

**PROPOSED REGULATION OF THE BOARD OF EXAMINERS FOR
MARRIAGE AND FAMILY THERAPISTS AND CLINICAL
PROFESSIONAL COUNSELORS**

LAB File No. R091-14

NOTICE OF INTENT TO ACT UPON A REGULATION

**NOTICE OF HEARING FOR THE ADOPTION AND
AMENDMENT OF REGULATIONS OF THE BOARD OF EXAMINERS
FOR MARRIAGE AND FAMILY THERAPISTS AND CLINICAL
PROFESSIONAL COUNSELORS**

The Nevada Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors will hold a public hearing at 10 a.m. on April 29, 2016, connected by videoconference at the following locations: University of Nevada Las Vegas, Systems Computing Services Building, Room 102, 4505 S. Maryland Parkway, Las Vegas, NV 89154 and University of Nevada Reno, Systems Computing Services Building (133), Room 47, 1664 N. Virginia St., Reno, NV 89557.

The purpose of the hearing is to receive comments from all interested persons regarding the adoption and amendment of regulations that pertain to chapter 641A of the Nevada Administrative Code (NC).

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need for and the purpose of the proposed regulation or amendment.

The practice of clinical professional counseling is defined in NRS 641A.065 as the assessment or treatment of couples or families, if the assessment or treatment is provided by a person who, through the completion of coursework or supervised training or experience, has demonstrated competency in the treatment of couples or families as determined by the Board. LCB File No. R091-14 establishes how the Board will determine competency for clinical professional counselors and clinical professional counselor interns in the treatment of couples or families.

Section 2 provides that the Board will issue such an endorsement to a clinical professional counselor clinical professional counselor intern who completes the required coursework, examination and supervised experience.

Sections 3 and 4 list the coursework, examination and supervised experience a clinical professional counselor or clinical professional counselor intern must successfully complete to obtain an endorsement from the Board that authorizes the clinical professional counselor or clinical professional counselor intern to assess or treat couples or families.

Section 5, NAC 641A.035: The proposed changes to NAC 641A.035 are needed to define endorsement.

Section 6, NAC 641A.095: The proposed changes to NAC 641A.095 are needed to clarify how often a failed examination may be retaken and to specify when an application for an endorsement lapses.

Section 7, NAC 641A.111: The proposed changes to NAC 641A.111 are needed so that the Board can issue an interim endorsement permit to an applicant for an endorsement if the applicant holds an equivalent license from another state and the only requirement not yet satisfied is the passing of the examination. The interim endorsement permit allows the applicant to assess or treat couples or families under supervision, and expires if the applicant does not pass the examination.

Section 8, NAC 641A.116: The proposed changes to NAC 641A.116 are needed so that a holder of an endorsement is required to reapply for the endorsement if the licensee allows his or her endorsement to lapse.

Sections 9 and 10, NAC 641A.131 and 641A.133: The proposed changes to NAC 641A.131 and 641A.133 are needed to provide the continuing education requirements for the renewal of an endorsement.

Section 11, NAC 641A.176: The proposed changes are needed to provided that the Board may, for good cause show, grant, deny, suspend or revoke the endorsement of any clinical professional counselor intern.

Sections 12-14, 16 and 17, NAC 641A.243, 641A.256, 641A.258, 641A.441 and 641A.595: The proposed changes to NAC 641A.243, 641A.256, 641A.258, 641A.441 and 641A.595 subject the endorsement of a clinical professional counselor or clinical professional counselor intern to the same professional standards as licensure and provide that the Board may take the same disciplinary measures against the holder of such an endorsement as against other licensees.

Section 15, NAC 641A.306: The proposed changes to NAC 641A.306 are needed to define applicant to include endorsement.

2. A statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063.

A copy of the proposed amendment to the regulation is attached to this notice.

3. The methods used by the Nevada Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors in determining the impact on a small business prepared pursuant to NRS 233B.0608(3).

