

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

LCB File No. R209-09

Effective October 15, 2010

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

AUTHORITY: §§1-7, 21-25, 27-29 and 33-35, NRS 641.100; §§8, 9 and 31, NRS 641.100, 641.110, 641.160 and 641.170; §10, NRS 641.100, 641.110 and 641.172; §11, NRS 641.100 and 641.170; §12, NRS 641.100, 641.110 and 641.395; §§13-15 and 30, NRS 641.100, 641.110, 641.220 and 641.232; §§16, 26 and 46, NRS 641.100, 641.110, 641.170 and 641.172; §§17 and 18, NRS 641.100, 641.232 and 641.395; §§19, 20 and 36-45, NRS 641.100 and 641.232; §32, NRS 641.100 and 641.370.

A REGULATION relating to the Board of Psychological Examiners; providing for the licensure of behavior analysts and assistant behavior analysts and the certification of autism behavior interventionists; providing for the examination of applicants for such licenses and certificates; establishing requirements for continuing education and the renewal of a license or certificate for the holders of such licenses and certificates; outlining the scope of practice and the professional conduct required of holders of such licenses and certificates; prescribing fees for the examination, application and renewal of such licenses and certificates; and providing other matters properly relating thereto.

Section 1. Chapter 641 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 20, inclusive, of this regulation.

Sec. 2. *“Applied behavior analysis” has the meaning ascribed to it in NRS 689A.0435.*

Sec. 3. *“Certified autism behavior interventionist” has the meaning ascribed to it in NRS 689A.0435.*

Sec. 4. *“Distance education course” means a course of instruction in which the student receives instruction at a location at which the instructor is not physically present. The term*

includes, without limitation, a course designed for home study and a course in which instruction is provided via CD-ROM, the Internet or videoconference.

Sec. 5. *“Licensed assistant behavior analyst” has the meaning ascribed to it in NRS 689A.0435.*

Sec. 6. *“Licensed behavior analyst” has the meaning ascribed to it in NRS 689A.0435.*

Sec. 7. *“National examination” has the meaning ascribed to it in NRS 641.0243.*

Sec. 8. *1. The Board will issue a license as a licensed behavior analyst to an applicant who:*

(a) Meets the requirements of subsection 2 of NRS 641.170;

(b) Has been certified as a behavior analyst by the Behavior Analyst Certification Board, Inc., or its successor organization;

(c) Has not been convicted of a felony;

(d) Has not been subject to disciplinary action as a behavior analyst in another jurisdiction;

(e) Does not have any outstanding complaints or charges pending against him or her as a behavior analyst in another jurisdiction;

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

(g) Has passed the state examination administered by the Board pursuant to section 16 of this regulation;

(h) 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

(i) 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 forwarded to the Central Repository by the law enforcement agency or other authorized entity taking the fingerprints.

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

(a) Moral character;

(b) Current fitness to practice as a licensed behavior analyst; and

(c) Intent to practice as a licensed behavior analyst in a manner consistent with the applicant's education, training and experience.

3. The Board may issue a provisional license to an applicant who has completed all the requirements for licensure pursuant to subsection 1 other than successful completion of the written examination required by paragraph (f) of subsection 2 of NRS 641.170. A provisional license is valid for not more than 1 year and may not be renewed.

4. The Board will, in addition to issuing a license to an applicant who meets the requirements of this section, issue to the applicant a copy of the license in the form of a card which is of a size to be carried in a wallet.

Sec. 9. 1. *The Board will issue a license as a licensed assistant behavior analyst to an applicant who:*

(a) Meets the requirements of subsection 3 of NRS 641.170;

- (b) Has been certified as an assistant behavior analyst by the Behavior Analyst Certification Board, Inc., or its successor organization;*
 - (c) Has not previously been convicted of a felony;*
 - (d) Has not been subject to disciplinary action as an assistant behavior analyst in another jurisdiction;*
 - (e) Does not have any outstanding complaints or charges pending against him or her as an assistant behavior analyst in another jurisdiction;*
 - (f) Has not previously been denied licensure by the Board;*
 - (g) Has passed the state examination administered by the Board pursuant to section 16 of this regulation;*
 - (h) 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*
 - (i) 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 forwarded to the Central Repository by the law enforcement agency or other authorized entity taking the fingerprints.*
- 2. The Board may require an applicant to appear before the Board to demonstrate the applicant's:*
- (a) Moral character;*

(b) Current fitness to practice as a licensed assistant behavior analyst; and

(c) Intent to practice as a licensed assistant behavior analyst in a manner consistent with the applicant's education, training and experience.

3. The Board may issue a provisional license to an applicant who has completed all the requirements for licensure pursuant to subsection 1 other than successful completion of the written examination required by paragraph (f) of subsection 3 of NRS 641.170. A provisional license is valid for not more than 1 year and may not be renewed.

4. The Board will, in addition to issuing a license to an applicant who meets the requirements of this section, issue to the applicant a copy of the license in the form of a card which is of a size to be carried in a wallet.

Sec. 10. 1. *The Board will issue a certificate as a certified autism behavior interventionist to an applicant who:*

(a) Meets the requirements of subsection 1 of NRS 641.172;

(b) Has completed 40 hours of training in applied behavior analysis techniques:

(1) Taught by a licensed behavior analyst, a licensed assistant behavior analyst or a person who is certified as a behavior analyst by the Behavior Analyst Certification Board, Inc., or its successor organization; or

(2) Taught in a program approved by the Board;

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

(d) Has not been subject to disciplinary action as an autism behavior interventionist in another jurisdiction;

(e) Does not have any outstanding complaints or charges pending against him or her as an autism behavior interventionist in another jurisdiction;

(f) Has not previously been denied certification by the Board;

(g) Has passed the state examination administered by the Board pursuant to section 16 of this regulation;

(h) Submits to the Board three letters of professional reference that attest without reservation to the professional competence, moral character and current fitness to practice of the applicant; and

(i) Submits to the Board the appropriate application and fees.

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

(a) Moral character;

(b) Current fitness to practice as a certified autism behavior interventionist; and

(c) Intent to practice as a certified autism behavior interventionist in a manner consistent with the applicant's education, training and experience.

3. The Board may issue a provisional certificate to an applicant who has completed all the requirements for certification pursuant to subsection 1 other than successful completion of the written examination required by paragraph (d) of subsection 1 of NRS 641.172. A provisional certificate is valid for not more than 1 year and may not be renewed.

