

**ADOPTED REGULATION OF THE BOARD OF EXAMINERS
FOR MARRIAGE AND FAMILY THERAPISTS**

LCB File No. R173-03

Effective August 20, 2004

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

AUTHORITY: §§1-35 and 37-56, NRS 641A.160; §36, NRS 641A.160 and 641A.180.

A REGULATION relating to marriage and family therapists; changing the procedure for processing a complaint against a marriage and family therapist or a marriage and family intern; establishing the professional responsibilities of a marriage and family therapist or marriage and family intern; establishing continuing education requirements for a marriage and family therapist; changing the licensure requirements for marriage and family therapists; changing the registration requirements for a marriage and family intern; and providing other matters properly relating thereto.

Section 1. Chapter 641A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 33, inclusive, of this regulation.

Sec. 2. *As used in NAC 641A.285 to 641A.705, inclusive, and sections 2 to 27, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in NAC 641A.285 to 641A.335, inclusive, and sections 3 to 10, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Accusation” means a complaint against a therapist or intern filed with the Board pursuant to the provisions of section 12 of this regulation.*

Sec. 4. *“Certificate of registration” means a certificate of registration as a marriage and family therapist intern issued pursuant to the provisions of NAC 641A.156.*

Sec. 5. *“Formal complaint” means a complaint against a therapist or intern prepared by the staff or an investigator pursuant to the provisions of section 21 of this regulation.*

Sec. 6. *“Informal complaint” means an accusation that the Board will consider pursuant to the provisions of section 12 or 13 of this regulation.*

Sec. 7. *“Investigator” means a person consulted with or enlisted by the staff to investigate an informal complaint pursuant to the provisions of section 16 of this regulation.*

Sec. 8. *“Party” includes:*

- 1. The respondent;*
- 2. The attorney, if any, representing the respondent; and*
- 3. The legal counsel for the Board.*

Sec. 9. *“Presiding officer” means:*

- 1. The Chairman of the Board; or*
- 2. Another member of the Board appointed by the Chairman.*

Sec. 10. *“Staff” means the staff of the Board.*

Sec. 11. *A petition must contain the full name and mailing address of the petitioner and must be signed by him.*

Sec. 12. *1. A person may file an accusation with the Board, on a form provided by the Board, concerning the acts of or the services provided by a therapist or an intern.*

2. The complainant shall include in the accusation information that is sufficiently detailed so as to enable the respondent to prepare a response.

3. Except as otherwise provided in section 13 of this regulation, the Board will initially consider any accusation as an informal complaint.

Sec. 13. *1. If a complainant filing an accusation is the client of and is filing an accusation relating to his treatment by a therapist or intern, the Board will provide the complainant with a form for a limited waiver of confidentiality regarding his records.*

2. If the Board provides a limited waiver of confidentiality to a complainant filing an accusation, the staff or legal counsel for the Board will not further review or process the accusation until the limited waiver of confidentiality has been signed by the complainant and returned to the Board.

3. After the complainant signs and returns the limited waiver of confidentiality regarding his records to the Board, the Board will initially consider the accusation as an informal complaint.

Sec. 14. *1. Upon receipt of an informal complaint pursuant to the provisions of section 12 or 13 of this regulation, the staff shall examine the informal complaint to determine whether it:*

(a) Has been properly verified; and

(b) Alleges sufficient facts to warrant further proceedings.

2. If the staff determines that the informal complaint has been properly verified and alleges sufficient facts to warrant further proceedings, the staff shall notify the respondent by sending a copy or a summary of the informal complaint by certified mail to the respondent.

3. The notification must set forth the alleged violations of a provision of this chapter or of chapter 641A of NRS arising in the informal complaint and request a response from the respondent for review by the Board before a hearing is set.

4. The transmission of the copy or summary of the informal complaint shall be deemed to be a notice of intended action pursuant to subsection 3 of NRS 233B.127.

Sec. 15. *1. Upon the receipt of a copy or summary of an informal complaint that has been filed against him pursuant to section 14 of this regulation, the respondent shall submit to*

the Board a written response to the informal complaint within 15 days after the date on which the informal complaint was served.

2. A response to an informal complaint must:

(a) Respond to the allegations made in the informal complaint; and

(b) Be accompanied by all documentation that would be useful to the staff and legal counsel for the Board in the review of the allegations made in the informal complaint and the responses made by the respondent to those allegations.

3. In addition to any other disciplinary action, if the respondent fails to respond as required pursuant to subsection 1, he shall be deemed to have admitted the allegations in the informal complaint. Based on these admissions, the Board may enter a finding and impose appropriate discipline on the respondent in the same manner as if the allegations had been proven by substantial evidence at a hearing of the Board held on the complaint.

4. In cases in which a response is filed as required pursuant to subsection 1, the staff shall review the informal complaint and the responses made thereto, may enlist the aid of a member of the Board or other qualified persons in the review and may take any other reasonable action necessary to further the review.

