorized by NAC 641.154; and

(e) With whom the supervisor has a psychologist-patient relationship.

2. *As used in this section, “dating relationship” means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.*

Sec. 7. 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 or 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. 1. *A supervisor shall prepare records that will enable him to:*

(a) Effectively train and evaluate each psychological assistant whom he supervises; and

(b) Accurately determine the number of hours of supervised experience obtained by each psychological assistant whom he supervises.

2. A supervisor shall maintain all records relating to the supervision of a psychological assistant, including, without limitation, the records required to be maintained pursuant to NAC 641.157, 641.159 and 641.219, for not less than 5 years after the last date of supervision. Upon request, such records must be available for inspection by the Board.

3. A supervisor shall notify the Board within 10 days after his supervision of a psychological assistant is completed or terminated.

4. A supervisor shall notify the Board of any change in his residential address or business address within 30 days after the change.

Sec. 9. NAC 641.015 is hereby amended to read as follows:

641.015 ~~[As used in this chapter, “psychologist” includes any person who is:~~

~~—1.— Receiving any education or training; or~~

~~—2.— Engaged in any employment,~~

~~required for licensure pursuant to chapter 641 of NRS or this chapter.] “Psychologist” has the meaning ascribed to it in NRS 641.027.~~

Sec. 10. NAC 641.080 is hereby amended to read as follows:

641.080 1. Before an applicant is eligible for ~~examination for full licensure,~~ *licensure as a psychologist*, he must complete 2 years of supervised and documented experience ~~which~~ *that* 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 *must* 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~~ *must*:

(1) Meet the guidelines established by the Association of State and Provincial Psychology Boards; or

(2) 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 *must* comply with the following requirements:

- (a) Each year must consist of not less than 1,500 hours;
- (b) ~~Each~~ *One* year must satisfy the requirements of subsection ~~5;~~ *4*; and
- (c) One year must be postdoctoral ~~;~~

~~4. One~~ *and must satisfy the requirements of subsection 5.*

4. For the purposes of paragraph (b) of subsection 2 and paragraph (b) of subsection 3, 1 year of supervised experience must be satisfactorily completed in ~~an~~ *:*

(a) *A predoctoral* internship program approved by the American Psychological Association ~~;~~
~~or the supervised experience must:~~

~~—(a) Be completed in an institutional setting which]; or~~

(b) *A predoctoral internship that:*

(1) *Is completed in an interdisciplinary setting that* is appropriate for the training of a
~~professional psychologist;~~

~~—(b) Serve] psychological intern;~~

(2) *Serves* a group of persons which is sufficient in number and variability to provide a
broad range of training experiences ~~;~~

~~(c) Be], including, without limitation, work with culturally diverse or underserved
populations;~~

(3) *Includes supervision that addresses intercultural issues in diagnosis;*

(4) *Is* completed in not less than 10 months but not more than 24 months ~~;~~

~~(d) Have formal written policies and procedures;~~

~~—(e) Have], unless otherwise approved by the Board;~~

(5) *Operates pursuant to* nondiscriminatory policies and ~~operate] under~~
nondiscriminatory conditions;

~~[(f) Have]~~

(6) *Operates pursuant to* training objectives which are based on:

~~[(1)] (I)~~ The science and practice of psychology; and

~~[(2)] (II)~~ A model that is sequential, cumulative and graded in complexity;

~~[(g) Offer an organized internship program which includes:~~

~~—(1) Experiential]~~

(7) *Includes experiential* training with regularly scheduled supervision by ~~[a psychologist]~~ *at least two psychologists, at least one of whom is always physically present on the premises where the experiential training occurs, unless otherwise approved by the Board, and both of whom are* licensed in the jurisdiction in which the ~~[program is located who has an integral role in the institution]~~ *internship occurs* and whose primary responsibility is the provision of services; ~~[and~~

~~—(2) A]~~

(8) *Requires a* minimum of ~~[10 percent]~~ *2* 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]~~ *to be spent receiving* individual supervision;