4. The Board will, in addition to issuing a certificate to an applicant who meets the requirements of this section, issue to the applicant a copy of the certificate which is in the form of a card of a size to be carried in a wallet.

Sec. 11. 1. *An applicant for licensure as a licensed behavior analyst or a licensed assistant behavior analyst who has completed a training program not accredited by the Board must establish to the satisfaction of the Board that the program is equivalent to a program*

accredited by the Association for Behavior Analysis International or its successor organization.

2. The applicant must present to the Board transcripts, a description of the training program, letters from the directors of the departments of the institution where the program is conducted or other documents deemed suitable by the Board showing that the program substantially complies with the standards of the Association for Behavior Analysis International or its successor organization, including, without limitation, proof that the program requires at least as many hours covering specific subjects as required for accreditation by the Association for Behavior Analysis International or its successor organization.

Sec. 12. *1. A licensed assistant behavior analyst must be supervised by a psychologist or a licensed behavior analyst during at least 5 percent of the hours he or she works each month.*

2. A certified autism behavior interventionist must be supervised by a psychologist, a licensed behavior analyst or a licensed assistant behavior analyst during at least 10 percent of the hours he or she works each month.

3. The supervision required by subsections 1 and 2 must include, without limitation:

(a) At least 1 hour each month of one-on-one supervision; and

(b) At least 4 hours each month of additional direct supervision, which may include, without limitation:

(1) Videoconferencing, except that this must not constitute more than one-half of the time supervised each month; and

(2) Group meetings of not more than 10 persons, including each licensed assistant behavior analyst or certified autism behavior interventionist who is being supervised by the supervisor.

4. The supervisor of a licensed assistant behavior analyst or certified autism behavior interventionist may not spend more than 30 percent of his or her work time or more than 12 hours in a week, whichever is greater, providing supervision.

Sec. 13. 1. *To renew his or her certificate, a certified autism behavior interventionist must submit to the Board:*

(a) An application for renewal on a form provided by the Board;

(b) The applicable fees;

(c) The form required by subsection 2; and

(d) Any other information requested by the Board.

2. The Board will mail to each certified autism behavior interventionist, before the expiration of his or her certificate, a form for the biennial report of continuing education, examination and direct service. The certified autism behavior interventionist must sign the form certifying that:

(a) He or she has completed the continuing education, examination and direct service required by section 14 of this regulation; and

(b) The evidence of completion of the continuing education required pursuant to subsection 3 is true and accurate.

3. A certified autism behavior interventionist shall retain evidence of completion of the continuing education, examination and direct service required by section 14 of this regulation for at least 5 years after the completion of those requirements.

4. A certified autism behavior interventionist who misrepresents information concerning his or her completion of any continuing education, examination or direct service required by section 14 of this regulation may be subject to disciplinary action by the Board, including, without limitation, the limitation, suspension, revocation or nonrenewal of his or her certificate. A certified autism behavior interventionist whose certificate has been suspended, revoked or not renewed must complete the continuing education required by paragraph (c) of subsection 1 of section 14 of this regulation before the Board will consider whether to reinstate the certificate.

5. If a certified autism behavior interventionist does not complete the continuing education required by section 14 of this regulation, the certificate will not be renewed and he or she will be subject to disciplinary action. The Board may grant a certified autism behavior interventionist a 60-day extension if the certified autism behavior interventionist submits to the Board, on or before December 1 immediately preceding the expiration of his or her certificate, a written request for an extension which includes a compelling explanation for his or her inability to complete the continuing education requirement during the immediately preceding 2 years.

Sec. 14. 1. *To renew his or her certificate, a certified autism behavior interventionist must certify to the Board that during the 2 years immediately preceding the date on which he or she submits an application for renewal, the applicant has:*

(a) Provided an average of at least 4 hours per week of direct service to clients as a certified autism behavior interventionist.

(b) Satisfactorily completed an annual practice-based examination which is approved by the Board and which must be:

- (1) Administered by the supervisor of the certified autism behavior interventionist; and*
- (2) Videotaped, with the recording made available to the Board upon request.*

(c) Except as otherwise provided in subsection 2, satisfactorily completed at least 24 hours of continuing education that is approved by the Board. At least 6 hours must include instruction in scientific and professional ethics and standards, and common areas of professional misconduct. Not more than 12 hours may be obtained from an approved distance education course.

2. The continuing education required by paragraph (c) of subsection 1 will be waived if the certified autism behavior interventionist is enrolled at an accredited college or university program to obtain a bachelor's degree or a higher degree in a field of social science or special education that is approved by the Board.

3. A certified autism behavior interventionist may not receive credit for continuing education for a workshop, seminar, class or course in which he or she is the instructor.

4. Except as otherwise provided in subsection 5, the continuing education required pursuant to this section may include, without limitation:

(a) A workshop, seminar, class or distance education course in psychology, applied behavior analysis or a closely related field which maintains an attendance roster and which is:

(1) Conducted under the auspices of an accredited college or university offering undergraduate- or graduate-level instruction; or

(2) Certified or recognized by a state, regional, national or international accrediting agency, including, without limitation:

- (I) The American Association for Marriage and Family Therapy;*
- (II) The American Counseling Association;*

- (III) The American Medical Association;*
- (IV) The American Psychiatric Association;*
- (V) The American Psychological Association;*
- (VI) The Association for Behavior Analysis International;*
- (VII) The Behavior Analyst Certification Board, Inc.;*
- (VIII) The International Congress of Psychology; and*
- (IX) The National Association of Social Workers; or*

(b) A workshop, seminar, class or distance education course in psychology, applied behavior analysis or a closely related discipline which is approved by the Board.

5. Before a certified autism behavior interventionist may receive credit for continuing education for a course in scientific and professional ethics and standards, and common areas of professional misconduct, he or she must submit information concerning the course to the Board for approval of the course, unless the Board has previously approved the course. The Board will make available at its office a list of courses and programs that are currently approved by the Board.

6. For the purposes of this section, “direct service” means working directly with a client to provide approved services, therapy or treatment pursuant to section 18 of this regulation.

