

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

LCB File No. R131-09

Effective January 28, 2010

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

AUTHORITY: §§1, 2, 5, 7 and 8, NRS 641.100; §§3 and 4, NRS 641.100 and 641.180; §6, NRS 641.100 and 641.370.

A REGULATION relating to licensure to practice psychology; revising requirements for the submission of certain information with an application for licensure; revising provisions governing examination requirements for licensure; prescribing a fee for examination; and providing other matters properly relating thereto.

Section 1. NAC 641.025 is hereby amended to read as follows:

641.025 1. The Board may issue a license to an applicant who:

(a) Has been licensed to practice psychology not less than 20 years in other states of the United States or in Canada, if that license was based on a doctoral degree which was earned from a regionally accredited program accredited, by a national regulatory body approved by the Board, and which relates primarily to psychology;

(b) Has not previously been convicted of a felony;

(c) Has not had the scope of his license to practice psychology limited by another jurisdiction;

(d) Has not previously been denied licensure by the Board;

(e) Has passed ~~[an oral]~~ *the* examination ~~[conducted]~~ *administered* by the Board ~~[- and]~~ *pursuant to NAC 641.112;*

(f) Submits to the Board the appropriate application and fees and three letters of professional reference that attest without reservation to the professional competence, moral character and current fitness to practice of the applicant ~~H~~; *and*

(g) Complies with subsection 1 of NRS 641.160 by submitting:

(1) A complete set of the applicant's fingerprints to the Board with written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation; or

(2) Verification to the Board that the applicant's fingerprints were so forwarded by the law enforcement agency or other authorized entity taking the fingerprints.

2. The Board may require the applicant to appear before the Board to demonstrate his:

(a) Moral character;

(b) Current fitness to practice psychology; or

(c) Intent to practice psychology in a manner consistent with his education, training and experience.

Sec. 2. NAC 641.028 is hereby amended to read as follows:

641.028 1. The Board will issue a license to an applicant if the applicant:

(a) Has been licensed to practice psychology based on a doctoral degree that relates primarily to psychology and has been practicing psychology continuously for 5 years in a jurisdiction whose requirements have been determined by the Board to be at least equivalent to the requirements of chapter 641 of NRS;

(b) Successfully completes an examination prescribed by the Board to test the applicant's knowledge of the statutes and regulations of the State of Nevada governing the practice of psychology;

- (c) Has not previously been convicted of a felony;
- (d) Has not been subject to disciplinary action in another jurisdiction;
- (e) Does not have any outstanding complaints or charges pending against him in another jurisdiction;
- (f) Has not previously been denied licensure by the Board; ~~and~~
- (g) Submits to the Board the appropriate application and fees and three letters of professional reference that attest without reservation to the professional competence, moral character and current fitness to practice of the applicant ~~and~~; *and*

(h) Complies with subsection 1 of NRS 641.160 by submitting:

(1) A complete set of the applicant's fingerprints to the Board with written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation; or

(2) Verification to the Board that the applicant's fingerprints were so forwarded by the law enforcement agency or other authorized entity taking the fingerprints.

2. The Board may require the applicant to appear before the Board to demonstrate:

- (a) His moral character;
- (b) His current fitness to practice psychology; and
- (c) His intent to practice psychology in a manner consistent with his education, training and experience.

Sec. 3. NAC 641.112 is hereby amended to read as follows:

641.112 1. The Board will administer an ~~oral~~ examination to each applicant for a license as a psychologist.

2. The ~~[oral]~~ examination will consist of ~~[short hypothetical cases presented for the applicant's review and response. Written materials provided to the applicant will contain all the information necessary to respond to the examiners' questions. The materials for the hypothetical cases may include the results of commonly used psychological tests.]~~ *questions addressing the practice of professional psychology, including, without limitation, federal and state laws, ethical principles and codes of professional conduct relevant to the practice of psychology in this State. At least 30 days before the examination, the Board will furnish a description of the content to be covered in the examination to each applicant.*

3. ~~[The oral examination will be scored based on the applicant's:~~
- ~~—(a) Applicable professional knowledge, including his ability to analyze a problem, his theoretical knowledge and his integrated thinking;~~
 - ~~—(b) Knowledge and application of psychometrics;~~
 - ~~—(c) Application of professional skills, including intervention and case or problem management, or both;~~
 - ~~—(d) Sensitivity to sociocultural issues;~~
 - ~~—(e) Recognition of his limitations;~~
 - ~~—(f) Judgment in analysis and case management;~~
 - ~~—(g) Awareness and appreciation of related professions and his ability to relate to them;~~
 - ~~—(h) Ability to evaluate and prevent suicide;~~
 - ~~—(i) Knowledge and skills related to community referrals;~~
 - ~~—(j) Knowledge and skills related to involuntary confinement;~~
 - ~~—(k) Knowledge and skills related to issues concerning confidentiality;~~

