

**PROPOSED REGULATION OF THE
BOARD OF PSYCHOLOGICAL EXAMINERS**

LCB File No. R127-14

August 1, 2014

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

AUTHORITY: §§1 and 2, NRS 641.100; §3, NRS 641.100 and 641.190; §4, NRS 641.100, 641.110 and 641.395; §5, NRS 641.100 and 641.180; §6, NRS 641.100, 641.110 and 641.220; §7, NRS 641.100, 641.110 and 641.370; §§8 and 9, NRS 641.100 and 641.112.

A REGULATION relating to the Board of Psychological Examiners; revising provisions relating to requirements for licensure as a psychologist; revising provisions relating to the supervision of a licensed assistant behavior analyst or a certified autism behavior interventionist; revising provisions relating to the national examination required for licensure as a psychologist; revising provisions relating to the renewal of a certificate as a certified autism behavior interventionist; revising provisions relating to fees charged by the Board for certain services; revising the scope of practice for a psychologist; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Board of Psychological Examiners to license as a psychologist a person who is certified or licensed in another state if the Board determines that the requirements in that state are at least equivalent to the requirements of chapter 641 of NRS. (NRS 641.190) Existing regulations provide various other requirements before such a person is granted licensure in this State, including practicing in the other jurisdiction for at least 5 years, passing an examination, providing letters of professional reference and submitting fingerprints for a background check. (NAC 641.028) **Section 3** of this regulation newly provides that such a person seeking licensure as a psychologist must have been issued a Certificate of Professional Qualification in Psychology by the Association of State and Provincial Psychology Boards or hold a National Register of Health Service Psychologist credential from the National Register of Health Service Psychologists.

Under existing regulations, the supervisor of a licensed assistant behavior analyst or a 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. (NAC 641.083) **Section 4** of this regulation removes that requirement and newly provides that, unless otherwise approved by the Board, a supervisor may not supervise more than 14 licensed assistant behavior analysts, certified autism behavior interventionists or a combination of both if any of

the licensed assistant behavior analysts or certified autism behavior interventionists being supervised provides direct service. The term “direct service” is defined in **section 1** of this regulation as working directly with a client to provide approved services, therapy or treatment.

Existing law requires certain applicants for licensure as a psychologist to pass the Examination for Professional Practice in Psychology, administered by the Association of State and Provincial Psychology Boards. (NRS 641.180) **Section 5** of this regulation newly provides that an applicant for licensure as a psychologist who fails the examination: (1) may, after the first failure, retake the examination; (2) may, after the second failure, retake the examination upon submission by the applicant to the Board of a request for permission to retake the examination and a plan explaining the steps the applicant will take to pass the examination; and (3) may not retake the examination after the third failure except that the Board will approve a retake if the applicant submits proof of licensure as a psychologist in another jurisdiction after the date of the third failure of the examination or proof of completion of a doctoral degree from certain programs or institutions earned after the date of the third failure of the examination.

Existing regulations require a certified autism behavior interventionist seeking renewal of his or her certificate to certify to the Board that he or she has provided an average of at least 4 hours per week of direct service to clients as a certified autism behavior interventionist. (NAC 641.1327) **Section 6** of this regulation newly provides that the requirement may be waived if the certified autism behavior interventionist provides proof to the Board of at least 40 hours of training in applied behavior analysis techniques that meet certain continuing education requirements.

The Board is authorized to charge fees for various services that are provided by the Board. (NRS 641.370) **Section 7** of this regulation removes the fees for providing a set of mailing labels, for the review of a failed examination, for providing a list of practicing psychologists, licensed behavior analysts, licensed assistant behavior analysts or certified autism behavior interventionists and for providing a list of persons granted a license or certificate in any year.

Existing law requires the Board to ensure that licensed psychologists limit their practice of psychology to their areas of competence. (NRS 641.112) Existing regulations provide certain limits to the scope of practice for a psychologist along with certain duties of a psychologist. (NAC 641.208) **Section 8** of this regulation newly provides that a psychologist may, within the scope of his or her license and competence: (1) provide a patient with consultation and intervention regarding behavioral health and associated factors; (2) provide a patient with referrals to appropriate health care providers; and (3) discuss medications with a patient or consult with a physician regarding medication for a patient.

Existing law requires a licensed psychologist to limit his or her practice of psychology to his or her areas of competence, as documented by education, training and experience. (NRS 641.112) An existing regulation requires the Board, at the time of granting a license to a psychologist, to specify in writing the areas of acceptable practice for that psychologist, and provides a list of areas of specialization recognized by the Board. (NAC 641.140) **Section 9** of the regulation repeals that section.

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

“Direct service” means working directly with a client to provide approved services, therapy or treatment pursuant to NAC 641.208, 641.209 or 641.2095, as applicable.

Sec. 2. 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 641.003 to 641.015, inclusive, *and section 1 of this regulation* have the meanings ascribed to them in those sections.