Sec. 15. 1. To renew his or her license, a licensed behavior analyst or licensed assistant behavior analyst must certify to the Board that during the 2 years immediately preceding the date he or she submits an application for renewal, the applicant has completed 30 hours of continuing education that is approved by the Board. At least 6 hours must include instruction in scientific and professional ethics and standards, and common areas of professional

misconduct. Not more than 15 hours may be obtained from an approved distance education course.

2. A licensed behavior analyst or licensed assistant behavior analyst may not receive continuing education credit for a workshop, seminar, class or course in which he or she is the instructor.

3. Except as otherwise provided in subsection 4, the continuing education required pursuant to this section may include, without limitation:

(a) A workshop, seminar, class or distance education course in psychology, applied behavior analysis or a closely related discipline which maintains an attendance roster and which is:

(1) Conducted under the auspices of an accredited college or university offering undergraduate- or graduate-level instruction; or

(2) Certified or recognized by a state, regional, national or international accrediting agency, including, without limitation:

(I) The American Association for Marriage and Family Therapy;

(II) The American Counseling Association;

(III) The American Medical Association;

(IV) The American Psychiatric Association;

(V) The American Psychological Association;

(VI) The Association for Behavior Analysis International;

(VII) The Behavior Analyst Certification Board, Inc.;

(VIII) The International Congress of Psychology; and

(IX) The National Association of Social Workers; or

(b) A workshop, seminar, class or distance education course in psychology, applied behavior analysis or a closely related discipline which is approved by the Board.

4. Before a licensed behavior analyst or a licensed assistant behavior analyst may receive credit for continuing education for a course in scientific and professional ethics and standards, and common areas of professional misconduct, he or she must submit information concerning the course to the Board for approval of the course, unless the Board has previously approved the course. The Board will make available at its office a list of courses and programs that are currently approved by the Board.

Sec. 16. 1. *The Board will administer a state examination to each applicant for a license as a licensed behavior analyst or a licensed assistant behavior analyst, and to each applicant for a certificate as a certified autism behavior interventionist.*

2. The state examination will consist of questions addressing the practice of applied behavior analysis, including, without limitation, federal and state laws, ethical principles and codes of professional conduct relevant to the practice of applied behavior analysis in this State. At least 30 days before the state examination is administered, the Board will furnish a description of the content to be covered in the examination to each applicant.

3. An applicant who fails the state examination may review his or her examination upon written request submitted to the Board. The written request must be submitted within 10 days after receiving written notice of the failure.

4. An applicant who fails the state examination may submit a written request to the Board for one reevaluation of the state examination within 10 days after receiving written notice of the failure. The Board may grant or deny an applicant's request for reevaluation. The Board 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 will issue a final evaluation of the applicant's state examination within 60 days after notifying the applicant of its decision to undertake the reevaluation.

5. The fee for the state examination must be paid before the examination is administered.

A fee must be paid each time the applicant takes the state examination.

6. An applicant shall not:

(a) Remove any notes taken during the state examination;

(b) Record the state examination by electronic or other means; or

(c) Engage in any other conduct that results in the disclosure of the contents of the state examination.

Sec. 17. *A licensed behavior analyst or licensed assistant behavior analyst:*

1. Shall limit his or her practice and supervision to the areas in which he or she has acquired competence through education, training and experience.

2. Shall not, except in an emergency in which the life or health of a person is in danger, practice or offer to practice beyond the scope of his or her license, or perform any professional service which the licensed behavior analyst or licensed assistant behavior analyst knows, or has reason to know, that he or she is not competent to perform.

3. Shall not engage in conduct in the practice of applied behavior analysis which evidences moral unfitness to practice the profession.

4. Shall maintain competence in the areas in which he or she practices through continuing education, consultation or other methods, in conformance with current standards of scientific and professional knowledge.

5. *Shall use every reasonable effort to ensure that all services provided to clients are adequate in degree and scope, and conform to the highest professional standards.*

6. *Shall, if acquiring experience in a method, service or technique for treatment or evaluation that is either new to the licensed behavior analyst or licensed assistant behavior analyst or new to the profession:*

(a) *Engage in continuing consultation with other licensed behavior analysts or licensed assistant behavior analysts or relevant professionals;*

(b) *Seek appropriate education and training in the new method, service or technique for treatment or evaluation; and*

(c) *Inform clients of the innovative nature and known risks of the new method, service or technique for treatment or evaluation to provide the clients with the freedom of choice concerning applied behavior analysis services.*

7. *Shall not claim or use any secret or special method, service or technique for treatment or evaluation not previously disclosed to the Board.*

8. *Shall not, except for the purpose of research, use any method, service or technique for treatment or evaluation for which there is no adequate basis in research.*

9. *If a referral is clearly in the best interest of the client or upon request of a client, shall refer or recommend referral of a client to:*

(a) *Another professional; or*

(b) *Appropriate technical or administrative resources.*

10. *Shall not render a formal professional opinion about a person who is not a client without having had direct and substantial professional contact with the person or without having made a formal assessment of the person.*

Sec. 18. A certified autism behavior interventionist:

- 1. Shall limit his or her practice to that which is specifically designed and approved by the supervisor of the certified autism behavior interventionist.*
- 2. Shall not, except in an emergency in which the life or health of a person is in danger, practice or offer to practice beyond the scope of his or her certification, or perform any professional service which the certified autism behavior interventionist knows, or has reason to know, he or she is not competent to perform.*
- 3. Shall not engage in conduct in the practice of applied behavior analysis which evidences moral unfitness to practice the profession.*
- 4. Shall maintain competence in the areas in which the certified autism behavior interventionist practices through continuing education and on-going supervision and training.*
- 5. Shall use every reasonable effort to ensure that all services provided to clients are carried out in accordance with specifications established by his or her supervisor, and conform to the highest professional standards.*
- 6. Shall not use any method, service or technique for treatment or evaluation without the approval of his or her supervisor.*
- 7. Shall only practice applied behavior analysis under supervision.*
- 8. Shall not render formal professional opinions about clients or represent himself or herself as a behavior analyst or an assistant behavior analyst.*
- 9. Shall only refer a client to his or her supervisor upon the request of the client.*
- 10. Shall not refer a client to any other professional other than his or her supervisor, even upon the request of the client.*

Sec. 19. 1. *The provisions set forth in the most recent version of the “Guidelines for Responsible Conduct for Behavior Analysts” provided by the Behavior Analyst Certification Board, Inc., or its successor organization, are hereby adopted by reference and incorporated herein, unless the Board gives notice that the most recent version is not suitable for this State pursuant to subsection 2, and except to the extent that those provisions conflict with the provisions of NAC 641.200 to 641.250, inclusive, and sections 17 to 20, inclusive, of this regulation, in which case the provisions of NAC 641.200 to 641.250, inclusive, and sections 17 to 20, inclusive, of this regulation will control. A copy of the publication may be obtained free of charge from the Behavior Analyst Certification Board, Inc., at the Internet address http://www.bacb.com/maint_frame.html.*

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

Sec. 20. 1. *A licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist:*

(a) Shall display his or her license or certificate in a conspicuous place on the premises of his or her office or place of employment. A licensed behavior analyst, licensed assistant

behavior analyst or certified autism behavior interventionist practicing outside of an office must have his or her wallet card, obtained pursuant to section 8, 9 or 10 of this regulation, available for production upon request.