~~[(h) Have]~~

(9) *Requires at least 3 hours of individual supervision to be spent focused on cultural, ethnic and group processes as social bases of behavior;*

(10) *Requires at least 40 hours of the supervised experience to be spent receiving training in cultural, ethnic and group processes as social bases of behavior or providing treatment to culturally diverse or underserved populations;*

(11) *Has* a training program which ~~[includes:~~

~~—(1) Theories]~~ :

~~(I) Includes theories~~ and methods of assessment ~~[and diagnosis;~~

~~—(2) Effective intervention;~~

~~—(3) Theories]~~ , *diagnosis and intervention;*

(II) *Includes discussions concerning the practice of psychology in a legal and ethical manner;*

(III) Includes theories and methods of consultation and evaluation; and

~~[(4) Strategies of scholarly inquiry;~~

~~—(i) Be]~~

(IV) Encourages the use of professional literature to provide guidance for treatment activities;

(12) Is provided in a setting in which training takes precedence over ~~providing services~~ ~~or~~ raising revenue;

~~[(j) Include]~~

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

~~[(k) Provide]~~

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

~~[(1)] (I)~~ Professional conduct;

~~[(2)] (II)~~ Psychological knowledge and skills; and

~~[(3)] (III)~~ Competence in psychological assessment, intervention and consultation; and

~~[(4) Provide]~~

(15) Provides 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]~~ ***For the purposes of subparagraph (2) of paragraph (c) of subsection 2 and of paragraph (c) of subsection 3, 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] a setting that provides an opportunity for [contact with other disciplines] interaction with colleagues 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.~~

~~➔The Board may waive the requirements for work experience set forth in this paragraph upon the request of an applicant if the Board determines that the nature of the work experience of 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.]~~ *including, without limitation, a private practice and a public or private agency, institution or organization; and*

(b) Work experience that is other than experience which is acquired in connection with a practicum for which graduate credits are granted and which complies with the following requirements:

(1) The number of hours required pursuant to paragraph (a) of subsection 2 or paragraph (a) of subsection 3 must be completed in not less than 10 months and not more than 3 years unless otherwise approved by the Board;

(2) Unless otherwise approved by the Board, at least 50 percent of the hours per week of the supervised experience must be spent providing clinical services, including, without limitation, psychological services rendered directly to an individual, couple, family or group, psychological testing, and individual or group supervision relating to those services;

(3) The hours per week of the supervised experience that are not spent in the manner set forth in subparagraph (2) must be spent engaging in an activity related to psychology, including, without limitation, teaching psychology, researching psychology and engaging in administrative activities related to psychology or in any other activity related to psychology; and

(4) At least 40 hours of the supervised experience must be spent receiving training in cultural, ethnic and group processes as social bases of behavior and at least 3 hours of individual supervision must be spent focused on that area of psychology. Such hours may be obtained by, without limitation:

- (I) Conducting clinical work directly with culturally diverse or underserved populations;*
- (II) Reading materials related to culturally diverse populations;*
- (III) Researching an issue related to culturally diverse populations;*
- (IV) Attending a workshop, conference or seminar concerning working with culturally diverse populations;*
- (V) Giving a presentation related to culturally diverse populations at a workshop, conference or seminar; and*
- (VI) Authoring a publication related to culturally diverse populations.*

Sec. 11. NAC 641.120 is hereby amended to read as follows:

641.120 *1.* The Examination ~~[in the]~~ *for* Professional Practice ~~[of]~~ *in* Psychology which is sponsored by the ~~[American]~~ Association of State *and Provincial* Psychology Boards and is created and distributed by the Professional Examination Service constitutes the written portion of the examination for licensure as a psychologist.

2. An applicant for a license may take the written portion of the examination for licensure as a psychologist after the applicant has graduated 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.*

Sec. 12. NAC 641.130 is hereby amended to read as follows:

641.130 The Board may waive the written examination of:

- 1. A diplomate of the American Board of Professional Psychology who became a diplomate through examination; or

2. An applicant who meets all of the requirements for licensure with respect to education and experience and who achieved a score on the Examination ~~[in the]~~ *for* Professional Practice ~~[of]~~ *in* Psychology of the ~~[American]~~ Association of State *and Provincial* Psychology Boards equal to or surpassing the criterion in Nevada for passage of that examination.