The Nevada Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors held public workshops on September 5, 2014, December 5, 2014 and April 10, 2015 to solicit comments from small businesses. At the September 5, 2014 workshop, comments were received regarding the potential cost of adding the endorsement, which lead to a survey. The survey was sent to all licensed clinical professional counselors and clinical professional counselor interns to determine the impact on their small business if they chose to expand their clinical practice to work with couples and families through an endorsement.

4. The estimated economic effect of the regulation on the business which it is to regulate and on the public:

(a) Both adverse and beneficial effects:

The economic effect of the proposed regulation on businesses will be on only those clinical professional counselors and clinical professional counselor interns who choose to expand their scope of practice through the endorsement. The adverse effect would be the cost of meeting the endorsement requirements. The cost to obtain the endorsement will vary based and could range from supervision in conjunction with the accrual of hours (\$30 to \$100 per hour in supervision visits), educational credits (\$269-\$943 per credit hour), and the national examination sponsored by the Association of Marital and Family Therapy Regulatory Boards (\$350). The beneficial effect would be the expansion of scope of practice and additional professionals to provide services to members of the public.

(b) Both immediate and long-term effects.

These regulations will have immediate and long-term beneficial effects through the expansion of the scope of practice for clinical professional counselors and clinical professional counselor interns.

5. The estimated cost to the agency for enforcement of the proposed regulation.

The estimated cost incurred by the Nevada Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors will be the cost of staff time to process applications, conduct academic review of required coursework, verify supervision hours, and issue endorsements.

6. A description of and citation to any regulations of other state or local government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

The Nevada Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors is not aware of any similar regulations of other state or local government agencies that the proposed regulations overlap or duplicate.

7. If the regulation is required pursuant to federal law, a citation and description of the federal law.

The Nevada Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors is not aware of these regulations being required by federal law.

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

The Nevada Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors is not aware of any similar federal regulations of the same activity in which the regulations are more stringent.

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

These regulations do not provide a new or increase of fees.

Persons wishing to comment upon the proposed action of the Nevada Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors may appear at the public hearing or may address their comments, data, views, or arguments, in written form, to the Nevada Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, P.O. Box 370130, Las Vegas, Nevada 89134, or at the e-mail address: mftbd@mftbd.nv.gov. Written submissions must be received by the Nevada Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors by April 28, 2016 at 5:00 p.m. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be adopted and amended will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspections by members of the public during business hours. Additional copies of the notice and the regulation to be adopted and amended will be available at the Nevada Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, 9436 W. Lake Mead Blvd, Suite 11-J, Las Vegas, Nevada, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are available on the Board's website at www.marriage.nv.gov. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us/Register/2014Register/R091-14RP2.pdf>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

A copy of this notice of intent to act upon a regulation has been mailed to all persons who have requested in writing that they be placed upon a mailing list, which has been kept by the Nevada Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors for this purpose.

This notice of intent to act upon a regulation has been posted at the following locations:

Nevada Board of Marriage and Family
Therapists and Clinical Professional Counselors
9436 W. Lake Mead Blvd., Suite 11-K
Las Vegas, NV 89134

State Library and Archives
100 North Stewart Street
Carson City, NV 89701

Carson City Library
900 North Rook Street
Carson City, NV 89701

Churchill County Library
553 South Main Street
Fallon, NV 89406

Douglas County Library
1625 Library Lane
Minden, NV 89423

Elko County Library
720 Court Street
Elko, NV 89801

Goldfield Public Library
P.O. Box 430
Goldfield, NV 89013

Eureka County Library
P.O. Box 293
Eureka, NV 89316

Humboldt County Library
85 East 5th Street
Winnemucca, NV 89445

Battle Mountain Library
625 South Broad Street
Battle Mountain, NV 89820

Lincoln County Library
63 Main Street
Pioche, NV 89043

Lyon County Library
20 Nevin Way
Yerington, NV 89447

Mineral County Public Library
P.O. Box 1390
Hawthorne, NV 89415

Pershing County Library
1125 Central Avenue
Lovelock, NV 89419

Storey County Public Library
P.O. Box 999
Virginia City, NV 89440

Tonopah Public Library
167 Central Street
Tonopah, NV 89049

Washoe County Library
301 South Center Street
Reno, NV 89501

White Pine County Library
950 Campton Street
Ely, NV 89301

**CLINICAL PROFESSIONAL COUNSELOR
ESTIMATED COUPLE & FAMILY ENDORSEMENT COSTS**

ESTIMATED TOTAL COST RANGE: \$75 -- \$33,399

TUITION COST

Tuition cost varies by institution and ranges from \$269 - \$943 per credit.