~~—(l) Knowledge and skills related to the requirements for reporting abuse and the duty to protect the welfare of other persons; and~~

~~—(m) Knowledge of related federal and state laws, standards of ethics and codes of professional conduct and the ability to apply those laws, standards and codes to the practice of psychology.~~

~~—4. Except as otherwise provided in this subsection, the oral examination will be administered by a panel of two licensed psychologists who are selected by the Board, but are not members of the Board. Members of the Board may serve as examiners if necessary to provide a timely opportunity to complete the oral examination.~~

~~—5. A grade of 70 percent is a passing grade for the oral examination.~~

~~—6.]~~ An applicant who fails the ~~[oral]~~ examination may review his examination upon written request submitted to the Board. The written request must be submitted within 10 days after receiving written notice of the failure.

~~[7.]~~ 4. An applicant who fails the ~~[oral]~~ examination may submit a written request to the Board for one reevaluation of his ~~[oral]~~ examination within 10 days after receiving written notice of the failure. The Board *or its designee* may grant or deny an applicant's request for reevaluation. The Board *or its designee* will give written notice of its decision within 20 days after receiving the written request for reevaluation. If the request for reevaluation is granted, the Board *or its designee* will issue a final evaluation of the applicant's ~~[oral]~~ examination within 60 days after notifying the applicant of its decision to undertake the reevaluation.

~~[8.]~~ 5. The fee for the ~~[oral]~~ examination must be paid before the examination is administered. A fee must be paid each time the applicant takes the ~~[oral]~~ examination.

~~[9.]~~ 6. An applicant shall not:

- (a) Remove any notes taken during the ~~oral~~ examination;
- (b) Record the ~~oral~~ examination by electronic or other means; or
- (c) Engage in any other conduct that results in the disclosure of the contents of the examination.

Sec. 4. NAC 641.120 is hereby amended to read as follows:

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

2. An applicant for a license may take the ~~written portion of the~~ *national* 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 ~~and~~, *as amended by LCB File No. R117-08, which was adopted by the Board of Psychological Examiners and was filed with the Secretary of State on December 17, 2008.*

Sec. 5. NAC 641.133 is hereby amended to read as follows:

641.133 1. Upon written request to the Board and payment of the fee prescribed by the Board, a person who is licensed to engage in the practice of psychology in this State may have his license placed on inactive status.

2. A person whose license is placed on inactive status shall not engage in the practice of psychology during the period in which the license is on inactive status.

3. A person who wishes to renew a license that is placed on inactive status must submit to the Board:

- (a) An application for the renewal of the license; and
- (b) The fee for the biennial renewal of a license on inactive status.

4. A person whose license is placed on inactive status may apply to the Board to have his license restored to active status. The Board will restore the license to active status upon:

- (a) The submission of an application for the restoration of the license;
- (b) The payment of the appropriate fee as set forth in NAC 641.135 for the restoration to active status of a license on inactive status;
- (c) The submission of proof of completion of the requirements for continuing education for the 2 years immediately preceding the date of the application;
- (d) If the applicant has engaged in the practice of psychology in another jurisdiction during the period his license was on inactive status, the submission of proof that he is in good standing and that there are no disciplinary proceedings pending against him in that jurisdiction;
- (e) Submission of any other proof the Board may require to determine whether the applicant is qualified and competent to engage in the practice of psychology; and
- (f) If the Board considers it necessary, the successful completion of ~~[a written or oral]~~ the *national* examination ~~[]~~ *or the examination administered by the Board pursuant to NAC 641.112.*

Sec. 6. NAC 641.135 is hereby amended to read as follows:

641.135 *1.* The Board will charge and collect the following fees:

For an application for licensure.....\$100

For the written examination for licensure	500
For the for a examination for licensure <i>administered by the Board</i>	
<i>pursuant to NAC 641.112</i>	[240] <i>Actual</i>
	<i>costs to the</i>
	<i>Board plus \$100</i>
For the issuance of an initial license	25
For the biennial renewal of a license.....	500
For the registration of a firm, partnership or corporation	300
For the placement of a license on inactive status	100
For the biennial renewal of a license on inactive status	100
For the restoration to active status of a license on inactive status if the	
restoration occurs during the first year of the biennium in which the	
license was issued or renewed.....	400
For the restoration to active status of a license on inactive status if the	
restoration occurs during the second year of the biennium in which	
the license was issued or renewed	150
For the registration of a nonresident consultant	100
For reproduction and mailing of material for an application	25
For a set of mailing labels	15
For a dishonored check	15
For the review of a failed examination.....	175
For a change of name on a license	25
For a duplicate license.....	25