↳ An oral examination is required even if the written examination is waived.

Sec. 13. 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. 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. 14. 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.*

2. *Unless otherwise approved by the Board, a person may apply to ~~register with~~ the Board for registration as a psychological assistant ~~if he has completed 48 semester units of graduate courses in substantive psychology and 1,750 hours of supervised experience which meets the requirements of subsection 4 of NAC 641.080.~~*

~~2. The courses must be completed:~~

~~(a) In a] 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; ~~and~~

~~(b) At an] or~~

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

3. Registration as a psychological assistant is for ~~[2 years. A psychological assistant demonstrating substantive progress towards meeting the requirements for licensure may reapply for registration for not more than two successive registration periods.]~~ *3 years unless otherwise approved by the Board.*

Sec. 15. NAC 641.152 is hereby amended to read as follows:

641.152 1. A psychological assistant may work only under the supervision and control of a ~~[licensed psychologist who has been approved by the Board.]~~ *psychologist who satisfies the requirements of section 7 of this regulation.*

2. The supervisor of a psychological assistant is responsible for the adequate supervision of the *psychological* assistant. ~~[The]~~ *For specific skill training, the* supervisor may assign the *psychological* assistant to a specialist, ~~[such as]~~ *including, without limitation, a person who is licensed in this State as* a psychiatrist, social worker or marriage and family therapist ~~[, for specific skill training.]~~ *or a person who is licensed or certified in this State as an alcohol and drug abuse counselor.* The specialist must have clearly established practice and teaching skills ~~[which]~~ *that* are demonstrable to the satisfaction of the Board. Not more than one-quarter of the number of supervised hours needed to fulfill the required year of postdoctoral experience may be accrued under the direction of specialists.

3. A psychological assistant must be:

(a) An employee of the supervisor; or

(b) Subject to the control and direction of a supervisor who is ~~[employed by]~~ *affiliated with* the same agency or institution *at* which ~~[employs]~~ the *psychological* assistant ~~[.]~~ *works.*

Sec. 16. NAC 641.154 is hereby amended to read as follows:

641.154 1. A psychological assistant is entitled to be paid a fixed wage on a periodic basis, and may not be paid based on a percentage of the fees received.

2. A psychological assistant may not receive fees for professional services except as the agent of his employing supervisor or agency.

3. ~~[A]~~ *Except as otherwise provided in this subsection, a* supervisor may not accept compensation from a psychological assistant for his supervision. ~~[A psychological assistant may not pay a supervisor or other person for his supervision.]~~ *In extenuating circumstances, the Board may approve the acceptance of such compensation by a supervisor. Any agreement concerning compensation of a supervisor by a psychological assistant for his supervision must be approved by the Board before it becomes effective.*

4. *A supervisor shall ensure that the emphasis of the supervised experience of a psychological assistant whom he supervises is on training the psychological assistant rather than on the raising of revenue by the psychological assistant.*

Sec. 17. NAC 641.156 is hereby amended to read as follows:

641.156 ~~[A]~~ *Unless otherwise approved by the Board, a* supervisor shall be physically present on the premises where qualifying professional activities are undertaken by a psychological assistant at least one-half of the time during which the activities are performed.

Sec. 18. NAC 641.157 is hereby amended to read as follows:

641.157 1. A ~~[psychologist who hires a]~~ *supervisor shall meet with the* psychological assistant ~~[shall meet with him]~~ *whom he supervises* at least once each week to discuss and critique ~~[his performance. Each such meeting must last at least 5 minutes for each hour of service which the assistant has provided clients since the last meeting.]~~ *the performance of the psychological assistant.*

2. *A supervisor shall provide a psychological assistant whom he supervises with at least 4 hours of individual supervision each month.*

3. *The supervisor shall document the hours of individual supervision provided pursuant to subsection 2.*

4. A psychologist who does not adequately supervise his psychological assistant is subject to disciplinary action by the Board for committing an unethical practice contrary to the interest of the public.