INSTITUTION	FEE PER CREDIT	TOTAL
UNLV [^]	\$269/credit (semester)	18 Units = \$4,842*
UNR	\$271/credit (semester)	18 Units = \$4,878*
Capella University	\$487/credit (quarter)	24 Units = \$11,688
Grand Canyon University	\$495/credit (semester)	18 Units = \$8,910
University of Phoenix	\$510/credit (semester) + \$115 per course fee	18 UNITS = \$9,180 + \$690 fee = \$9,870
North Central University [^]	MA degree -- \$2,517 per course Certificate -- \$2,829 per course	6 Courses = \$15,102 (\$839/semester credit) 6 Courses = \$16,974 (\$943/semester credit)

* Additional university fees not included (e.g. one-time or differential fees)

[^] Couple & Family Therapy certificate option

SUPERVISION COST

Supervision cost varies by supervisor and ranges from \$30 – 100 per hour.

SUPERVISION FEE PER HOUR	TOTAL
\$30	\$30 x 150 = \$4,500
\$50	\$50 x 150 = \$7,500
\$75	\$75 x 150 = \$11,250
\$100	\$100 x 150 = \$15,000

AMFTRB NATIONAL MFT EXAM FEES

After 1/1/2015

\$350

SMALL BUSINESS IMPACT STATEMENT R091-14
(NRS 233B.0609)
(Updated 3/28/16)

1. Describe the manner in which comment will be solicited from affected small businesses, a summary of the response from small businesses and an explanation of the manner in which other interested persons may obtain a copy of the summary. *(Attach copies of the comments received and copies of any workshop attendance sheets, noting which are identified as a small business.)*

The Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors (Board) conducted public workshops on September 5, 2014, December 5, 2014 and April 10, 2015 in Carson City, Nevada and in Las Vegas, Nevada to solicit comments from small businesses. Notice of these workshops were posted at the University of Nevada Reno Getchell Library, Reno; Grant Sawyer Building, Las Vegas; Office of Attorney General, Carson City; University of Nevada Las Vegas Lied Library, Las Vegas; Clark County District Library, Las Vegas; on the Board's website, www.marriage.nv.gov, and at the Board office, Las Vegas.

The Workshop notice and the proposed regulation will also be mailed to all county libraries in Nevada as well as to individuals on the Board's mailing list.

Copies of comments submitted by the public and from the small businesses will be accessible in the workshop minutes after the workshop on the Meetings Page of the Board's website or obtained from the Board Office directly upon request.

The minutes of the workshops will contain summaries of the public response to the proposed amendments. A copy of the minutes may be obtained from the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, 9436 W. Lake Mead Blvd., Suite 11-J, Las Vegas, NV 89134, 702-486-7388, e-mail to nvmftbd@mftbd.nv.gov, or on its website at www.marriage.nv.gov.

2. The manner in which the analysis was conducted (if an impact was determined).

At the September 5, 2014 workshop comments were received regarding the potential cost of adding the endorsement which led to the decision to send a survey to all clinical professional counselors and clinical professional counselor interns.

A survey was sent to all licensed clinical professional counselors and clinical professional counselor interns to determine the impact if they choose to expand their clinical practice to work with couples and families through an endorsement, on their small business.