(b) Shall respond within 30 days after receiving communication from the Board and shall make available any relevant records with respect to an inquiry or complaint about his or her professional conduct.

(c) Shall notify the Board in writing of a change of address or telephone number within 30 days after the change.

(d) Shall not mislead or withhold from a client, prospective client or other person who will be responsible for payment of the services of the licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist information concerning the fee for professional services.

(e) Shall not directly or indirectly offer, give, solicit, receive or agree to receive any fee or other consideration for the referral of a client.

2. A licensed behavior analyst or licensed assistant behavior analyst who is a supervisor:

(a) Shall exercise appropriate supervision over any person who is authorized to practice applied behavior analysis under his or her supervision.

(b) Shall not exploit a person who is authorized to practice applied behavior analysis under his or her supervision.

Sec. 21. NAC 641.001 is hereby amended to read as follows:

641.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 641.005 to ~~[641.017,]~~ **641.015**, inclusive, *and sections 2 to 7, inclusive, of this regulation* have the meanings ascribed to them in those sections.

Sec. 22. NAC 641.017 is hereby amended to read as follows:

641.017 ~~["Supervisor"]~~ *As used in NAC 641.151 to 641.168, inclusive, "supervisor"* means a psychologist who supervises a psychological assistant pursuant to this chapter.

Sec. 23. NAC 641.020 is hereby amended to read as follows:

641.020 It is the policy of the Board not to accept *licensure or* certification in another state for endorsement in Nevada if that *licensure or* certification was acquired through a "grandfather" clause.

Sec. 24. NAC 641.025 is hereby amended to read as follows:

641.025 1. The Board may issue a license *to practice as a psychologist* 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 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 the *state* examination administered by the Board 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; 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. 25. NAC 641.028 is hereby amended to read as follows:

641.028 1. The Board will issue a license *to practice as a psychologist* 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;

(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

(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. 26. NAC 641.050 is hereby amended to read as follows:

641.050 1. For the purposes of paragraph (d) of subsection 1 of NRS 641.170, the Board adopts the current list of programs holding accreditation status from the American Psychological Association. This current list of programs may be obtained, free of charge, from the American Psychological Association, at the Internet address <http://www.apa.org/ed/accreditation>.

2. *For the purposes of paragraph (d) of subsection 2 of NRS 641.170, the Board adopts the current list of programs holding accreditation status from the Association for Behavior Analysis International. This list is available at the Internet address <http://www.abainternational.org/BA/education/Education.asp>.*

3. For the purposes of ~~paragraph (d) of subsection~~ *subsections 1, 2 and 3* of NRS 641.170, the Board considers the following to be accredited educational institutions:

(a) In the United States, all institutions which are regionally accredited by regulatory bodies approved by the Council for Higher Education *Accreditation* and the United States Department of Education;

(b) In Canada, all institutions holding membership in the Association of Universities and Colleges of Canada; or

(c) In any other country, all institutions accredited by the respective official organization having such authority.

Sec. 27. NAC 641.061 is hereby amended to read as follows:

641.061 1. An applicant for licensure *as a psychologist* who has completed a training program not accredited by the American Psychological Association must establish to the satisfaction of the Board that the program is equivalent to a program accredited by the Association.

2. The applicant must present to the Board:

(a) Transcripts, a description of the training program, letters from the directors of the departments of the institution where the program is conducted or other suitable documents showing that the program substantially complies with the accreditation standards of the American Psychological Association.

(b) Proof of doctoral training at an institution which is considered by the Board to be an accredited educational institution pursuant to subsection ~~2~~ 3 of NAC 641.050.

(c) Proof that the primary purpose of the training program is the professional training of psychologists. Catalogs and brochures advertising the program must indicate that the program is intended to educate and train professional psychologists.

(d) Proof that the program:

(1) Is a recognizable, coherent organizational entity within the institution where the program is conducted.

(2) Is an integrated, organized sequence of study.

(3) Has an identifiable faculty composed primarily of psychologists and a psychologist who is responsible for the program.

(4) Has an identifiable body of students who are matriculated in the program for a degree.

(5) Includes supervised practical, internship, field or laboratory training appropriate to the practice of psychology.

(e) Proof that the curriculum encompasses at least 3 academic years of full-time graduate study, not including any internships. The Board will count only 12 semester hours or 18 quarter hours of preparation of a dissertation toward the 3 academic years of full-time graduate study.

(f) Proof that the program requires at least 60 semester hours or 90 quarter hours of credit in courses in substantive psychology. Dissertation hours may be counted toward the minimum hours required.

(g) Proof that the applicant, while in the program, completed the equivalent of courses consisting of 3 semester hours in the following areas:

(1) Scientific and professional ethics and standards.

(2) Research design and methodology.

(3) Statistics.

(4) Psychometrics.

(5) Biological bases of behavior, which may be satisfied by at least one of the following

courses:

(I) Physiological psychology;

(II) Comparative psychology;

(III) Neuropsychology;

(IV) Psychopharmacology; or

(V) Human sexuality.

(6) Cognitive-affective bases of behavior, which may be satisfied by at least one of the

following courses:

(I) Learning;

(II) Memory;

(III) Perception;

(IV) Cognition;

(V) Thinking;

(VI) Motivation; or

(VII) Emotion.

(7) Social bases of behavior, which may be satisfied by at least one of the following

courses:

(I) Social psychology;

(II) Cultural, ethnic and group processes;

(III) Sex roles; or

(IV) Organizational and systems theory.

