

LCB File No. R089-03

**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 (Board) will hold a public hearing at 10:00 a.m. on Saturday, August 23, 2003, at Holiday Inn, Mt. Rose Room, 1000 East Sixth Street, 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 Sections 1 is necessary to define board, psychologist, and supervisor. (Amendment to NAC 641.015)

The proposed adoption of Sections 2 is necessary to amend and clarify the requirements for supervised post-doctoral prior to licensure. (Amendment to NAC 641.080)

The proposed adoption of Section 3 is necessary to amend the qualifications for registration for psychological assistant. (Amendment to NAC 641.151)

The proposed adoption of Section 4 is necessary to revise the requirements for supervision for psychological assistants. (Amendment to NAC 641.152)

The proposed adoption of Section 5 is necessary to revise the provisions regarding the employment and compensation of psychological assistants. (Amendment to NAC 641.154)

The proposed adoption of Section 6 is necessary to revise the requirements regarding the supervision of psychological assistants. (Amendment to NAC 641.157)

The proposed adoption of Section 7 is necessary to reduce the number of psychological assistants a supervisor may supervise. (Amendment to NAC 641.158)

The proposed adoption of Section 8 is necessary to revise the requirements regarding the logging of the supervision of psychological assistants. (Amendment to NAC 641.159)

NAC 641.153 is proposed to be repealed.

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

The adoption or amendment of these regulations will not create an adverse economic effect on the public or upon licensees except that all applicants pursuing the supervised post-doctoral hours in the State of Nevada will be required to register as psychological assistants, which is currently \$250 per biennium. The adoption or amendment of these regulations may have a beneficial economic effect on the public or upon licensees because applicants may be able to more easily obtain the supervised post-doctoral hours required for licensure.

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 as noted above.

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 does 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 20, 2003. 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 THE BOARD OF PSYCHOLOGICAL EXAMINERS

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

AUTHORITY: NRS 641.100

Section 1.

NAC 641.015 “Psychologist” defined. As used in this chapter, ~~“psychologist” includes any person who is~~ *unless the context otherwise requires:*

1. ~~Receiving any education or training; or~~ “Board” means the state board of *psychological examiners.*
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.*
3. “Supervisor” means a *psychologist who has been approved by the board to supervise a psychological assistant who is obtaining post-doctoral hours.*

Section 2.

NAC 641.080 Experience prerequisite for examination for full licensure.

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 641.070 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. *Postdoctoral hours must be completed in no fewer than 10 months and no longer than 3 years unless otherwise approved by the board;*

(d) At least 60% of the postdoctoral hours per week must be spent in direct service activities, unless otherwise approved by the Board as in cases of licensure for academic faculty. The remaining percentage of time may be spent in teaching, research, and other psychological related activities as approved by the board pursuant to NAC 641.151.

(e) Training in the subject area of racial/ethnic bases of behavior must account for at least 50 hours of the postdoctoral experience practicing psychology under supervision and 3 hours of supervision must be focused in this area. Hours can be obtained, but are not limited to, the following:

(1) Conducting direct clinical work with culturally diverse populations;

(2) Researching issues related to culturally diverse populations;

(3) Attending workshops or seminars on working with culturally diverse populations;

and

(4) Presenting or publishing work related to culturally diverse populations.

~~(e)~~ (f) Work which is conducted under the supervision of a licensed psychologist or a professional who is licensed in his area of specialty, 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)~~ (g) 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.

6. The written examination (EPPP) may be taken in the state of Nevada upon completion of the doctoral degree and approval by the Board.

Section 3.

NAC 641.151 Psychological assistants: Qualifications for registration.

1. A person ~~[may apply to register with the board 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.]~~ *who intends to pursue a license to practice psychology in the state of Nevada must register with the Board as a psychological assistant upon successful completion of a predoctoral internship and graduation 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) An institution which meets the requirements of subsection 2 of NAC 641.050.

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

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

~~—(3) At an institution which meets the requirements of subsection 2 of NAC 641.050.]~~

3. Registration as a psychological assistant is for ~~[2]~~ **3** 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.]~~ *The application may be renewed in accordance with NAC 641.080.*

4. An applicant for registration as a psychological assistant shall complete an application provided by the Board and verified by the applicant and the supervising licensed psychologist which includes the following information:

(a) Name of supervisor

(b) Supervisor credentials

(c) Supervision setting

(d) Individualized training plan which is completed by the supervisor and the applicant

detailing:

(1) Working arrangements;

(2) Quantity and quality of postdoctoral hours work; and

(3) Financial arrangements, if applicable.

Section 4.

NAC 641.152 Psychological assistants: Supervision; assignment to specialist; employment.

1. A psychological assistant may work only under the supervision and control of a licensed psychologist who has been approved by the board.

