

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

LCB File No. R111-13

Effective October 24, 2014

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

AUTHORITY: §1, NRS 641.100 and 641.170; §§2-14, NRS 641.100.

A REGULATION relating to psychology; providing for the registration of psychological interns; providing that certain requirements relating to the supervision of psychological assistants also apply to psychological interns; and providing other matters properly relating thereto.

Legislative Counsel’s Digest

Existing law requires an applicant for licensure as a psychologist to have at least 2 years of experience satisfactory to the Board of Psychological Examiners. (NRS 641.170) Under existing regulations, 1 year of the required experience must be obtained in a predoctoral internship under the supervision of a psychologist. (NAC 641.080)

Existing regulations require a psychological assistant to register with the Board to obtain any postdoctoral supervised experience that is required. (NAC 641.151) Existing regulations exempt a psychological intern from registering with the Board, but make other regulations which establish other requirements relating to the supervision, employment and compensation of psychological assistants applicable to psychological interns. (NAC 641.165) **Section 14** of this regulation repeals that provision. **Section 1** of this regulation instead requires a psychological intern to register with the Board as a condition to obtaining any predoctoral supervised experience unless the psychological intern is participating in a federally-regulated internship program. Before a person may apply for such registration, **section 1** also requires the person to provide proof that he or she is enrolled to obtain a doctoral degree from a program or institution that meets certain requirements. **Sections 2-13** of this regulation amend the various specific regulations to provide that those provisions apply to both psychological assistants and psychological interns.

Existing regulations provide that an employment agreement entered into by a psychological assistant or psychological intern with his or her employing supervisor or agency is subject to approval by the Board. (NAC 641.153, 641.165) **Section 5** limits the authority of the Board to approve such an employment agreement if the agreement provides no compensation for a psychological assistant or psychological intern so that approval is granted only if the Board determines that the agreement benefits the psychological assistant or psychological intern.

Existing regulations require an applicant for licensure as a psychologist to have certain supervised and documented experience. (NAC 641.080) **Sections 6 and 9** require the supervisor of a psychological intern to provide certain parts of this experience.

Section 1. Chapter 641 of NAC is hereby amended by adding thereto a new section to read as follows:

1. Unless the person is participating in a federally-regulated internship program, a person must register with the Board as a psychological intern by submitting the appropriate application to the Board if the person wishes to obtain any predoctoral supervised experience that is required pursuant to paragraph (b) of subsection 2 of NAC 641.080 or paragraph (b) of subsection 3 of NAC 641.080.

2. Unless otherwise approved by the Board, a person may apply to the Board for registration as a psychological intern only after he or she has provided to the Board proof that he or she is currently enrolled to obtain a doctoral degree from:

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

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

3. Registration as a psychological intern is for 2 years unless otherwise approved by the Board.

Sec. 2. NAC 641.1507 is hereby amended to read as follows:

641.1507 As used in NAC 641.1507 to 641.168, inclusive, *and section 1 of this regulation*, “supervisor” means a psychologist who supervises a psychological assistant *or psychological intern* pursuant to this chapter.

Sec. 3. NAC 641.152 is hereby amended to read as follows:

641.152 1. A psychological assistant *or psychological intern* may work only under the supervision and control of a psychologist who satisfies the requirements of NAC 641.1563.

2. The supervisor of a psychological assistant *or psychological intern* is responsible for the adequate supervision of the psychological assistant ~~{H}~~ *or psychological intern*.

3. For specific skill training, the supervisor may assign ~~{the}~~ *a* psychological assistant to a specialist, including, without limitation, a person who is licensed in this State as a psychiatrist, social worker or marriage and family therapist or a person who is licensed or certified in this State as an alcohol and drug abuse counselor. The specialist must have clearly established practice and teaching skills that are demonstrable to the satisfaction of the Board. Not more than one-quarter of the number of supervised hours needed to fulfill the required year of postdoctoral experience may be accrued under the direction of specialists.

~~{3-}~~ 4. A psychological assistant *or psychological intern* must be:

(a) An employee of the supervisor; or

(b) Subject to the control and direction of a supervisor who is affiliated with the same agency or institution at which the psychological assistant *or psychological intern, as applicable*, works.