Sec. 16. *After the initial review of the informal complaint and the responses made thereto conducted pursuant to the provisions of subsection 4 of section 15 of this regulation, the staff may:*

1. Investigate the allegations and employ such people as they deem necessary to further the investigation;

2. Consult with experts in the appropriate fields, including, without limitation, the employment of such persons for the purposes of an investigation or a hearing;

3. *Investigate new leads and allegations that may come to their knowledge in the course of the investigation;*

4. *Enlist the aid of a member of the Board or another qualified person in the conduct of the investigation; and*

5. *Take any other reasonable action necessary to further the investigation.*

Sec. 17. *If the staff and legal counsel for the Board determine that the preliminary information from its investigation of an informal complaint reasonably indicates that a program in which a therapist or intern is employed or otherwise treating clients may have also violated any statutes or regulations applicable to the operation of the program, the staff and legal counsel for the Board may:*

1. *Coordinate with and seek the assistance of the Health Division of the Department of Human Resources in the investigation of the alleged violations; and*

2. *Request the Health Division to share with the staff and legal counsel for the Board any findings made by and information in the possession of the Health Division, to the fullest extent allowable under 42 C.F.R. Part 2.*

Sec. 18. 1. *During an investigation of an informal complaint, the staff or investigator, if any, may demand that a respondent produce his records or other evidence for inspection or copying, with or without prior notice to the respondent and with or without a subpoena. A respondent shall not deny any such request for records or other evidence if the record or other evidence is not subject to the provisions of 42 C.F.R. Part 2.*

2. *If the respondent initially refuses or fails to cooperate with a request for records in violation of this section, the Board may immediately suspend his license or certificate of registration until the respondent complies with the request for records or other evidence.*

3. If the respondent continues to refuse or fail to cooperate with a request for records or other evidence in violation of this section after the Board has suspended his license or certificate of registration pursuant to subsection 2, the Board may take such further disciplinary action against the respondent as the Board determines necessary.

Sec. 19. *1. If the staff or investigator, if any, determines that a specific record or other specific evidence is material to or necessary for an investigation conducted pursuant to section 16 of this regulation, the staff or investigator may remove the record or evidence and provide a copy of the record or evidence to the owner of that record.*

2. If the record or other evidence can be readily copied at the location where the record or evidence is located, the staff or investigator shall make a copy of the record or evidence at that location.

3. If the record or other evidence cannot be readily copied at the location where the record or evidence is located, the staff or investigator may remove the record or evidence from that location to copy the record or evidence.

4. If the staff or investigator removes a record or other evidence to be copied pursuant to subsection 3, the staff or investigator shall provide the person to whom the record or evidence being removed belongs with a receipt for the record or evidence and, not later than 5 business days after the record or evidence is removed, provide a copy of the record or evidence to that person.

Sec. 20. *1. Except as otherwise provided in this subsection, the staff, legal counsel for the Board and investigator, if any, shall keep all information gathered during an investigation of a complaint confidential during the investigation. Except as otherwise provided in this*

section, nothing in this subsection prohibits the staff, legal counsel for the Board or investigator, if any, from:

(a) If the confidential information to be communicated is relevant to the investigation or regulation of the person or program by another agency or board, communicating confidential information to, or otherwise cooperating with, another agency or board that:

(1) Is investigating a person licensed or certified by the Board;

(2) Is investigating a program in which a person licensed or certified by the Board is engaging in the practice of marriage and family therapy; or

(3) Regulates or has jurisdiction over the violations of law alleged in a complaint; or

(b) Communicating confidential information to the operator of a program, or his designee, if the complaint to which the confidential information relates:

(1) Is filed against a person who is a member of the staff of that program; and

(2) Alleges the existence of a condition which poses a significant hazard to the health or safety of the clients and staff of, and the visitors to, the program.

2. Notwithstanding any provision of this section to the contrary, information which is subject to the standards of confidentiality set forth in 42 C.F.R. Part 2 may be communicated by the Board, staff, legal counsel for the Board or investigator, if any, only if such communication does not violate those standards of confidentiality.

Sec. 21. 1. *When an investigation of an informal complaint conducted pursuant to section 16 of this regulation is complete, the staff and investigator, if any, shall determine whether substantial evidence exists to sustain the alleged violation of a statute or regulation set forth in the informal complaint.*

2. *If the staff and investigator determine that no allegation of a violation of a statute or regulation set forth in the informal complaint can be sustained, the staff shall notify, in writing, the complainant and the respondent of this determination.*

3. *If the staff and investigator determine that a violation of a statute or regulation as alleged in the informal complaint can be sustained, the legal counsel for the Board shall:*

(a) *In compliance with NRS 622.330, offer mediation, settlement agreements, stipulations of facts and liability or informal hearings; or*

(b) *Prepare a notice of hearing and a formal complaint.*

4. *A notice of hearing and a formal complaint must:*

(a) *Be a plain statement of the facts and applicable provisions of statutes and regulations regarding the acts of the respondent alleged to be in violation of the statutes and regulations governing the practice of marriage and family therapy;*

(b) *Include the date, time and place that the Board will hear the matter, if this information is known at the time when the notice of hearing and the formal complaint are sent to the respondent; and*

(c) *Be signed by the legal counsel for the Board and, if a member of the Board was active in the investigation, by that member of the Board.*

5. *The staff shall send a notice of hearing and a formal complaint prepared pursuant to subsection 4 to the respondent by certified mail.*

Sec. 22. 1. *A respondent who receives a notice of hearing and a formal complaint pursuant to section 21 of this regulation must file his answer to the notice of hearing and the formal complaint not later than 15 days after the date on which the notice of hearing and the formal complaint were served.*

2. An answer to a notice of hearing and a formal complaint filed by a respondent must include a response to each allegation and statement made in the notice of hearing and the formal complaint by either admitting to or denying the allegation or statement.

3. In addition to any other disciplinary action, if the respondent fails to file an answer as required pursuant to subsection 1, he shall be deemed to have admitted each allegation and statement contained in the notice of hearing and the formal complaint. Based on these admissions, the Board may enter a finding and impose appropriate discipline on the respondent in the same manner as if the allegations had been proven by substantial evidence at a hearing of the Board held on the formal complaint.

