

LCB File No. R228-03

**PROPOSED REGULATION OF THE DIVISION OF MENTAL
HEALTH AND DEVELOPMENTAL SERVICES OF
THE DEPARTMENT OF HUMAN RESOURCES**

CHAPTER 178 OF NRS - SEC. 23.5 AMENDMENTS

1. A person may not provide a report or an evaluation concerning the competency of a defendant to stand trial or receive pronouncement of judgment pursuant to this section and NRS 178.400 to 178.460, inclusive, unless the person is certified by the Division of Mental Health and Developmental Services of the Department of Human Resources for that purpose.
2. The Division of Mental Health and Developmental Services shall adopt regulations to establish:
 - (a) Requirements for certification of a person who provides reports and evaluations concerning the competency of a defendant pursuant to this section and NRS 178.400 to 178.460 inclusive;
 - (b) Reasonable fees for issuing and renewing such certificates; and
 - (c) Requirements for continuing education for the renewal of a certificate.
3. The fees so collected must be used only to:
 - (a) Defray the cost of issuing and renewing certificates; and
 - (b) Pay any other expenses incurred by the Division of Mental Health and Developmental Services in carrying out its duties pursuant to this section.
4. The Division of Mental Health and Developmental Services shall establish and administer examinations to determine the eligibility of any person who applies for certification. An applicant is entitled to certification upon satisfaction of the requirements of the Division of Mental Health and Developmental Services. The Division of Mental Health and Developmental Services may enter into a contract with another person organization or agency to carry out or assist in carrying out the provisions of this subsection.

PROPOSED REGULATION:

In order to apply for certification, an applicant may be a licensed psychiatrist, psychologist or clinical social worker.

Applicants will submit a complete official application form with a copy of their current Nevada license to practice as a psychiatrist licensed by the Board of Medical Examiners, a psychologist licensed by the Board of Examiners for Psychology or clinical social worker licensed by the Board of Examiners for Social Work. Application forms can be obtained from the Director of Lake's Crossing Center, Facility for the Mentally Disordered Offender.

Applicants will be required to attend certification training provided for the purpose of

establishing the applicant's eligibility as an examiner under this section. The content of the training will include: 1. relevant statutes and case law, 2. necessary and appropriate elements of the clinical interview, the evaluation report and, in the case of psychologists, of clinical testing, 3. ethical considerations and standards and 4. the potential impact of recommendations on the client, the courts and the treatment system.

A Curriculum Review Panel, consisting of six examiners, three from the public sector and three from the private sector, and chaired by the Administrator of the Division of Mental Health and Developmental Services or his designee, will review the curriculum. The Curriculum Review Panel is advisory and may recommend revisions as needed.

An applicant is entitled to certification upon satisfaction of the requirements of the Division of Mental Health and Developmental Services. The Division of Mental Health and Developmental Services shall establish workshops and administer examinations, as needed, in the content areas to facilitate and determine the eligibility of qualified persons who apply for certification.

To facility and establish standards for the recertification of certified examiners, the Division of Mental Health and Developmental Services shall establish workshops, review acceptable and relevant documentation of continuing education units, review sample evaluations of competency to stand trial and/or administer examinations every two years. The aforementioned Curriculum Review Panel may recommend revisions to the Administrator of the Division of Mental Health and Developmental Services or his designee, as needed, regarding the recertification curriculum.

If a licensed psychiatrist, psychologist or clinical social worker applicant, who attempts to meet the requirements, is denied certification or recertification, the matter may be appealed by the applicant to the Administrator of the Division of Mental Health and Developmental Services or his designee.

Reasonable fees will be charged for conducting the certification or recertification process and providing continuing education for certification. The fees so collected will be used only to defray the cost of issuing and renewing certificates as well as to pay for any other expenses incurred by the Division of Mental Health and Developmental Services in carrying out its duties pursuant to this section.