For a list of practicing psychologists.....10

For a list of persons granted a license in any year.....10

For copies of the provisions of NRS relating to the practice of
psychology and the rules and regulations adopted by the Board25

For a letter of good standing15

For the review and approval of a course or program of continuing
education.....25

2. The Board will annually determine the actual costs to the Board for the examination administered by the Board pursuant to NAC 641.112 for purposes of determining the fee charged and collected pursuant to subsection 1.

Sec. 7. NAC 641.1365 is hereby amended to read as follows:

641.1365 The Board will award not more than 8 hours of continuing education within a 2-year period to any person licensed by the Board who is appointed by the Board to:

1. Conduct or develop an ~~oral~~ examination; or
2. Serve on a committee approved by the Board.

Sec. 8. NAC 641.115 and 641.130 are hereby repealed.

TEXT OF REPEALED SECTIONS

641.115 Oral examination: Subject areas. (NRS 641.100, 641.180) The oral examination for a license as a psychologist will consist of questions in the following subjects:

1. Ethics and laws relating to the practice of psychology and professional conduct, including, but not limited to:

(a) Knowledge of federal and state laws and regulations relating to the practice of psychology, professional codes of ethics and laws and regulations related to professional conduct, including, but not limited to, laws, regulations and codes related to:

- (1) Involuntary confinement.
- (2) Confidentiality and privileged communications.
- (3) Procedures to be followed when a client is a danger to himself.
- (4) Procedures to be followed when a client is a danger to other persons.
- (5) Procedures to be followed when there is a threat of violence.
- (6) Requirements for reporting abuse.
- (7) The treatment of minors.
- (8) The role of psychological assistants.
- (9) Discrimination.
- (10) Sexual relationships with clients.

- (11) Informed consent.
- (b) Knowledge of guidelines for professional conduct, including, but not limited to:
 - (1) Scope of training.
 - (2) A psychologist's recognition of his personal limitations.
 - (3) Consultations and peer review.
 - (4) The continual evaluation of a psychologist's professional practice.
 - (5) Conflicts of interest.
 - (6) Professional development.
 - (7) A psychologist's relationship with his colleagues.
 - (8) The potential for obtaining iatrogenic results in the practice of psychology.
- (c) The ability to apply guidelines for professional conduct.
2. Human diversity, including, but not limited to:
 - (a) Knowledge of individual and group diversity, including, but not limited to, differences in persons based on:
 - (1) Ethnicity.
 - (2) Social conditions.
 - (3) Cultural factors.
 - (4) Social economic conditions.
 - (5) Physical and psychological disabilities.
 - (6) Age.
 - (7) Gender.
 - (8) Religion.
 - (9) Sexual preferences.

- (10) Hereditary factors.
 - (11) Developmental characteristics from infancy to adulthood.
 - (b) The applicant's ability to apply his knowledge of human diversity to the practice of psychology.
3. The theoretical and empirical bases of practice, including, but not limited to:
- (a) The ability to formulate a conceptual framework of practice.
 - (b) Knowledge of diverse conceptual frameworks.
 - (c) The ability to evaluate conceptual frameworks in the context of empirical evidence.
 - (d) Knowledge of relevant empirical information related to the practice of psychology.
 - (e) Knowledge of individual and group system disfunction.
 - (f) Knowledge of psychological research and literature.
 - (g) Knowledge of human behavior, including, but not limited to, knowledge of:
 - (1) Cognitive processes.
 - (2) The organization of personalities.
 - (3) The biological bases of behavior.
 - (4) Psychosocial factors that affect behavior.
 - (5) Systemic processes.
 - (6) Group processes.
 - (7) Individual differences.
 - (8) Substance abuse.
 - (9) Affective processes.
 - (10) Cross-cultural studies.
 - (11) Outcome studies.