Sec. 23. *The Board may join two or more formal complaints into one formal complaint if:*

1. The causes of action of each formal complaint are against the same person and deal with substantially the same or similar violations of statutes and regulations; and

2. The joining of the formal complaints will serve the best interests of the Board, complainants and respondent.

Sec. 24. *1. Not later than 10 days after a respondent files an answer to a formal complaint pursuant to the provisions of section 22 of this regulation, the parties to the formal complaint shall exchange:*

(a) A copy of all documents and other evidence that are reasonably available to the party and that the party reasonably anticipates will be used by the party at the hearing; and

(b) A written list of all persons who the party reasonably anticipates will be called to testify at the hearing by the party. The list must include the name and address of each potential witness and a general description of the anticipated subject matter of his testimony.

2. If, after initially providing the documents and list of witnesses pursuant to subsection 1, a party to the formal complaint reasonably anticipates that other documents or witnesses will be used in support of his position, or if any of the documents or information previously provided changes, the party to the formal complaint shall supplement and update his submission to the other parties to the formal complaint.

3. If a party to the formal complaint fails to provide documentation or information as required by this section, the presiding officer shall exclude the undisclosed document or the testimony of the witness at the hearing, unless the party seeking to include the document or witness demonstrates to the Board that the evidence or witness was not available upon diligent investigation before the date on which the exchange was required and that the evidence or witness was given or communicated to the other parties immediately after it was obtained.

Sec. 25. 1. Discovery may only be done in accordance with the provisions of sections 11 to 25, inclusive, of this regulation.

2. The Board will not allow for the taking of depositions.

Sec. 26. The presiding officer may order a prehearing conference and may enter such prehearing orders as the presiding officer determines are appropriate for the efficient conduct of the hearing, including, without limitation:

- 1. The exchange of written direct testimony of witnesses;*
- 2. The exclusion of particular testimony or evidence;*
- 3. The admission of particular testimony and other exhibits by agreement of the parties;*
- 4. The advance marking of all exhibits;*
- 5. The exchange by the parties of written prehearing statements or briefs similar to pretrial statements filed in district court; and*

6. Settlement negotiations. Settlement negotiations, and the statements of parties relating thereto, made at a prehearing conference are not admissible in evidence at the hearing unless the parties agree and the agreement is incorporated in a prehearing order.

Sec. 27. 1. A motion concerning any matter before the Board must be made in writing, unless the motion is made during the hearing on that matter.

2. A written motion must set forth the nature of the relief sought by and the grounds for the motion.

3. The presiding officer may deny as untimely:

(a) Any motion made during a hearing if the motion could have reasonably been made before the hearing; and

(b) Any motion that is filed on a date that does not provide the opposing parties a reasonable time to respond.

4. A party may oppose a written motion by filing a written response to the motion with the Board and all the parties to the proceeding to which the motion relates.

5. If a written response to a motion is filed, the party who made the motion may file and serve a written reply to the response.

6. Except as otherwise provided in this section, the presiding officer shall rule on all written motions on a matter at or before the hearing scheduled on the matter. The presiding officer may rule on a motion without oral argument or may allow oral arguments to be made before ruling on the motion. If the presiding officer allows oral arguments on a written motion to be made, the presiding officer shall set a time and date for hearing the oral arguments.

7. The presiding officer may require the Board to vote to decide a motion.

Sec. 28. 1. *Any violation of this chapter or chapter 641A of NRS by a therapist or intern constitutes unprofessional conduct and subjects the therapist or intern to disciplinary action by the Board.*

2. If a therapist or intern violates any provision of this chapter or chapter 641A of NRS or engages in any other unprofessional conduct while his license or certificate of registration is in effect, the Board will take disciplinary action against the therapist or intern, including, without limitation, taking action against the therapist or intern after his license or certificate of registration has expired or been suspended.

3. If a board or entity in this State or in another state which has issued a license, certificate, registration or other credential to a therapist or intern for the practice of marriage and family therapy or a related field revokes or suspends the license, certificate, registration or other credential, or takes any other disciplinary action against the therapist or intern, the revocation, suspension or disciplinary action is a ground for disciplinary action by the Board against the therapist or intern for unprofessional conduct.

4. The failure of a therapist or intern to comply with a stipulation, agreement, advisory opinion or order issued by the Board constitutes unprofessional conduct and is a ground for disciplinary action by the Board against the therapist or intern.

5. As used in this section, “related field” means a field related to the social sciences or the study of the human mind and mental illness, including, without limitation, social work, alcohol and drug abuse counseling, psychology, psychiatry, nursing or medicine.

Sec. 29. 1. *For the purposes of subsection 7 of NRS 641A.310, the Board will interpret the term “unprofessional conduct” to mean a lack of knowledge, skill or ability in discharging a professional obligation, and to include, without limitation, malpractice and gross negligence.*

2. *The Board will consider the following acts by a therapist or intern to constitute unprofessional conduct:*

(a) *Performing services relating to the practice of marriage and family therapy as an intern outside the scope of an approved plan of internship.*

(b) *Performing services relating to the practice of marriage and family therapy as a therapist or intern under a license or certificate of registration that has lapsed or been deactivated.*

(c) *Failing to cooperate with any investigation of a complaint filed against the therapist or intern, including, without limitation, denying or failing to cooperate with a request for records made by the Board.*

3. *As used in this section:*

(a) *“Gross negligence” means conduct in the practice of marriage and family therapy which represents an extreme departure from the standard of care required from a therapist or intern under the circumstances.*

(b) *“Malpractice” means conduct in the practice of marriage and family therapy which falls below the standard of care required from a therapist or intern under the circumstances.*

Sec. 30. A therapist or intern:

1. *Shall not misrepresent, in advertising or otherwise, his education, training, type of license or certificate, qualifications, competence or service, or the results to be achieved if he provides service to a client.*

2. *Shall not engage in the practice of marriage and family therapy while he is impaired by:*

(a) *Alcohol, drugs or any other chemical; or*

(b) A mental or physical condition that prevents him from safely engaging in the practice of marriage and family therapy.