Sec. 19. NAC 641.158 is hereby amended to read as follows:

641.158 A psychologist may not serve as a supervisor to more than three psychological assistants ~~and~~ *at the same time.* A psychological assistant may not be employed by more than two supervisors ~~and~~ *at the same time.*

Sec. 20. NAC 641.159 is hereby amended to read as follows:

641.159 1. A supervisor and his psychological assistant shall keep a regular log of supervised professional experience intended to meet the requirements of paragraph (e) of subsection 1 of NRS 641.170.

2. The log must show:

(a) The nature of the professional activities and services rendered by the psychological assistant;

(b) The population or clients served; and

(c) Any supervisory contacts . ~~and~~

~~in a form approved by the Board.~~

3. Entries to the log must be verified by the supervisor and the psychological assistant.

Sec. 21. NAC 641.165 is hereby amended to read as follows:

641.165 1. A psychological intern who is in a doctoral training program in psychology at an educational institution accredited by the ~~Northwestern~~ *Northwest* Association of *Accredited* Schools, ~~and Colleges~~ or an equivalent regional accrediting organization, and engaged in a predoctoral internship pursuant to the requirements of the training program may, in the context of that internship, be identified as a “psychological intern.”

2. ~~Except as otherwise provided in this section,~~ a psychological intern is subject to the provisions of NAC 641.151 to 641.161, inclusive, ~~but~~ *and sections 6, 7 and 8 of this regulation.*

3. *A psychological intern* is not required to register with the Board.

~~3.~~ 4. A psychologist supervising a psychological intern is subject to the provisions of :

(a) Subparagraph (7) of paragraph (b) of subsection 4 of NAC 641.080 concerning his physical presence on the premises where the predoctoral internship occurs; and

(b) NAC 641.157 ~~and~~ and sections 6, 7 and 8 of this regulation.

Sec. 22. NAC 641.219 is hereby amended to read as follows:

641.219 1. A psychologist shall maintain a record for each patient ~~which~~ *that* includes:

(a) The presenting problem or purpose or diagnosis;

(b) The fee arrangement;

(c) The date and type of evaluation or treatment provided to the patient;

(d) The results of tests or other evaluations and the data from which the results were derived;

(e) A description of any consultations with other professionals regarding the patient and the results of such consultations; and

(f) A copy of all tests and other evaluative reports which were prepared in the course of the professional relationship.

2. A psychologist shall maintain the record of each patient for not less than 5 years after the last date that service was rendered to the patient, except that the record of a patient who is a minor must be maintained for not less than 5 years after the last date that service was rendered or 1 year after the patient reaches 21 years of age, whichever is longer. A psychologist shall comply with all other state and federal laws and regulations concerning the maintenance of records, including a law or regulation which requires him to maintain records for a longer period than required by this subsection.

3. A psychologist shall comply with all state and federal laws governing a patient's right to have access to his records.

4. ~~Except as otherwise provided in this subsection, a psychologist shall, upon the written request of a patient, make available to the patient a copy of any document that is in the possession of the psychologist or under his control which has been specifically prepared for the patient and paid for by the patient. If the psychologist believes that the release of a document to the patient, or to the patient's parent or legal guardian, may cause mental or emotional harm to the patient, he may make the document available to a qualified mental health professional selected by the patient, his parent or his legal guardian.~~

~~5. If a psychologist supervises the professional practice of another person, he]~~ **A**
psychologist who provides clinical supervision shall maintain for not less than 5 years after the last date of supervision, a record of the supervisory session, including, but not limited to, information regarding the type, place and general content of the session.