(8) Individual differences, which may be satisfied by at least one of the following courses:

(I) Personality theory;

(II) Human development;

(III) Abnormal psychology; or

(IV) Psychology of persons with disabilities.

(h) A description of each course completed pursuant to paragraph (g), accompanied by a statement which attests that the course is equivalent in content, focus and all other relevant standards to a similar course offered by a program accredited by the American Psychological Association. The statement must be submitted by the instructor of a substantially similar course or the chairman of the department or program accredited by the American Psychological Association. If there is a program accredited by the American Psychological Association at the institution where the applicant's course is taken, the statements must come from appropriate members of the faculty of that institution. If there is no such program, the applicant must establish for the Board the basis upon which the attesting member of the faculty has knowledge upon which to judge the equivalency of the programs.

Sec. 28. NAC 641.112 is hereby amended to read as follows:

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

2. The *state* examination will consist of 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 *state* examination, the Board will furnish a description of the content to be covered in the *state* examination to each applicant.

3. An applicant who fails the *state* examination may review his *state* examination upon written request submitted to the Board. The written request must be submitted within 10 days after receiving written notice of the failure.

4. An applicant who fails the *state* examination may submit a written request to the Board for one reevaluation of his *state* 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 *state* examination within 60 days after notifying the applicant of its decision to undertake the reevaluation.

5. The fee for the *state* examination must be paid before the *state* examination is administered. A fee must be paid each time the applicant takes the *state* examination.

6. An applicant shall not:

(a) Remove any notes taken during the *state* examination;

(b) Record the *state* examination by electronic or other means; or

(c) Engage in any other conduct that results in the disclosure of the contents of the *state* examination.

Sec. 29. 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 constitutes the written portion of the examination for licensure as a psychologist.

2. An applicant for a license may take the written portion of the examination for licensure as a psychologist after the applicant has graduated with a doctoral degree from:

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

(b) An institution which meets the requirements of subsection ~~2~~ 3 of NAC 641.050.

Sec. 30. NAC 641.132 is hereby amended to read as follows:

641.132 1. To renew his *or her* license, a psychologist, *licensed behavior analyst or a licensed assistant behavior analyst* must submit to the Board an application for renewal, the required fees and the form for the biennial report of continuing education required pursuant to subsection 2. The licensee shall retain evidence of the completion of the continuing education required by NAC 641.136 *or section 15 of this regulation, as applicable*, for at least 5 years after the completion of that continuing education. Evidence of completion of continuing education includes, without limitation, a letter signed by the instructor of the course or program or the agent of the sponsoring agency or organization, and a certificate of completion approved by the Board pursuant to NAC 641.138. Upon the request of the Board, the licensee must provide evidence of completion of the continuing education.

2. The Board will mail to each licensee, before the expiration of his *or her* license, a form for the biennial report of continuing education. Each applicant for renewal must sign the form certifying that:

(a) He *or she* has completed the continuing education required by NAC 641.136 ~~;~~ *or section 15 of this regulation, as applicable*; and

(b) The evidence of completion of continuing education required pursuant to subsection 1 is true and accurate.

3. If a licensee misrepresents the completion of continuing education, he *or she* will be subject to disciplinary action, including, without limitation, suspension, revocation or nonrenewal of his *or her* license. A licensee whose license has been suspended or not renewed must complete the continuing education required by NAC 641.136 *or section 15 of this regulation, as applicable*, before the Board will consider whether to reinstate his *or her* license.

4. If a licensee does not satisfy the continuing education requirement, his *or her* license will not be renewed and he *or she* will be subject to disciplinary action. The Board may grant a licensee a 60-day extension if ~~he~~ *the licensee* submits to the Board, on or before December 1 immediately preceding the expiration of his *or her* license, a written request for an extension which includes a compelling explanation for his *or her* inability to complete the continuing education requirement during the immediately preceding 2 years.

Sec. 31. 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]~~ *psychologist, licensed behavior analyst or licensed assistant behavior analyst* may have his *or her* license placed on inactive status.

2. A person whose license is placed on inactive status shall not engage in the practice of psychology *or applied behavior analysis, as applicable*, 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 *or applied behavior analysis, as applicable*, 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 ~~or~~ *or applied behavior analysis, as applicable*; and
- (f) If the Board considers it necessary, the successful completion of the national examination or the *state* examination administered by the Board pursuant to NAC 641.112 ~~or~~ *section 16 of this regulation, as applicable*.

Sec. 32. 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 *or certification*\$100

For the <i>state</i> examination for licensure <i>or certification</i> administered by the Board pursuant to NAC 641.112 <i>or section 16 of this regulation</i>	Actual costs to the Board plus \$100
For the issuance of an initial license <i>or certificate</i>	25
For the biennial renewal <i>or reinstatement</i> of a license <i>as a psychologist</i>	500
<i>For the biennial renewal or reinstatement of a license as a licensed behavior analyst</i>	<i>400</i>
<i>For the biennial renewal or reinstatement of a license as a licensed assistant behavior analyst</i>	<i>275</i>
<i>For the biennial renewal or reinstatement of a certificate as a certified autism behavior interventionist</i>	<i>175</i>
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 <i>as a psychologist</i> 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 <i>as a psychologist</i> on inactive status if the restoration occurs during the second year of the biennium in which the license was issued or renewed	150

<i>For the restoration to active status of a license as a licensed behavior analyst on inactive status if the restoration occurs during the first year of the biennium in which the license was issued or renewed.....</i>	<i>300</i>
<i>For the restoration to active status of a license as a licensed behavior analyst on inactive status if the restoration occurs during the second year of the biennium in which the license was issued or renewed.....</i>	<i>100</i>
<i>For the restoration to active status of a license as a licensed assistant behavior analyst on inactive status if the restoration occurs during the first year of the biennium in which the license was issued or renewed.....</i>	<i>175</i>
<i>For the restoration to active status of a license as a licensed assistant behavior analyst on inactive status if the restoration occurs during the second year of the biennium in which the license was issued or renewed.....</i>	<i>40</i>
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 <i>or certificate</i>	25
For a duplicate license <i>or certificate</i>	25

For a list of practicing psychologists , *licensed behavior analysts, licensed assistant behavior analysts or certified autism behavior interventionists*10

For a list of persons granted a license *or certificate* in any year10

For copies of the provisions of NRS relating to the practice of psychology *and applied behavior analysis* 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 *state* examination administered by the Board pursuant to NAC 641.112 *or section 16 of this regulation* for purposes of determining the fee charged and collected pursuant to subsection 1.