3. Shall not use his relationship with a client to further his own personal, religious, political or business interests.

4. Shall set and maintain professional boundaries with clients, interns and persons with whom he works.

5. Shall not give or receive, directly or indirectly, a fee, commission, rebate or other compensation for professional services that he has not actually and personally provided.

6. Shall not knowingly offer service to a client who is receiving treatment from another therapist or intern, or a licensee or holder of a certificate issued by any other similar board, without prior consultation between the client and the other therapist, intern, licensee or holder of a certificate.

7. Except as otherwise provided in subsection 8, shall not disparage the qualifications of any colleague.

8. Shall report to the Board any unlicensed, unauthorized, unqualified or unethical practice of marriage and family therapy that is occurring.

9. Shall not attempt to diagnose, prescribe for, treat or provide advice for any problem which is outside of his field of competence, the scope of the practice of marriage and family therapy or the scope of his license or certificate.

10. Shall base his practice upon the recognized knowledge relevant to marriage and family therapy.

11. Shall critically examine and keep current with emerging knowledge relevant to the practice of marriage and family therapy.

12. Based upon recognized knowledge and standards for the practice of marriage and family therapy, shall prepare and maintain in a timely manner a record for each of his clients which:

(a) Sets forth his assessment of the problems of the client, plan of action for the client, course of treatment for the client and progress notes regarding the course of treatment of the client; and

(b) Includes copies of other relevant documentation, including, without limitation:

(1) All documents relating to the informed consent given by the client;

(2) All documents relating to the release of information regarding the client; and

(3) All other legal documents regarding the client.

↪ As used in this subsection, “assessment” means an evaluation of the patterns of interaction and impairment in the functioning of a client that is based upon comprehensive information about the client.

13. Shall complete and submit any reports required by this chapter and chapter 641A of NRS, or pursuant to any rule, order or instruction of a court of competent jurisdiction, in a timely manner.

14. Shall comply with the provisions of this chapter and chapter 641A of NRS and all other applicable federal laws and regulations.

15. Shall not authorize a person under the supervision of the therapist to perform services that are outside of the scope of the license, certificate of registration, training or experience of the person performing the services, or allow such a person to hold himself out as having expertise in a field or activity in which that person is not qualified.

16. Shall notify the Board in writing within 10 days after:

- (a) An action is taken against any license, certification, registration or other credential held by the therapist or intern that was issued by another state or territory of the United States;*
- (b) A criminal charge is filed against the therapist or intern;*
- (c) The therapist or intern is convicted of a criminal offense, other than a traffic offense which is a misdemeanor that does not involve alcohol or controlled substances;*
- (d) A civil action, including, without limitation, an action for malpractice, is filed against the therapist or intern; or*
- (e) A settlement or judgment is made in any civil action, including, without limitation, an action for malpractice, in any case filed against the therapist or intern for any act relating to the practice of marriage and family therapy.*

Sec. 31. 1. *A therapist or intern shall serve his clients with professional skill and competence.*

2. *If a therapist or intern must act on behalf of a client who has been declared to be incompetent or if a client is otherwise found by the Board to be incapable of acting in his own best interest, the therapist or intern shall safeguard the interests and rights of that client.*

3. *If another person has been legally authorized to act on behalf of an incompetent client, a therapist or intern shall deal with the legal representative of the client in accordance with the best interest of the client.*

4. *A therapist or intern shall not practice, condone, facilitate or collaborate with any form of discrimination on the basis of race, color, sex, sexual orientation, age, religion, national origin, social, economic, health or marital status, political belief, diagnosis or physical disability, or on the basis of any preference or personal characteristic, condition or status of a person.*

5. *A therapist or intern shall not misrepresent to a client the efficacy of his service or the results to be achieved.*

6. *A therapist or intern shall apprise each of his clients of the risks, rights, opportunities and obligations, financial or otherwise, associated with the provision of marriage and family therapy to the client.*

7. *A therapist or intern shall seek the advice and counsel of his colleagues and supervisors when such a consultation is in the best interest of the client.*

8. *A therapist or intern shall terminate service to a client and a professional relationship with a client when the service and relationship are no longer required or no longer serve the needs of the client.*

9. *A therapist or intern shall not withdraw his counseling services precipitously, except under unusual circumstances and after giving careful consideration to all factors in the situation and taking care to minimize possible adverse effects to the client.*

10. *A therapist or intern who anticipates the termination or interruption of service to a client shall notify the client as promptly as possible and seek the transfer, referral or continuation of service in relation to the needs and preferences of the client.*

11. *A therapist or intern shall not influence or attempt to influence a client in any manner which could be reasonably anticipated in his deriving benefits of an unprofessional nature from the client during the time that the client is receiving marriage and family therapy from the therapist or intern and for 2 years after the termination of those services.*

12. *Throughout the period of treatment of a client and for the 2 years immediately following the termination of the professional relationship between the client and the therapist or intern treating the client, the therapist or intern shall not:*

(a) Enter into a close personal relationship with the client, including, without limitation, sponsorship of the client in a group for self-help, or a romantic or sexual relationship;

(b) Enter into, or attempt to enter into, a financial relationship with the client that is unrelated to the practice of marriage and family therapy; or

(c) Enter into a romantic or sexual relationship with any person who was in a romantic or sexual relationship with the client during the time that the therapist or intern was providing marriage and family therapy to the client.