Sec. 23. NAC 641.224 is hereby amended to read as follows:

641.224 1. If a psychologist provides services to an organization, information he obtains in the course of providing the services is confidential, including any personal information

concerning a person in the organization if the information was properly obtained within the scope of his professional contract with the organization. Personal information concerning a person in the organization is subject to the confidential control of the organization unless the person who disclosed the information had a reasonable expectation that the information was disclosed pursuant to a separate professional relationship with the psychologist and would not be disclosed to the organization.

2. During the course of a professional relationship with a patient and after the relationship is terminated, a psychologist shall protect all confidential information obtained in the course of his practice, teaching or research, or in the performance of any other services related to his profession. Except as otherwise provided in this section, a psychologist may disclose confidential information only if he obtains the informed written consent of the patient.

3. A psychologist may disclose confidential information without the informed written consent of a patient if the psychologist believes that disclosure of the information is necessary to protect against a clear and substantial risk of imminent serious harm by the patient to the patient or another person and:

(a) The disclosure is limited to such persons and information as are consistent with the standards of the profession of psychology in addressing such problems.

(b) If the patient is an organization, the psychologist has made a reasonable but unsuccessful attempt to correct the problems within the organization.

4. A psychologist may disclose confidential information without the informed written consent of a patient if:

(a) A member of the judiciary, or a court magistrate or administrator to whom authority has been lawfully delegated, orders the disclosure; or

(b) Disclosure is required by a state or federal law or regulation, including a law or regulation ~~[which]~~ *that* requires a psychologist to report the abuse of a child or ~~[vulnerable adult.]~~ *elderly person.*

5. If a psychologist renders services to more than one person, including services rendered to an organization, family, couple, group, or a child and a parent, the psychologist shall, before he begins to render the services, explain to each person the relevant limitations on confidentiality during the course of the professional relationship. If appropriate, the psychologist shall grant to each person an opportunity to discuss and accept the limitations on confidentiality that will apply.

6. If a patient is a child or has a legal guardian, a psychologist shall, before he renders services, inform the patient to the extent that the patient can understand, of any legal limitations on the confidentiality of communications with the psychologist.

7. With the written consent of a patient, a psychologist shall provide in a timely manner to another responsible professional who is treating the patient ~~[;]~~ any information which is important for the professional to know in making decisions concerning the ongoing diagnosis and treatment of the patient.

8. If a psychologist uses the case history of a patient in his teaching, research or published reports, he shall exercise reasonable care to ensure that all confidential information is appropriately disguised to prevent the identification of the patient.

9. A psychologist shall:

(a) Store and dispose of any written, electronic or other records in a manner which ensures the confidentiality of the content of the records;

(b) Limit access to the records of his patients to protect the confidentiality of the information contained in the records;

(c) Ensure that all persons working under his authority comply with the requirements of this section to protect the confidentiality of each patient; and

(d) Obtain the informed written consent of a patient before the psychologist electronically records or allows another person to observe a diagnostic interview or therapeutic session with the patient.

10. As used in this section, “confidential information” means information disclosed by a patient to a psychologist during the course of a professional relationship, or otherwise obtained by the psychologist during the course of the relationship, if there is a reasonable expectation that because of the relationship between the client and the psychologist, or the circumstances under which the information was obtained, the information will not be disclosed by the psychologist without the informed written consent of the patient.

Sec. 24. NAC 641.250 is hereby amended to read as follows:

641.250 **1.** The provisions set forth in the *most recent edition of the Ethical Principles of Psychologists and Code of Conduct* adopted by the American Psychological Association ~~[effective December 1, 1992,]~~ are hereby adopted by reference and incorporated herein, *unless the Board gives notice that the most recent edition is not suitable for this State pursuant to subsection 2 and* except to the extent that those provisions conflict with the provisions of NAC 641.200 to 641.250, inclusive, in which case the provisions of NAC 641.200 to 641.250, inclusive, are controlling. A copy of the publication may be obtained free of charge from the ~~[book order department of the]~~ American Psychological Association ~~[, P.O. Box 2710, Hyattsville, Maryland 20784-0710, telephone:]~~ *at 750 First Street, NE, Washington, DC,*

20002-4242, Attention: Service Center, at the Internet address

<<http://www.apa.org/ethics/code.html>> or by telephone at (202) 336-5500.