Sec. 33. NAC 641.136 is hereby amended to read as follows:

641.136 1. To renew his license, a psychologist must certify to the Board that during the 2 years immediately preceding the date he submits his application for renewal he has completed 30 hours of continuing education in courses approved by the Board pursuant to subsection 2 or NAC 641.138. At least 6 hours must include instruction in scientific and professional ethics and standards, and common areas of professional misconduct. Not more than 15 hours may be obtained from an approved distance education course. A licensee may not receive credit for continuing education for a course in which he is the instructor.

2. The Board will accept the following types of continuing education courses or programs:

(a) Formally organized workshops, seminars or classes which maintain an attendance roster and are conducted by or under the auspices of an accredited institution of higher education offering graduate instruction.

(b) Workshops, seminars or classes which maintain an attendance roster and are certified or recognized by a state, national or international accrediting agency, including, but not limited to:

- (1) The American Psychological Association;
- (2) The American Psychiatric Association;
- (3) The American Medical Association;
- (4) The American Association for Marriage and Family Therapy;
- (5) The American Counseling Association;
- (6) The International Congress of Psychology; or
- (7) The National Association of Social Workers.

(c) Other workshops, classes, seminars and training sessions in psychology or a closely related discipline which have a formal curriculum and attendance roster and receive approval by the Board.

(d) Distance education courses in psychology or a closely related discipline that are approved by the Board.

3. Before a licensee may receive credit for continuing education for a course in scientific and professional ethics and standards and common areas of professional misconduct, the licensee must submit information concerning the course to the Board for approval of the course unless the Board has previously approved the course. The Board will make available at its office a list of courses and programs that are currently approved by the Board.

~~[4. As used in this section, “distance education course” means a course of instruction in which the student receives instruction at a location at which the instructor is not physically present. The term includes, without limitation, a course designed for home study and a course in which instruction is provided via CD-ROM, the Internet or videoconference.]~~

Sec. 34. NAC 641.140 is hereby amended to read as follows:

641.140 1. The Board will specify in writing at the time of granting a license, or at other times, if circumstances dictate, the areas of acceptable practice of each holder of a license ~~[]~~ *as a psychologist*, and may require, at intervals, evidence that his practice is confined to the areas of his competence.

2. Areas of specialization recognized by the Board include, but are not limited to:

- (a) Clinical psychology.
- (b) Counseling psychology.
- (c) Educational psychology.
- (d) Industrial psychology.

Sec. 35. NAC 641.151 is hereby amended to read as follows:

641.151 1. A person must register with the Board as a psychological assistant if the person wishes to obtain any postdoctoral supervised experience that is required pursuant to paragraph (c) of subsection 2 of NAC 641.080 or paragraph (c) of subsection 3 of NAC 641.080 for licensure as a psychologist.

2. Unless otherwise approved by the Board, a person may apply to the Board for registration as a psychological assistant only after he graduates with a doctoral degree from:

- (a) A training program which is accredited by the American Psychological Association or a program which meets the requirements of NAC 641.061; or

(b) An institution which meets the requirements of subsection ~~2~~ 3 of NAC 641.050.

3. Registration as a psychological assistant is for 3 years unless otherwise approved by the Board.

Sec. 36. NAC 641.200 is hereby amended to read as follows:

641.200 1. The provisions of NAC 641.200 to 641.250, inclusive ~~1~~, *and sections 17 to 20, inclusive, of this regulation:*

(a) Apply to the conduct of any licensee *or certificate holder* or *any* applicant for licensure ~~1~~ *or certification pursuant to this chapter and chapter 641 of NRS*, including conduct during any period of education, training or employment required for licensure ~~1~~ *or certification.*

(b) Constitute the standards of conduct which a psychologist, *licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist* shall follow in the provision of services.

2. A violation of the provisions of NAC 641.200 to 641.250, inclusive, *and sections 17 to 20, inclusive, of this regulation*, constitutes unprofessional conduct and is a ground for disciplinary action or the denial of an application for an initial license *or certification* or the renewal of a license ~~1~~ *or certificate.*

Sec. 37. NAC 641.204 is hereby amended to read as follows:

641.204 An organization is a patient *or client* of a psychologist, *licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist* if the professional contract between the organization and the psychologist, *licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist* requires the psychologist, *licensed behavior analyst, licensed assistant behavior analyst or certified autism*

behavior interventionist to provide services primarily to the organization rather than to the persons in the organization.

Sec. 38. NAC 641.206 is hereby amended to read as follows:

641.206 If a psychologist , *licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist* is treating a child or ward, the parent or legal guardian of the child or ward is the patient *or client* for the purpose of making decisions concerning treatment. The child or ward who is receiving services from the psychologist , *licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist* is also the patient *or client* for:

1. Issues directly affecting the physical or emotional safety of the child or ward, including, without limitation, sexual relationships or other exploitive dual relationships.
2. Issues which the parent or legal guardian has specifically agreed, before the child or ward receives ~~psychological~~ *professional* services, must be reserved to the child or ward, including, without limitation, confidential communications between the psychologist , *licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist* and *the* child or ward during the course of the professional relationship.

Sec. 39. NAC 641.219 is hereby amended to read as follows:

641.219 1. A psychologist , *licensed behavior analyst, licensed assistant behavior analyst and certified autism behavior interventionist* shall maintain a record for each patient *or client* that includes:

- (a) The presenting problem or purpose or diagnosis;
- (b) The fee arrangement ~~{};~~ *, if any;*
- (c) The date and type of evaluation or treatment provided to the patient ~~{};~~ *or client;*

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

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

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

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

3. A psychologist, *licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist* shall comply with all state and federal laws governing a patient's *or client's* right to have access to his *or her* records.

4. A psychologist, *licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist* who provides ~~clinical~~ supervision *of a licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist* shall maintain for not less than 5 years after the last date of supervision, a record

of the supervisory session, including, but not limited to, information regarding the type, place and general content of the session.