13. Within the 2 years immediately following the termination of a professional relationship with, internship for or supervision of a client, intern or other person, a therapist shall not solicit or enter into a dual relationship with the client, intern or other person if it is foreseeable that such a relationship would harm or exploit the client, intern or other person.

Sec. 32. 1. To maintain his licensure, a therapist must attend at least 40 hours of continuing education every 2 years.

2. A therapist shall not use more than 15 hours of distance education to satisfy the requirements of subsection 1.

3. A therapist is subject to disciplinary action by the Board if he fails to satisfy the requirements for continuing education.

4. As used in this section, "distance education" means education, training, courses or programs that are delivered to a student who is geographically separate from the instructor.

Sec. 33. 1. An application for the renewal of a license must be accompanied by an affidavit evidencing the completion by the therapist of at least the minimum number of hours of continuing education required pursuant to section 32 of this regulation during the 2 years immediately preceding the date of the application.

2. A therapist shall maintain sufficient documentation verifying the information which he includes in his affidavit relating to his continuing education for at least 3 years after the date on which the affidavit is executed. A therapist will not be given credit for any hours of continuing education that are not supported by documentation.

3. The Board may audit such affidavits as the Board deems necessary to verify the authenticity of the information set forth in the affidavit.

Sec. 34. NAC 641A.065 is hereby amended to read as follows:

641A.065 1. Any person desiring licensure or registration by the Board must submit or have submitted to the Board:

- (a) An application completed on the forms provided by the Board;
- (b) Official transcripts from each institution of higher education he attended which are sent directly to the Board from the institution;
- (c) A total of three letters of personal or professional reference, or both, written by persons not related to the applicant which are addressed and sent directly to the Board;
- (d) A photograph of the applicant which has been taken within 12 months before the date of the application; and
- (e) A written summary by the applicant of his experiences and qualifications for licensing, including documentation of his internship and recommendations from supervisors or any person approved by the Board.

2. To have the Board act upon his application for a license at a scheduled meeting, the applicant must have filed his completed application with the Board at least 10 working days before that meeting. For good cause, the Board may allow an applicant to present material at its meeting in addition to the materials which he has previously submitted to the Board.

3. By submitting his application, an applicant grants the Board full authority to make any investigation or personal contact necessary to verify the authenticity of the matters and information stated within his application. If the Board so requests, the applicant must supply such a verification.

4. The Board may appoint a subcommittee to examine an application and conduct interviews before the Board's meeting and to make recommendations for its action.

5. The Board may require the personal appearance of the applicant.

6. The same application which is filed for registration as an intern must be refiled with the Board upon completion of the internship ~~[and]~~ along with the completion of any portions of the application which are required for licensure.

Sec. 35. NAC 641A.075 is hereby amended to read as follows:

641A.075 For the purposes of qualifying for licensure, each applicant's undergraduate and graduate degrees must be from an institution which has been accredited by a recognized regional accrediting organization . ~~[, or has educational and training experience deemed equivalent by the Board.]~~

Sec. 36. NAC 641A.085 is hereby amended to read as follows:

641A.085 1. To qualify to take the written examination for licensure, an applicant's graduate education in marriage and family therapy must include the following areas of study:

		Minimum Number	Minimum Number
	Number of	of Semester	of Quarter
Area of Study	Courses	Hours of Credit	Hours of Credit

Human Development ,			
<i>including Issues of Sexuality</i>	2-4	6-12	8-16
Marital and Family Systems	2-4	6-12	8-16
Marital and Family Therapy	3-5	9-20	12-20
Ethics and Professional Studies	1	3	4
Supervised Clinical Practice	{1-3} 3	9	12
<i>Diagnosis and Assessment</i>	<i>1</i>	<i>3-4</i>	<i>4</i>
Research	1	3	4
Abuse of Alcohol or Controlled			
Substances	1	3	4

2. *The courses in supervised clinical practice required pursuant to subsection 1 must include three courses taken during three semesters or four quarters over a minimum of 1 year.*

3. The applicant must have completed at least 45 semester hours of graduate credit in courses relating to the areas of study described in subsection 1 ~~1~~ ~~—3.1~~ *before taking the written examination for licensure.*

4. The Board may consider graduate degrees which are comparable to degrees in marriage and family therapy, psychology or social work, and which meet the requirements for course content listed in subsection 1 regardless of the terminology used in the degree granted by the educational institution.

Sec. 37. NAC 641A.146 is hereby amended to read as follows:

641A.146 1. Except as otherwise provided in NAC 641A.111, before an applicant is eligible for licensure as a therapist, he must complete at least ~~{1,500}~~ *3,000* hours of experience

in an approved internship . ~~[, including 200 hours under the direct supervision of a therapist. The program]~~ *The internship* to provide the experience must be:

- (a) Approved by the Board before the applicant begins the ~~[program;]~~ *internship*; and
- (b) Completed within 6 years after the Board approves the ~~[program.]~~ *internship*.

2. An extension of that period may be granted at the Board's discretion. An extension is valid only for the period specified by the Board.

3. An intern shall, on or before September 15 and March 15 of each year, submit to the Board a written report from his supervisor evaluating his internship. The Board may terminate the registration of any intern who fails to file such a written report.