(See attached copy of the clinical professional counselor endorsement survey)

3. The estimated economic effect of the proposed regulation on small businesses:
a. Both adverse and beneficial effects

The economic effect of the proposed regulation on small business would be on only those clinical professional counselors and clinical professional counselor interns who choose to expand their scope of practice through the endorsement. The adverse effect could be the cost of meeting the endorsement requirements. The beneficial effect could be the expansion of scope of practice and additional clients that the clinical professional counselors and clinical professional counselor interns would be able to see with an endorsement.

Based on the proposed educational, supervision and exam requirements for the endorsement, the Board examined the range of costs that could be incurred to secure such an endorsement.

A comparison of the educational requirements for clinical professional counselors and marriage and family therapists revealed a few areas in which the required course content for clinical professional counselors and marriage and family therapists were totally different and where the graduate education of clinical professional counselors may not include content specific to working with couples and families. These differences led to the proposed educational requirements with six areas of study specific to working with couples and families. The Board recognizes that many clinical professional counselors may already have graduate coursework in some, if not all, of these areas of study. To that end, the Board will ascribe credit for all completed graduate coursework in these six areas of study. The potential impact for those wishing to expand their scope of practice is that they will have to document meeting the areas of study requirements. For those areas where they do not have the requisite graduate coursework, clinical professional counselors and clinical professional counselor interns will need to obtain it.

As a result, if they already have the coursework, there would not be an additional expense. However, if they do not, there is the potential expense of tuition to obtain the required coursework for working with couples and families -- up to a maximum of six courses.

With regard to clinical experience working with couples and families and corresponding supervision oversight, the Board determined, with feedback from the September 5, 2014 workshop, that those clinical professional counselors and clinical professional counselor interns seeking endorsement to work with couples and families will need to document at least 750 hours of face-to-face couples or family counseling and at least 150 hours of supervision related to that counseling. As a result, if they can document that they have already obtained such counseling and supervision experience, there would not be an additional expense. However, if they do not, there is the potential expense of up to 150 supervision hours.

With regard to the required national examination, if the clinical professional counselor or clinical professional counselor intern has not already taken the national examination sponsored by the Association of Marriage and Family Therapy Regulatory Boards, s/he would have to pay to take the exam.

The adverse effects are the expenses that would be incurred to obtain the necessary courses, supervision and exam.

The Board investigated the expenses for coursework from a variety of institutions that could provide the requisite coursework, the cost of supervision and the national examination fee. The

cost to obtain the endorsement will vary based on a combination of costs to meet the requirements which include supervision in conjunction with the accrual of face-to-face client hours (\$30 - \$100/hour supervision fees), educational credits (\$269 - \$943/credit), and the national examination requirements (\$350). Thus the range of the estimated endorsement cost would be a maximum of \$9,577 (low) to \$32,324 (high) (with the applicant needing to meet all of the requirements).

(See attached copy of the estimated clinical professional counselor couple & family endorsement costs and also see clinical professional counselor endorsement survey)

b. Both direct and indirect effects

The direct effect is those seeking an endorsement will have to apply for the endorsement and provide documentation of meeting the endorsement requirements.

The indirect effect is that those seeking an endorsement may have to obtain additional education, supervision and take the national examination exam, including incurring any associated costs.

4. A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of the methods. *(Include a discussion of any considerations of the methods listed below.)*

A. Simplification of the proposed regulation

The Board considered the current educational requirements for marriage and family therapists working with couples and families and determined what the minimal course requirements would be in order for clinical professional counselors and clinical professional counselor interns to demonstrate competency in working with couples. Rather than require all of the nine courses in the marriage and family therapists areas of study, the Board identified six courses that could be used to demonstrate competency.

B. Establishment of different standards of compliance for a small business

N/A

C. Modification of fees or fines so that a small business is authorized to pay a lower fee or fine.

5. The estimated cost to the agency for enforcement of the proposed regulation. *(Include a discussion of the methods used to estimate those costs.)*

The estimated cost to the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors is the cost of staff time to collect and process endorsement applications, conduct academic reviews of required coursework, track and verify face-to-face client and supervision hours, and issue and track endorsement certificates.