Sec. 40. NAC 641.224 is hereby amended to read as follows:

641.224 1. If a psychologist, *licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist* provides services to an organization, information he *or she* obtains in the course of providing the services is confidential, including any personal information concerning a person in the organization if the information was properly obtained within the scope of his *or her* professional contract with the organization. Personal information concerning a person in the organization is subject to the confidential control of the organization unless the person who disclosed the information had a reasonable expectation that the information was disclosed pursuant to a separate professional relationship with the psychologist, *licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist* and would not be disclosed to the organization.

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

3. A psychologist, *licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist* may disclose confidential information without the

informed written consent of a patient *or client* if the psychologist , *licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist* believes that disclosure of the information is necessary to protect against a clear and substantial risk of imminent serious harm by the patient *or client* to the patient *or client* or another person and:

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

(b) If the patient *or client* is an organization, the psychologist , *licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist* has made a reasonable but unsuccessful attempt to correct the problems within the organization.

4. A psychologist , *licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist* may disclose confidential information without the informed written consent of a patient *or client* if:

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

(b) Disclosure is required by a state or federal law or regulation, including a law or regulation that requires a psychologist , *licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist* to report the abuse of a child or elderly person.

5. If a psychologist , *licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist* renders services to more than one person, including services rendered to an organization, family, couple, group, or a child and a parent, the psychologist , *licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist* shall, before he *or she* begins to render the services, explain to each

person the relevant limitations on confidentiality during the course of the professional relationship. If appropriate, the psychologist , *licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist* shall grant to each person an opportunity to discuss and accept the limitations on confidentiality that will apply.

6. If a patient *or client* is a child or has a legal guardian, a psychologist , *licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist* shall, before he *or she* renders services, inform the patient *or client* to the extent that the patient *or client* can understand, of any legal limitations on the confidentiality of communications with the psychologist.

7. With the written consent of a patient, a psychologist , *licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist* shall provide in a timely manner to another responsible professional who is treating the patient *or client* any information which is important for the professional to know in making decisions concerning the ongoing diagnosis and treatment of the patient ~~[-]~~ *or client*.

8. If a psychologist , *licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist* uses the case history of a patient *or client* in his *or her* teaching, research or published reports, he *or she* shall exercise reasonable care to ensure that all confidential information is appropriately disguised to prevent the identification of the patient ~~[-]~~ *or client*.

9. A psychologist , *licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist* shall:

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

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

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

(d) Obtain the informed written consent of a patient *or client* before the psychologist , *licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist* electronically records or allows another person to observe a diagnostic interview or therapeutic session with the patient ~~§~~ *or client*.

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

Sec. 41. NAC 641.229 is hereby amended to read as follows:

641.229 1. A psychologist , *licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist* shall not begin or continue a professional relationship with a patient *or client* if the psychologist , *licensed behavior analyst, licensed*

assistant behavior analyst or certified autism behavior interventionist is impaired, or has received notification from the Board that another mental health professional reasonably suspects him *or her* to be impaired, because of mental, emotional, physiological, pharmacological or substance abuse problems. If such a problem develops during the course of a professional relationship, the psychologist, *licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist* shall:

- (a) Terminate the relationship;
- (b) Notify the patient *or client* in writing of the termination; and
- (c) Assist the patient *or client* in obtaining services from another professional.

2. A psychologist, *licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist* shall not begin or continue a professional relationship with a patient *or client* if the objectivity or competency of the psychologist, *licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist* is impaired, or if the psychologist, *licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist* has received notification from the Board that another mental health professional reasonably suspects his *or her* objectivity or competency to be impaired, because the psychologist, *licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist* has or had a family, social, sexual, emotional, financial, supervisory, political, administrative or legal relationship with the patient *or client* or a person associated with or related to the patient **H** *or client*.

3. If a psychologist, *licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist* has rendered professional services to a person, the

psychologist , *licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist* shall not:

(a) Engage in any verbal or physical behavior with the person which is sexually seductive, demeaning or harassing;

(b) Engage in sexual contact with the person; or

(c) Enter into a financial or other potentially exploitive relationship with the person,

↳ for at least 2 years after the termination of the professional relationship, or for an indefinite time if the person is clearly vulnerable to exploitive influence by the psychologist , *licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist* because of an emotional or cognitive disorder.

Sec. 42. NAC 641.234 is hereby amended to read as follows:

641.234 1. If a psychologist *or licensed behavior analyst* communicates the results of an assessment procedure to a patient ~~his~~ *or client* or to the legal guardian, parents or agent of a patient ~~his~~ *or client*, he *or she* shall:

(a) Use appropriate interpretive aids to explain the results in a manner which is understandable; and

(b) Include in ~~his~~ *the* explanation any deficiencies of the assessment procedure and factors which may affect the validity, reliability or other interpretation of the results.

2. A psychologist *or licensed behavior analyst* shall not reproduce or describe in any popular publications, lectures or public presentations, psychological tests or other assessment procedures in a manner which may invalidate the tests or procedures.

3. If a psychologist *or licensed behavior analyst* offers to other professionals an assessment procedure or automated interpretation service, he *or she* shall:

- (a) Provide a manual or other written material which fully describes the development of the procedure or service, the rationale therefor, evidence of the validity and reliability thereof, and characteristics of the group of persons which the procedure or service uses as a norm;
- (b) Explicitly state the purpose and application for which the procedure or service is recommended;
- (c) Identify special requirements which are necessary to administer and interpret the procedure or service properly; and
- (d) Ensure that advertisements for the procedure or service provide an accurate description of the procedure or service.

Sec. 43. NAC 641.239 is hereby amended to read as follows:

641.239 1. A psychologist , *licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist* shall not directly or by implication misrepresent:

- (a) His *or her* professional qualifications, including the education he *or she* has received, the experience he *or she* has acquired or the areas of his *or her* professional competence.
- (b) His *or her* affiliations or the purposes or characteristics of the institutions and associations with which he *or she* is associated.

2. A psychologist , *licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist* shall correct any other person who the psychologist , *licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist* knows has misrepresented the ~~psychologist's~~ professional qualifications or affiliations ~~of the psychologist, licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist.~~

3. A psychologist , *licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist* shall not include false or misleading information in his *or her* public statements concerning the professional services he *or she* offers.