4. To satisfy the requirements of subsection 1, an intern must complete ~~[at least 1,000]~~ :

(a) *At least 1,500 hours , completed at a rate not to exceed 20 hours per week, of direct contact with clients in the practice of marriage and family therapy* ~~[which includes not more than:~~

~~—(a) Three hundred]~~ ;

(b) *At least 300 hours of marriage and family therapy that is supervised by the primary supervisor or secondary supervisor of the intern, including:*

(1) *At least 160 hours supervised by the primary supervisor of the intern; and*

(2) *At least 40 hours supervised by the secondary supervisor of the intern; and*

(c) *At least 1,200 hours of work related to the practice of marriage and family therapy, including:*

(1) *In addition to the requirements of paragraph (a), direct contact with clients in the practice of marriage and family therapy that is:*

(I) *Supervised by the primary supervisor of the intern; and*

(II) Completed at a rate not to exceed 20 hours per week;

(2) In addition to the requirements of paragraph (a), not more than 500 hours which consist of direct contact with clients in the practice of marriage and family therapy that is:

(I) Performed in conjunction with a graduate program of study;

(II) Supervised by the primary supervisor or secondary supervisor of the intern; and

(III) Completed at a rate not to exceed 20 hours per week;

(3) In addition to the requirements of paragraph (b), not more than 300 hours of marriage and family therapy that are supervised by the primary supervisor or secondary supervisor of the intern;

(4) Not more than 300 hours of leading group counseling sessions;

~~[(b) Fifty]~~

(5) Not more than 200 hours of teaching, including, but not limited to, leading sessions for parent or family education ~~;~~ and

~~—(c) One hundred], leading workshops or participating in other teaching activities, which are:~~

(I) Approved by the primary supervisor of the intern; and

(II) Documented;

(6) Not more than 150 hours of individual counseling or therapy which the intern personally receives from a ~~[therapist]~~ licensed mental health professional who is not the supervisor of the intern ~~;~~

~~—5. Credit may]; and~~

(7) Not more than 50 hours of training approved by the primary supervisor of the intern, including, but not limited to:

(I) Graduate course work at a university; or

(II) Attendance at a workshop related to the practice of marriage and family therapy.

5. Except as otherwise provided in this subsection, credit must not be given for experience ~~before registration~~ gained by a person before the person registered as an intern ~~[-]~~ pursuant to the provisions of NAC 641A.156. Credit may be given for hours received as part of a graduate program of study.

Sec. 38. NAC 641A.156 is hereby amended to read as follows:

641A.156 1. Except as otherwise provided in subsection 3, a candidate ~~for registration as an intern~~ must:

(a) Satisfy the requirements of NAC 641A.065 and 641A.075;

(b) Submit to the Board a proposed plan for internship, including the name of the proposed supervisors;

(c) Complete a personal interview and, if requested by the Board, pass an oral examination conducted by the Board; and

(d) Pass the examination required by NRS 641A.230.

2. The Board will issue a certificate of registration as an intern in the State of Nevada to each qualified candidate who receives a passing score on the examination.

3. A person who began an internship before April 1, 1995, may elect to sit for the written examination required pursuant to NRS 641A.230 either before or upon completion of his internship.

Sec. 39. NAC 641A.178 is hereby amended to read as follows:

641A.178 1. Each intern must have at least two supervisors approved by the Board.

During the course of the supervision of the intern:

(a) The primary supervisor shall meet with the intern for at least ~~100~~ 160 hours to discuss and evaluate the performance of the intern; and

(b) The secondary supervisor shall meet with the intern for ~~a minimum of 20~~ at least 40 hours.

2. Unless otherwise authorized by the Board, ~~no~~ not more than:

(a) Six interns may be placed under the supervision of any primary supervisor at one time; and

(b) Ten interns may be placed under the supervision of any secondary supervisor at one time.

3. The time required for supervision includes the time devoted to:

(a) Meetings between the supervisor and the intern where videotapes or audiotapes are reviewed;

(b) Therapy sessions in which the supervisor participates;

(c) Therapy sessions in which the supervisor observes the session from a ~~remote~~ location whereby the supervisor is neither seen nor heard; or

(d) The presentation of a case by the intern and a discussion by the supervisor of the proper management and treatment of the case.

4. The time required for supervision does not include the time devoted to attendance at seminars, workshops or classes.

Sec. 40. NAC 641A.182 is hereby amended to read as follows:

641A.182 1. Except as otherwise provided in subsection 2, a supervisor of an intern must be a therapist and offer evidence to the Board of his training or experience, or both, which qualifies him to supervise.

2. In extenuating circumstances, the Board may approve as a secondary supervisor a person who is a licensed psychologist, psychiatrist or social worker who has received training in supervision.

3. Each supervisor must:

(a) Have been licensed for at least 3 years.

(b) ~~Be~~ *Not be* related to the intern by ~~no~~ closer than the fourth degree of consanguinity.

(c) Have never professionally provided mental health ~~care~~ *therapy* to the intern.

(d) Agree to be available to consult with the Board concerning the professional record, competence in clinical practice, *and* emotional and mental stability or professional and ethical conduct of the intern.

4. Each primary supervisor must be designated by the American Association for Marriage and Family Therapy as a supervisor or supervisor candidate.

Sec. 41. NAC 641A.252 is hereby amended to read as follows:

641A.252 1. The Board hereby adopts by reference the *Code of Ethics* of the American Association for Marriage and Family Therapy as it existed on ~~January 12, 1996,~~ *July 1, 2003*, as a standard for professional conduct in the State of Nevada excluding those provisions which apply exclusively to the American Association for Marriage and Family Therapy. A violation of the provisions of the *Code* constitutes cause for disciplinary action.