2. *The supervisor must:*

(a) Have been licensed as psychologist in the state or province in which supervision is occurring and must have been licensed there for a minimum of 3 years, unless otherwise approved by the Board.

(b) Possess and document experience/training in clinical supervision, including but not limited to:

(1) Completing continuing education courses on clinical supervision;

(2) Completing a course on clinical supervision;

(3) Documenting years experience as a clinical supervisor for interns and psychological assistants; and

(4) Independent study on the topic of clinical supervision.

(c) Not be registered as a supervisor for more than 2 psychological assistants at the same time.

3. The supervisor may:

(a) Supervise only those areas which are within his scope of practice.

(b) Not enter into supervisory arrangements involving a potential conflict of interest, including but not limited to, arrangements with:

(1) A person who is a member of his household;

(2) A person who is related to him by blood, adoption or marriage within the third degree of consanguinity or affinity;

(3) A person with whom the supervisor has financial or business relationships other than as specifically permitted by NAC 641.154; or

(4) Those with whom the supervisor has a therapist/client relationship.

(c) Be responsible for all professional activities of the psychological assistant.

(d) Keep records that will enable him to effectively train, evaluate, and to credit the psychological assistant with the exact number of hours of acceptable postdoctoral experience in accordance with NAC 641.159. All supervision records must be maintained for 5 years and shall be available for inspection by the Board.

(e) Regularly evaluate performance with the supervisee.

(1) The supervisor shall submit to the Board every 6 months a report outlining the psychological assistant's progress and development.

(2) Discuss the report with the supervisee who must co-sign it.

(f) Notify the Board within 10 days if the supervisory agreement has been terminated.

4. The supervisor of a psychological assistant is responsible for the adequate supervision of the assistant. The supervisor may assign the assistant to a specialist, such as a psychiatrist, social worker or marriage and family therapist, for specific skill training. The specialist must have clearly established practice and teaching skills which 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]~~ 5. 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 the same agency or institution which employs the assistant; *or*

(c) Subject to the control and direction of a supervisor who is renumerated for supervision in a private practice setting.

Section 5.

NAC 641.154 Psychological assistants: Wages; compensation of supervisor.

~~[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 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.]~~

1. A psychological assistant may not be employed by more than two supervisors at the same time.

2. The psychological assistant may receive reasonable payment for providing services to clients. Compensation agreements for psychological assistants must be reported and pre-approved when the psychological assistant registers with the board.

3. The major focus of the psychological assistants work will be on training, rather than on the generation of funds.

4. Payment to a supervising licensed psychologist by a psychological assistant for supervision is not acceptable unless no other means for supervision are readily available. If payment for supervision is required, supervisors should pay particular attention to the impact of the financial arrangement on the supervisory relationship. The Board must approve of any financial arrangements for supervision at the time the psychological assistant is registered. Payment for supervision is acceptable under the following circumstances:

(a) The supervisor does not provide supervision of psychological work to a person who has administrative or funding authority over him.

(b) The supervisor is not an employee of the supervisee. However, a supervisee whose supervisor is not so employed may remunerate his supervisor in a private practice setting for providing psychological supervision by paying a fee for an individual face-to-face supervision hour that does not exceed the supervisor's reasonable and standard hourly fee for professional services to clients. If the supervisor charges per individual hour of face-to-face supervision, the supervisee shall receive all fees from reimbursement, minus reasonable overhead expenses, for clients served by the supervisee.

Section 6.

NAC 641.157 Psychological assistants: Weekly meetings; penalty for inadequate supervision.

1. A supervisor who hires a psychological assistant shall meet with the psychological assistant at least once each week to discuss and critique the psychological assistant's performance. *A minimum of four hours of individual supervision per month must be documented in writing or at least 5 minutes for each hour of services which the assistant has provided clients since the last meeting, whichever is greater.* ~~Each such meeting must last at least 5 minutes for each hour of service which the assistant has provided clients since the last meeting.~~

2. A supervisor 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.

Section 7.

NAC 641.158 Psychological assistants: Limitations on number of assistants and supervisors. A psychologist may not serve as a supervisor to more than *two* ~~three~~ psychological assistants. A psychological assistant may not be employed by more than two supervisors.

Section 8.

NAC 641.159 Psychological assistants: Log of experience.

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) *Date of supervision session*

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

~~(b)~~ (c) The population or clients served; and

~~(e)~~ (d) Any supervisory contacts, in a form approved by the board.

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

Section 9.

NAC 641.153 is hereby repealed.

Text of Repealed Section

NAC 641.153 Psychological assistants: Agreement regarding employment.

An employment agreement entered into by a psychological assistant and his employing supervisor or agency must be in writing and is subject to approval by the board.