4. A psychologist , *licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist* shall not guarantee that satisfaction or a cure will result from the performance of his *or her* professional services.

5. A psychologist , *licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist* shall not associate with or permit his *or her* name to be associated with any service or product in a manner which misrepresents:

- (a) The service or product;
- (b) The degree of ~~the psychologist's~~ *his or her* responsibility for the service or product; or
- (c) The nature of ~~the psychologist's~~ *his or her* association with the service or product.

6. A psychologist shall not distort, misuse or suppress any psychological finding, and shall attempt to prevent, using all reasonable means, the distortion, misuse or suppression of any psychological finding by any institution of which he *or she* is an employee.

Sec. 44. NAC 641.241 is hereby amended to read as follows:

641.241 1. A psychologist , *licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist* shall not aid or abet another person in misrepresenting the person's professional credentials or illegally engaging in the practice of psychology ~~or~~ *or applied behavior analysis*.

2. A psychologist , *licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist* shall not delegate any of his *or her* professional

responsibilities to a person he *or she* knows, or has reason to know, is not qualified because of a lack of adequate education, training or experience.

3. If a psychologist, *licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist* has substantial reason to believe that another person has violated any provision of this chapter or ~~the~~ chapter 641 of NRS, he *or she* shall inform the Board in writing of the violation, except that if the psychologist, *licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist* has knowledge of the violation because of his *or her* professional relationship with a patient ~~;~~ *or client*, he *or she* may report the violation only if he *or she* has the informed written consent of the patient ~~;~~ *or client*. The provisions of NAC 641.200 to 641.250, inclusive, *and sections 17 to 20, inclusive, of this regulation* do not relieve a psychologist, *licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist* of the duty to file any report otherwise required by state or federal law or regulation.

Sec. 45. NAC 641.245 is hereby amended to read as follows:

641.245 1. A psychologist, *licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist* shall not violate any law or regulation which governs the practice of psychology ~~;~~ *or applied behavior analysis, as applicable*.

2. A psychologist, *licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist* shall not use fraud, misrepresentation or deception:

- (a) To obtain a license or pass an examination required for licensure ~~;~~ *or certification;*
- (b) To assist another person in obtaining a license *or certificate* or passing an examination required for licensure ~~;~~ *or certification;*
- (c) In billing a patient *or client* or other person who is responsible for payment;

(d) In providing his *or her* professional services;

(e) In reporting the results of any ~~psychological~~ evaluation or service ~~related to the practice of psychology or applied behavior analysis, as applicable~~; or

(f) To conduct any other activity related to the practice of psychology ~~or applied behavior analysis, as applicable~~.

3. A psychologist, *licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist* shall not willfully make or file any false report, fail to file any report required by law or by the Board, willfully impede or obstruct any such filing, or induce another person to engage in any act prohibited by this subsection.

4. A psychologist, *licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist* shall not violate any condition, limitation or term of probation imposed upon him *or her* by the Board.

5. A psychologist, *licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist* shall not:

(a) Fail to make timely payments for the support of one or more children pursuant to a court order; or

(b) Fail to comply with any warrant or subpoena relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of one or more children.

Sec. 46. Section 1 of 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, is hereby amended to read as follows:

Section 1. 1. An application for licensure as a psychologist shall be deemed withdrawn and all fees for the application are forfeited if:

(a) The application is not completed as described in NRS 641.170 within 2 years after the date on which the Board first received the application materials; or

(b) The applicant has not taken the *national* examination required pursuant to NRS 641.180 within 2 years after the date on which the Board first received the application materials.

2. *An application for licensure as a licensed behavior analyst or a licensed assistant behavior analyst shall be deemed withdrawn and all fees for the application are forfeited if the application is not completed as described in NRS 641.170 within 2 years after the date on which the Board first received the application.*

3. *An application for certification as a certified autism behavior interventionist shall be deemed withdrawn and all fees for the application are forfeited if the application is not completed as described in subsection 1 of NRS 641.172 within 2 years after the date on which the Board first received the application.*

4. An application for registration as a psychological assistant shall be deemed withdrawn if the application is not completed within 2 years after the date on which the Board first received the application materials.

~~3.~~ 5. If an application is deemed withdrawn pursuant to this section, the applicant may reapply for such licensure, *certification* or registration and must pay any application fees in effect at the time of the reapplication.

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY NRS
233B.066
LCB FILE R209-09**

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, November 23, 2009, and a hearing held by the Board on Monday, August 9, 2010, 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. Given the heightened interest in AB162 during and after its enactment by the Nevada Legislature, the Board compiled a list of interested parties, including the ACBAI and approximately eighteen (26) individuals. Also, notices of the proposed regulations were available on the Board of Psychological Examiners web site as well as the Board office. 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: Verbal- 1) Comments against formal education and or training for CABIs. 2) Against biennial fee for CABI, and reduced requirement for continuing education for CABI. 3) Requested reduced ethics requirement for BAs, ABAs and CABIs. Written – 1) In support of the new regulations with a concern that behavior analysts could extend practice into domains that should require a level of training consistent with psychologists. 2) Costs related to ABA licensing. Copies of a summary of these 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:** November 23, 2009 – 32; August 9, 2010 - 11
- b. Testified at each hearing:** November 23, 2009 – 21; August 9, 2010 - 5
- 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.

See above

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

No adverse effect; These are fully necessary to enforce AB 162 which the Legislature passed in 2009; The licensure of Behavior Analysts, Assistant Behavior Analysts, and Certification of Autistic Behavior Interventionists is not mandatory but required if they wish to have insurance reimbursement for their services. Individuals may still bill directly for Autism Intervention Services. This bill requires certain insurance companies to reimburse which has not been the case in the past

(b) Both immediate and long-term effects

See above

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

The Board believes that the cost of enforcement of the proposed regulations will be off set by the licensing/certification fees collected.

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.

New licensure and certification fees have been established for Behavior Analysis, Assistant Behavior Analysis and Certified Autism Behavior Interventionists. No other new fees have been established.

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 regulations will not burden small business. Instead, the regulations will allow for the full implementation of AB162 as enacted by the Legislature. This will actually benefit small businesses performing autism behavior intervention services because certain insurance companies will be required to cover the services provided by these businesses as long as the individuals are licensed and/or certified pursuant to NRS Chapter 641.