2. The *Code of Ethics* of the American Association for Marriage and Family Therapy is available from the American Association for Marriage and Family Therapy ~~[, 1100 17th Street N.W., Tenth Floor, Washington, D.C. 20036.]~~ *by mail at 112 South Alfred Street, Alexandria, Virginia 22314-3061, by telephone at 703.838.9808 or on the Internet at <<http://www.aamft.org/about/ethics.htm>>.* The first copy is provided at no cost.

Sec. 42. NAC 641A.285 is hereby amended to read as follows:

641A.285 ~~[A]~~ ***“Applicant” means a*** person who applies for any privilege, license or authority from the Board . ~~[must be styled the “applicant.”]~~

Sec. 43. NAC 641A.295 is hereby amended to read as follows:

641A.295 ~~[A]~~

1. “Complainant” means a person who complains to the Board of any act of another person . ~~[must be styled the “complainant.”]~~

2. In any proceeding which the Board initiates, the Board ~~[must be styled]~~ ***is*** the “complainant.”

Sec. 44. NAC 641A.305 is hereby amended to read as follows:

641A.305 ~~[Except for a complainant,]~~ ***“Petitioner” means*** a person who petitions for any affirmative relief, including a person who requests an advisory opinion or declaratory order or requests the adoption, amendment or repeal of a regulation . ~~[, must be styled the “petitioner.”]~~

The term does not include a complainant.

Sec. 45. NAC 641A.315 is hereby amended to read as follows:

641A.315 ~~[A]~~ ***“Respondent” means a*** person against whom any ***accusation or*** complaint is filed or investigation initiated . ~~[must be styled the “respondent.”]~~

Sec. 46. NAC 641A.325 is hereby amended to read as follows:

641A.325 ~~[Any]~~ ***“Intervener” means a*** person who was not an original party to a proceeding , but ~~[who]~~ may be directly and substantially affected by it ~~[must, upon securing]~~ , ***and secures*** an order from the Board or presiding officer granting him leave to intervene . ~~[, be styled an “intervener.”]~~

Sec. 47. NAC 641A.335 is hereby amended to read as follows:

641A.335 ~~[Any]~~ *“Protestant” means a* person who enters a proceeding to protest against an application or petition . ~~[must be styled a “protestant.”]~~

Sec. 48. NAC 641A.355 is hereby amended to read as follows:

641A.355 The ~~[Board’s]~~ staff may appear at any proceeding and participate as a party.

Sec. 49. NAC 641A.425 is hereby amended to read as follows:

641A.425 ~~[1.—Each]~~ *“Petition” means a* pleading in which a party prays for affirmative relief, excluding an application, complaint or answer but including a request for a declaratory order or an advisory opinion or for the adoption, amendment or repeal of any regulation . ~~[, must be styled a “petition.”]~~

~~—2.—A petition must contain the petitioner’s full name and mailing address and be signed by him.]~~

Sec. 50. NAC 641A.525 is hereby amended to read as follows:

641A.525 The presiding member ~~[of the Board or his designee]~~ shall call the proceeding to order, proceed to take the appearances and act upon any pending motions or petitions. The parties may then make opening statements.

Sec. 51. NAC 641A.545 is hereby amended to read as follows:

641A.545 1. Each applicant, petitioner or complainant may present his evidence, and then such parties as may be opposing the application, petition or complaint may submit their evidence. The presiding member ~~[of the Board]~~ shall determine the order in which any intervener may introduce his evidence.

2. Evidence will ordinarily be received from the parties in the following order:

(a) Upon an application or petition:

(1) Applicant or petitioner.

- (2) ~~[Board's staff.]~~ *Staff*.
 - (3) Protestant.
 - (4) Rebuttal by applicant or petitioner.
- (b) Upon a complaint:
- (1) Complainant.
 - (2) Respondent.
 - (3) Rebuttal by complainant.
 - (4) Rebuttal by respondent.

3. The Board ~~[,]~~ *or* its presiding member ~~[or his designee]~~ may modify the order of presentation and may allow the parties to make closing statements.

Sec. 52. NAC 641A.555 is hereby amended to read as follows:

641A.555 The presiding member ~~[of the Board or his designee]~~ may consolidate two or more proceedings for one hearing whenever it appears that the issues are substantially the same and the interests of the parties will not be prejudiced by a consolidation.

Sec. 53. NAC 641A.565 is hereby amended to read as follows:

641A.565 With the approval of the presiding member , ~~[or his designee]~~ the parties may stipulate as to any fact at issue, either by a written stipulation introduced in evidence as an exhibit or by an oral statement shown upon the record. Any such stipulation is binding upon all parties to the stipulation, and it may be treated as evidence at the hearing. The presiding member ~~[or his designee]~~ may require evidential proof of the facts stipulated to, notwithstanding the stipulation.

Sec. 54. NAC 641A.695 is hereby amended to read as follows:

641A.695 1. A petition for the adoption, amendment or repeal of a regulation must be in writing and be prepared in a form approved by the Board.

2. If the Board receives such a petition within 30 days ~~to~~ *before* its next regular meeting, the petition must be placed on the agenda for discussion to determine whether the petition should be denied or procedures for adoption of a regulation should be commenced.

3. If the petition is received by the Board during any period in which a regular meeting is not scheduled within 30 days, the ~~[Executive]~~ Secretary - *Treasurer of the Board* shall commence the Board's regulatory proceedings. The Board may, however, call a special meeting to deny the petition, thus terminating the proceedings.

Sec. 55. NAC 641A.166, 641A.435, 641A.445, 641A.455 and 641A.465 are hereby repealed.