2. If the publication adopted by reference pursuant to subsection 1 is revised, the Board will review the revision to ensure its suitability for this State. If the Board determines that the revision is not suitable for this State, the Board will hold a public hearing to review its determination within 6 months after the date of publication of the revision and give notice of that hearing. If, after the hearing, the Board does not revise its determination, the Board will give notice within 30 days after the hearing that the revision is not suitable for this State. If the Board does not give such notice, the revision becomes part of the publication adopted by reference pursuant to subsection 1.

Sec. 25. 1. A person who engages in activities as a psychological assistant in this State on January 18, 2005, or has engaged in such activities before January 18, 2005, is exempt from the amendatory requirements of NAC 641.151, 641.152 and 641.157 until his supervised experience is completed or terminated.

2. A person who engages in activities as a psychological intern in this State on January 18, 2005, or has engaged in such activities before January 18, 2005, is exempt from the amendatory requirements of NAC 641.152, 641.157 and 641.165 until his internship is completed or terminated.

3. A psychologist who supervises a psychological assistant or a psychological intern in this State on January 18, 2005, is exempt from the amendatory requirements of NAC 641.152, 641.157 and 641.165 and sections 6, 7 and 8 of this regulation until his supervision of the psychological assistant or psychological intern is completed or terminated.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R089-03**

The Board of Psychological Medical Examiners adopted regulations assigned LCB File No. R089-03 which pertain to chapter 641 of the Nevada Administrative Code on November 30, 2004.

Notice date: 3/26/2004 & 7/28/2004
Hearing date: 4/17/2004 & 8/28/2004

Date of adoption by agency: 11/30/2004
Filing date: 1/1/82005

INFORMATIONAL STATEMENT

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

Comments were solicited at a public workshop and hearing held by the Board on Saturday April 17, 2004 in Las Vegas, Nevada. Notice of said public workshop and hearing was posted in accordance with NRS 233B.060. Also, notices and copies of proposed regulations were mailed to all Nevada licensed psychologists.

Comments were solicited at a hearing held by the Board on Saturday August 28, 2004, in Reno, Nevada. Notice of said public hearing was posted in accordance with NRS 233B.060. Also, notices and copies of proposed regulations were mailed to all Nevada licensed psychologists.

Public response included: comments concerning supervision hours as well as comments concerning training required for supervisors. Also how the supervision hours would be approved.

Copies of the summary of public responses may be obtained by telephone at 775-688-1268 or by writing the Board of Psychological Examiners, P.O. Box 2286, Reno, NV 89505.

2. The number of persons who:

- | | | | | |
|------------------------------------------------------|----------------|----------|----------------|----------|
| (a) Attended hearing: | 4/17/04 | 3 | 8/28/04 | 8 |
| (b) Testified at hearing: | 4/17/04 | 0 | 8/28/04 | 1 |
| (c) Submitted to the agency written comments: | | | | 0 |

Workshop and hearing on April 17, 2004: 3 members of the public were in attendance. No one commented on the proposed regulations.

Workshop and hearing on August 28, 2004: 8 members of the public were in attendance. One person commented on the proposed regulations.

There were no written comments.

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

No special arrangements were made to solicit comment from businesses as these regulations affect individual practitioners. See section on regarding the notice. See section 1 for instruction on obtaining a copy of the public response.

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 regulations were adopted with changes.

5. The estimated economic effect of the adopted regulation on the businesses 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.**

The adopted regulation will have no economic effect, either adverse or beneficial on businesses.

The adopted regulation will have no economic effect, either adverse or beneficial on the public.

The adopted regulation will have no economic effect, adverse or beneficial, immediate or long-term, on the public.

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

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

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 agency.

The Board is not aware of any regulations that overlap or duplicate any regulation of other state or government agencies.

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 any regulations that are more stringent than a federal regulation that regulates the same activity.

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

No new fees or increases in existing fees.