Sec. 3. 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) *Has been issued a Certificate of Professional Qualification in Psychology by the Association of State and Provincial Psychology Boards or holds a National Register of Health Service Psychologist credential from the National Register of Health Service Psychologists;*

(c) 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;

~~(e)~~ (d) Has not previously been convicted of a felony;

~~(d)~~ (e) Has not been subject to disciplinary action in another jurisdiction;

~~(e)~~ (f) Does not have any outstanding complaints or charges pending against him or her in another jurisdiction;

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

~~(g)~~ (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

~~(h)~~ (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 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 the applicant's:

(a) Moral character;

(b) Current fitness to practice psychology; and

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

Sec. 4. NAC 641.083 is hereby amended to read as follows:

641.083 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~~ **A** supervisor ~~of a licensed assistant behavior analyst or certified autism behavior interventionist~~ may not ~~spend~~ **supervise** more than ~~30 percent of his or her work time or more than 12 hours in a week, whichever is greater, providing supervision.~~ **14 licensed assistant behavior analysts, certified autism behavior interventionists or a combination of licensed assistant behavior analysts and certified autism behavior interventionists if any of the licensed assistant behavior analysts or certified autism behavior interventionists being supervised provides direct service. The Board may approve a waiver from this requirement upon request from the supervisor.**

Sec. 5. NAC 641.120 is hereby amended to read as follows:

641.120 1. The national examination constitutes one portion of the examination for licensure as a psychologist.

2. ~~Am~~ *Except as otherwise provided in subsection 3, an* applicant for a license may take the national examination 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 3 of NAC 641.050.

3. *An applicant who fails the national examination:*

(a) *Once may retake the examination.*

(b) *Twice may not retake the examination unless the applicant requests permission and obtains approval from the Board to retake the examination for a third time. The applicant must submit the request to the Board in writing. The Board will approve the request to retake the examination if the applicant submits a plan explaining the steps the applicant will take to pass the examination.*

(c) *Three times may not retake the examination unless the applicant requests permission and obtains approval from the Board to retake the examination for a fourth time. The applicant must submit the request to the Board in writing. The Board will approve the request to retake the examination if the applicant submits proof of additional credentials or training, as evidenced by:*

(1) *Licensure as a psychologist, which occurred after the date of the third failed examination, in another jurisdiction whose requirements have been determined by the Board to be at least equivalent to the requirements of chapter 641 of NRS; or*

(2) *Completion of a doctoral degree, which occurred after the date of the third failed examination, from a training program which is accredited by the American Psychological Association or an institution which meets the requirements of subsection 3 of NAC 641.050.*

Sec. 6. NAC 641.1327 is hereby amended to read as follows:

641.1327 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~~ *Except as otherwise provided in subsection 2, 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, 3~~, 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 provision of direct service required by paragraph (a) of subsection 1 will be waived if the certified autism behavior interventionist provides proof to the Board of at least 40 hours of training in applied behavior analysis techniques that meets the requirements of subsection 5.*

3. 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.

~~13.1~~ 4. 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.

~~14.1~~ 5. Except as otherwise provided in subsection ~~15.1~~ 6, 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.

~~15.1~~ 6. 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 NAC 641.2095.}~~

Sec. 7. 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 state examination for licensure or certification administered by the Board pursuant to NAC 641.112 or 641.113	Actual costs to the Board plus \$100
For the issuance of an initial license or certificate	25
For the biennial renewal or reinstatement of a license as a psychologist.....	500
For the biennial renewal or reinstatement of a license as a licensed behavior analyst.....	400
For the biennial renewal or reinstatement of a license as a licensed assistant behavior analyst.....	275
For the biennial renewal or reinstatement of a certificate as a certified autism behavior interventionist	175
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 as a psychologist 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 as a psychologist on inactive status if the restoration occurs during the second year of the biennium in which the license was issued or renewed	150
For the 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	300
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.....	100
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.....	175
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.....	40
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 or certificate	25
For a duplicate license or certificate.....	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 year	10
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 Board	25
For a letter of good standing	15
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 641.113 for purposes of determining the fee charged and collected pursuant to subsection 1.

Sec. 8. NAC 641.208 is hereby amended to read as follows:

641.208 A psychologist:

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 accept or perform any

professional service which he or she knows, or has reason to know, he or she is not competent to perform.

3. Shall not engage in conduct in the practice of psychology 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, if employed by an agency, organization or institution, use every reasonable effort to assure that all services provided for patients are adequate in degree and scope, and conform to the highest professional standards.

6. Shall, if acquiring experience in a service or technique that is either new to the psychologist or new to the profession:

(a) Engage in continuing consultation with other psychologists or relevant professionals;

(b) Seek appropriate education and training in the new area; and

(c) Inform his or her patients of the innovative nature and known risks of the new service or technique to provide his or her patients with the freedom of choice concerning psychological services.

7. Shall not claim or use any secret or special method of treatment or evaluation not previously divulged to the Board.

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

9. Shall not order any test or treatment, or the use of any facility for treatment, not warranted by the condition of the patient.

10. Shall refer or recommend referral of a patient to:

(a) Another professional; or

(b) Technical or administrative resources,

↳ if a referral is clearly in the best interests of the patient.

11. Shall, upon the request of a patient, refer the patient to another professional.

12. Shall not render a formal professional opinion about a person, including an opinion concerning the fitness of a parent in a child custody hearing, without having had direct and substantial professional contact with the person or without having made a formal assessment of the person.

13. May, within the scope of his or her license and competence, provide a patient with:

(a) Consultation and intervention regarding behavioral health and associated factors, including, without limitation, engagement in appropriate health behaviors and compliance with recommended treatment plans; and

(b) Referrals to appropriate health care providers for patient concerns of a medical or physical nature.

14. May, within the scope of his or her license and competence, discuss medications with a patient or consult with a physician regarding medication to be prescribed for the patient.

Sec. 9. NAC 641.140 is hereby repealed.

TEXT OF REPEALED SECTION

641.140 Areas of acceptable practice of psychology and specialization. (NRS 641.100, 641.112)

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 or her practice is confined to the areas of his or her 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.