Sec. 56. The amendatory provisions of sections 2 to 27, inclusive, 42 to 54, inclusive, and 56 of this regulation apply to an accusation, informal complaint or formal complaint that:

1. Has been filed with the Board before August 20, 2004, and which has not been formally resolved by the Board before August 20, 2004; and
2. Is filed with the Board after August 20, 2004.

TEXT OF REPEALED SECTIONS

641A.166 Registration: Verification of completion of educational requirements.

1. A candidate for registration who has not completed the educational requirements of NAC 641A.085 shall submit to the Board written verification from an appropriate institution certifying that the candidate is expected to complete all such educational requirements within 3 months.

2. A candidate may not be registered until the verification has been received by the Board.

641A.435 Preparation of complaints. A complaint must be prepared as follows:

1. Each complaint must contain a statement of facts showing that a provision of chapter 641A of NRS or of this chapter has been violated. The complaint must be sufficiently detailed to enable the respondent to prepare a defense. All applicable statutes, regulations and orders of the Board must be cited in the complaint, together with the date on which the act or omission is alleged to have occurred.

2. If more than one cause of action is alleged, each cause of action must be stated and numbered separately. Two or more complainants may join in one complaint if their respective causes of action are against the same person and deal substantially with the same violation of law, or of a regulation or order of the Board.

3. A complaint must be filed with the Executive Secretary of the Board.

641A.445 Action upon complaints. The following procedure governs action upon complaints:

1. Upon receipt of a complaint, the Board's presiding officer or his designee appointed to examine complaints shall examine the complaint to determine whether it:

(a) Has been properly verified; and

(b) Alleges sufficient facts to warrant further proceedings.

2. If he determines that it is so verified and does allege such facts, he shall direct the Executive Secretary to:

(a) Notify the respondent of the complaint and request a response for the Board's review before a hearing is set; or

(b) Direct the Board's staff to draft a formal complaint for the Board's consideration.

3. If the circumstances so warrant, he shall set the complaint for hearing.

641A.455 Answer. If the Board determines that a complaint warrants administrative action, it will send a copy of the complaint to each person against whom the complaint is made. Such a person may respond to the complaint by filing an answer within 20 days after receipt thereof. If he fails to answer within the time prescribed, he shall be deemed to have denied generally the allegations of the complaint.

641A.465 Motions.

1. A motion must be made in writing unless it is made during a hearing.

2. Each written motion must set forth the nature of the relief sought and the grounds for the motion.

3. A party desiring to oppose a motion may serve and file a written response to it.

4. The party who made the motion may serve and file a written reply to the response if a response has been served and filed.

5. A decision on a motion may be made without oral argument unless oral argument is required. If oral argument is required, the Board will set a date and time for hearing the argument.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R173-03**

The Board of Examiners for Marriage and Family Therapists adopted regulations assigned LCB File No. R173-03 which pertain to chapter 641A of the Nevada Administrative Code on January 23, 2004.

Notice date: 12/18/2003
Hearing date: 1/23/2004

Date of adoption by agency: 1/23/2004
Filing date: 8/20/2004

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.

On June 24, 2003 a Notice of Workshop and a Notice of Intent to Act Upon a Regulation was posted and filed at the board office at 1555 East Flamingo Drive, #303, Las Vegas, Nevada, the office of the State Librarian, Capitol Complex, Carson City, Nevada, the Attorney Generals office, Capitol Complex, Carson City, Nevada, and the Attorney Generals office, 555 East Washington, Las Vegas, Nevada.

On December 18, 2003, a Notice of Intent to Act Upon a Regulation was posted and filed at the board office at 1555 East Flamingo Drive, #303, Las Vegas, Nevada, the office of the State Librarian, Capitol Complex, Carson City, Nevada, the Attorney Generals office, Capitol Complex, Carson City, Nevada, and the Attorney Generals office, 555 East Washington, Las Vegas, Nevada.

On January 7, 2004, a Notice of Workshop to Solicit Comments on Proposed Regulations was posted and filed at the board office at 1555 East Flamingo Drive, #303, Las Vegas, Nevada, the office of the State Librarian, Capitol Complex, Carson City, Nevada, the Attorney Generals office, Capitol Complex, Carson City, Nevada, and the Attorney Generals office, 555 East Washington, Las Vegas, Nevada.

There was no written public response. Oral comments focused on the number of units allowed for distance learning. A copy of the summary of the public response may be obtained from the board office at the address stated above.

- 2. The number of persons who:**
(a) Attended each hearing: 0
(b) Testified at each hearing: 0
(c) Submitted to the agency written comments: 0

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

Comments were solicited from affected businesses by direct mail to the board's licensees who have businesses and other interested persons subscribing to the board's mailing list. No comments were received.

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 proposed regulation was adopted with changes at the board's meeting on January 23, 2004. The reason for adopting the changes was that board members desired to make some minor changes to clarify the language to more accurately reflect the board's intention. The board decided that the written verification required by NAC 641A.166 was no longer necessary.

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.**

- (a) The proposed revisions are expected to have an immediate and long-term beneficial economic effect upon the regulated businesses and the public because the board will be able to conduct its business more cost effectively, thereby reducing the need to increase fees which are paid by licensees.
- (b) There may be an adverse economic effect on the regulated businesses and the public, both immediate and long-term, in that there will be a modest cost associated with the additional course work to meet requirements, and these costs may be reflected in higher charges to clients.

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

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

7. **A description of any regulations of other state or governmental 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 federal agency.**

There are no other state or government agency regulations that the proposed amendments duplicate.

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

The adopted regulations are not more stringent than any known federal regulation.

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

This regulation provides no new fees.