4. The assessment and evaluation of data, including, but not limited to:
 - (a) Knowledge of techniques and procedures for the collection of information.
 - (b) Knowledge of psychometric procedures.
 - (c) Knowledge of collateral sources of information.
 - (d) Knowledge of diagnostic distinctions.
 - (e) The ability to analyze and formulate generalizations from assessment information.
 - (f) The ability to integrate assessment information in order to draw conclusions, formulate diagnoses and make recommendations.
 - (g) The ability to conduct observational assessments.
 - (h) Knowledge of psychometric theory and construction.
 - (i) The ability to apply statistical techniques.
5. Programs of intervention, including, but not limited to:
 - (a) The ability to use theoretical information, empirical data and assessment information to formulate and carry out a program of intervention.
 - (b) Knowledge of the strengths and limitations of alternative programs of intervention.
 - (c) Knowledge of the rationale for the program of intervention chosen.
 - (d) The ability to evaluate the effectiveness of programs of intervention.
 - (e) Knowledge of various models and strategies for programs of intervention, including, but not limited to:
 - (1) Psychotherapy, including psychodynamic, behavioral, cognitive, marital and family, and group approaches.
 - (2) Biologically based treatment modalities, such as biofeedback, psychotropic medication and electroconvulsive therapy, and the use of appropriate referrals for such treatment.

- (3) Community-based approaches.
- (4) Techniques for consultations.
- (f) Knowledge of community resources and the circumstances under which referrals may be made to those resources.

6. Intervention in a crisis, including, but not limited to:

(a) Knowledge of how to assess a crisis, including, but not limited to:

- (1) Suicides.
- (2) When the client is a danger to himself.
- (3) When the client is a danger to other persons.
- (4) Critical incidents.

(b) Knowledge of models, techniques and professional standards of practice for intervening in a crisis, including, but not limited to:

- (1) Suicides.
- (2) When the client is a danger to himself.
- (3) When the client is a danger to other persons.
- (4) Situations involving abuse.
- (5) Circumstances that may require involuntary confinement.
- (c) Knowledge of appropriate sources for referrals and when to make such referrals.
- (d) Knowledge of the effect intervening in a crisis will have on:
 - (1) Case management.
 - (2) The psychologist's relationship with the client.

641.130 Waiver of written examination. (NRS 641.100, 641.180) 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 for Professional Practice in Psychology of the 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.

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY NRS
233B.066
LCB FILE R131-09**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 641

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 on Monday, October 12, 2009, and a hearing held by the Board on Friday, December 4, 2009, in Carson City and by video conference to Las Vegas both at the Attorney General's Office. Notice of the public workshop and hearing was posted in accordance with NRS 233B.060. The notice was mailed to all Nevada licensed psychologists, inactive psychologists, applicants and any interested persons who had specifically requested such notices. Also, notices of the proposed regulations were available on the Board of Psychological Examiners web site as well as the proposed regulations. These notices were also mailed to all county libraries in Nevada and posted at the following locations:

Office of the Attorney General
100 North Carson Street
Carson City, NV 89701

Office of the Attorney General
Grant Sawyer Building
555 E. Washington Avenue
Las Vegas, NV 89101

State of Nevada
Board of Psychological Examiners
4600 Kietzke Lane, Bldg E-141

Carson City City Hall
201 N. Carson Street
Carson City, NV 89701

Behavioral Analysis Program
University of Nevada, Reno
Dept. of Psychology/296
Reno, NV 89557

Public response included: comments objecting to testing of any kind for psychologist licensure and another comment objecting to fingerprinting. Copies of the summary of public responses may be obtained by writing to the Board of Psychological Examiners at 4600 Kietzke Lane, Bldg E-141, Reno, NV 89502, or e-mail to nbop@govmail.state.nv.us.

2. The number of persons who:

- a. Attended each hearing:** October 12, 2009 – 0; December 4, 2009 - 17
- b. Testified at each hearing:** October 12, 2009 – 0; December 4, 2009 - 0
- c. Submitted to the agency written comments:** 2

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

The Board reviewed the statutory requirement and determined that the changes to the regulations pose no significant change that would impact the ability of small businesses involving psychological services to continue to operate. Nor would the changes impact any other type of small business as small business is defined in statute.

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.

N/A

5. The estimated economic effect of the adopted regulation on 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 regulation should have no significant economic effect on psychologists or the public.

(b) There are no apparent immediate or on-term economic effects of this regulation on Psychologists or the public.

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

No additional cost to the agency is expected.

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 federal agency.

The Board is not aware of any overlapping or duplicating of a federal regulation.

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

No duplication of a federal regulation.

9. Whether the proposed regulation establishes a new fee or increases an existing fee.

No new fees are needed.

10. Is the proposed regulation likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business? What methods did the agency use in determining the impact of the regulation on a small business.

The Board reviewed the statutory requirement and determined that the changes to the regulations pose no significant change that would impact the ability of small businesses involving psychological services to continue to operate. Nor would the changes impact any other type of small business as small business is defined in statute.