Sec. 4. NAC 641.153 is hereby amended to read as follows:

641.153 An employment agreement *which is proposed to be* entered into by a psychological assistant *or psychological intern* and his or her employing supervisor or agency must be ~~{H}~~ :

1. *In* writing ; and ~~{is subject to approval}~~

2. *Submitted to and approved* by the Board.

Sec. 5. NAC 641.154 is hereby amended to read as follows:

641.154 1. ~~{A}~~ *Except as otherwise provided in this subsection, a* psychological assistant *or psychological intern* is entitled to be paid a fixed wage on a periodic basis, and may not be

paid based on a percentage of the fees received. *An employment agreement which is proposed to be entered into by a psychological assistant or psychological intern and does not provide for the payment of a wage may be approved by the Board pursuant to NAC 641.153 if the Board determines that the agreement is in the best interest of the psychological assistant or psychological intern.*

2. A psychological assistant *or psychological intern* may not receive fees for professional services except as the agent of his or her employing supervisor or agency.

3. Except as otherwise provided in this subsection, a supervisor may not accept compensation from a psychological assistant *or psychological intern* for his or her supervision. In extenuating circumstances, the Board may approve the acceptance of such compensation by a supervisor. Any agreement concerning compensation of a supervisor by a psychological assistant *or psychological intern* for his or her supervision must be approved by the Board before it becomes effective.

4. A supervisor shall ensure that the emphasis of the supervised experience of a psychological assistant *or psychological intern* whom he or she supervises is on training the psychological assistant *or psychological intern, as applicable*, rather than on the raising of revenue by the psychological assistant ~~{}~~ *or psychological intern, as applicable*.

Sec. 6. NAC 641.156 is hereby amended to read as follows:

641.156 **1.** Unless otherwise approved by the Board, a supervisor shall be physically present on the premises where qualifying professional activities are undertaken by a psychological assistant at least one-half of the time during which the activities are performed.

2. A supervisor who supervises a psychological intern is subject to the provisions of subparagraph (7) of paragraph (b) of subsection 4 of NAC 641.080 concerning his or her physical presence on the premises where the experiential training occurs.

Sec. 7. NAC 641.1565 is hereby amended to read as follows:

641.1565 1. A supervisor shall not supervise a psychological assistant *or psychological intern* if that supervision involves a potential conflict of interest, including, without limitation, supervision of a psychological assistant ~~+~~ *or psychological intern:*

- (a) Who is a member of the supervisor's household;
- (b) Who is related to the supervisor by blood, adoption or marriage, within the third degree of consanguinity or affinity;
- (c) With whom the supervisor has had or is having a dating relationship;
- (d) With whom the supervisor has a financial or business relationship, including, without limitation, an agreement concerning compensation of the supervisor by the psychological assistant *or psychological intern* for his or her supervision, unless the financial or business relationship is approved by the Board or authorized by NAC 641.154; and
- (e) With whom the supervisor has a psychologist-patient relationship.

2. As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

Sec. 8. NAC 641.1567 is hereby amended to read as follows:

641.1567 1. A supervisor shall prepare records that will enable him or her to:

(a) Effectively train and evaluate each psychological assistant *or psychological intern* whom he or she supervises; and

(b) Accurately determine the number of hours of supervised experience obtained by each psychological assistant *or psychological intern* whom he or she supervises.

2. A supervisor shall maintain all records relating to the supervision of a psychological assistant ~~H~~ *or psychological intern*, including, without limitation, the records required to be maintained pursuant to NAC 641.157, 641.159 and 641.219, for not less than 5 years after the last date of supervision. Upon request, such records must be available for inspection by the Board.

3. A supervisor shall notify the Board within 10 days after his or her supervision of a psychological assistant *or psychological intern* is completed or terminated.

4. A supervisor shall notify the Board of any change in his or her residential address or business address within 30 days after the change.

Sec. 9. NAC 641.157 is hereby amended to read as follows:

641.157 1. A supervisor shall meet with the psychological assistant *or psychological intern* whom he or she supervises at least once each week to discuss and critique the performance of the psychological assistant ~~H~~ *or psychological intern, as applicable.*

2. A supervisor shall provide a psychological assistant whom he or she supervises with at least 4 hours of individual supervision each month.

3. *A supervisor shall provide a psychological intern whom he or she supervises with at least the number of hours of individual supervision each month required pursuant to subparagraph (8) of paragraph (b) of subsection 4 of NAC 641.080.*

4. The supervisor shall document the hours of individual supervision provided pursuant to ~~subsection 2.~~

~~4.~~ *subsections 2 and 3.*

5. A psychologist who does not adequately supervise ~~his or her~~ a psychological assistant *or psychological intern* is subject to disciplinary action by the Board for committing an unethical practice contrary to the interest of the public.

Sec. 10. NAC 641.158 is hereby amended to read as follows:

641.158 1. A psychologist may not serve as a supervisor to ~~more than three~~ :

(a) More than three psychological assistants ;

(b) More than two psychological interns; or

(c) Any combination of five or more psychological assistants and psychological interns,

↪ at the same time.

2. A psychological assistant *or psychological intern* may not be employed by more than two supervisors at the same time.

Sec. 11. NAC 641.159 is hereby amended to read as follows:

641.159 1. A supervisor and his or her psychological assistant *or psychological intern* shall keep a regular log of supervised professional experience intended to meet the requirements of paragraph (e) of subsection 1 of NRS 641.170.

2. The log must show:

(a) The nature of the professional activities and services rendered by the psychological assistant ~~or~~ *or psychological intern;*

(b) The population or clients served; and

(c) Any supervisory contacts.

3. Entries to the log must be verified by the supervisor and the psychological assistant ~~{}~~ *or psychological intern.*

Sec. 12. NAC 641.161 is hereby amended to read as follows:

641.161 1. A supervisor and his or her psychological assistant *or psychological intern* are responsible for informing clients of the ~~{assistant's}~~ status ~~{}~~ *of the psychological assistant or psychological intern.*

2. The supervisor is ethically and legally responsible for all professional activities undertaken by the *psychological* assistant ~~{}~~ *or psychological intern.*

3. A psychological assistant *or psychological intern* may not advertise or be listed on any roster, panel or directory of psychologists other than that published by the Board.

Sec. 13. NAC 641.210 is hereby amended to read as follows:

641.210 A psychologist:

1. Shall display his or her license in a conspicuous place on the premises of his or her office or place of employment.

2. Shall, except as otherwise provided in this subsection, respond within 30 days after receiving any written communication from the Board and shall make available any relevant record with respect to an inquiry or complaint about his or her professional conduct. If a communication is mailed to a psychologist by the Board, he or she shall respond to the communication within 30 days after it is mailed to him or her at the address shown on the records of the Board.

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

4. Shall not mislead or withhold from a patient, prospective patient or other person who will be responsible for payment of the psychologist's services, information concerning the fee for the professional services of the psychologist.

5. Shall not directly or indirectly offer, give, solicit, receive or agree to receive any fee or other consideration for the referral of a patient.

6. Shall not permit any person, other than:

(a) A partner, employee or associate in his or her professional firm or corporation;

(b) A psychologist retained as a subcontractor or consultant; or

(c) A properly registered psychological assistant *or psychological intern* practicing under his or her supervision, *except as otherwise provided in subsections 1 and 2 of NAC 641.154,*

↳ to share in a fee for professional services. The prohibition of this subsection includes any arrangement or agreement whereby the amount paid for office space, facilities, equipment or personal services used by the psychologist is based upon the income or receipts of his or her practice.

7. Shall exercise appropriate supervision over any person who is authorized to practice psychological services under his or her supervision.

8. Shall not exploit a person who is authorized to practice psychological services under his or her supervision.

Sec. 14. NAC 641.165 is hereby repealed.

TEXT OF REPEALED SECTION

641.165 Psychological interns. (NRS 641.100, 641.390)

1. A psychological intern who is in a doctoral training program in psychology at an educational institution accredited by the Northwest Association of Accredited Schools, or an equivalent regional accrediting organization, and engaged in a predoctoral internship pursuant to the requirements of the training program may, in the context of that internship, be identified as a “psychological intern.”

2. Except as otherwise provided in this section, a psychological intern is subject to the provisions of NAC 641.151 to 641.161, inclusive.

3. A psychological intern is not required to register with the Board.

4. A psychologist supervising a psychological intern is subject to the provisions of:

(a) Subparagraph (7) of paragraph (b) of subsection 4 of NAC 641.080 concerning his or her physical presence on the premises where the predoctoral internship occurs; and

(b) NAC 641.1563 to 641.157, inclusive.

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY
NRS 233B.066
LCB FILE R111-13**

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

1. A clear and concise explanation of the need for the adopted regulation.

The regulation is necessary to begin regulating the Psychological Intern level of training, as required for licensure as a Psychologist.

2. A description of how public comment was solicited, a summary of public response, and an explanation how other interested person may obtain a copy of the summary.

Notices of workshop and notices of intent to act upon the regulation were sent by US. Mail and email to persons who were known to have interest in the licensure requirements of Psychologists in the state of Nevada, as well as any specific person who requested notification regarding regulation changes. Each mailing included further information on how to receive a free copy of the proposed regulation. These documents were also made available through the website of the Board of Psychological Examiners, psyexam.nv.gov or by directly emailing the Board office NBOP@govmail.state.nv.us, mailed to all county libraries in Nevada and posted at the following locations:

Board of Psychological Examiners
4600 Kietzke Lane B-116 (E141)
Reno, Nevada 89502

Office of the Attorney General
Grant Sawyer Building
555 E. Washington Ave., Suite 3900
Las Vegas, Nevada 89101

Office of the Attorney General
100 N. Carson St.
Carson City, Nevada 89701

Carson City City Manager
Carson City City Hall
201 N. Carson St., Suite 2
Carson City, Nevada 89701

Behavior Analysis Program
University of Nevada, Reno
Reno, Nevada 89523

A workshop was held to discuss necessary language changes to the current NAC 641 to include the regulation of psychological interns on July 12, 2013, and the minutes of the meeting, attached hereto, contain a summary of the discussion held regarding the proposed language change. Thereafter, on or about December 7, 2013, the Board of Psychological Examiners issued a Notice of Intent to Act Upon a Regulation which incorporated in the proposed amendment that was developed at the July 12, 2013 workshop. On January 17, 2014, the Board received public comment of concern in regard to possible deficit proposed regulation would cause individuals receiving internship direction at federally run institutions. On April 4, 2014, a public hearing was held, where the Board of psychological Examiners received no testimony. The Board of Psychological Examiners approved to adopt proposed regulations R111-13.

Psychological Examiners approved to adopt proposed regulations R111-13.

3. The number of persons who:

- (a) Attended each hearing:** July 12, 2013- 5; January 17, 2014- 10; April 4, 2014-13
- (b) Testified at each hearing:** July 12, 2013-0; January 17, 2014- 3; April 4, 2014- 0
- (c) Submitted to the agency written comments:** January 17, 2014-1

4. A list of names and contact information, including telephone number, business address, business telephone number, e-mail address, and name of entity or organization represented for each person identified above in #3, as provided to the agency, is attached as Exhibit A

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

Comments were solicited from affected businesses in the same manner as they were solicited from the public. The summary may be obtained as instructed in response to question #2.

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The regulation was re-submitted for change after the January 17, 2014 public hearing, after receipt of public comment.

7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be state separately, and each case must be included:

- (a) Both adverse and beneficial effects;**
- (B) Both immediate and long-term effects.**

(a) Both adverse and beneficial effects:

The regulation allows the Board to regulate and monitor all aspects of training taking place within the State of Nevada, with the exception of federally regulated agencies (e.g. veterans administration hospital and clinics). This regulation will allow licensed psychologist to supervise interns to provide mental health services, which may lead to reimbursement for the psychologist.

There does not appear to be adverse economic impact on psychologist or the public. As the regulation was provided to all impacted parties through public workshop and hearing notices, and no negative impact was stated by any small business owners present or through written comment.

(b) Both immediate and long-term effects.

Benefits stated above appear to be immediate and long term.

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

There will be no increased cost of enforcement.

9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explain 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 federal or state regulations.

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

There are no federal regulations that apply.

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

Not applicable.

Regulation adopted on April 4, 2014.