

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

LCB File No. R058-18

April 30, 2018

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

AUTHORITY: §1, NRS 641.100, 641.110 and 641.180; §2, NRS 641.100, 641.110 and 641.170, as amended by section 62 of Senate Bill No. 286, chapter 588, Statutes of Nevada 2017, at page 4247.

A REGULATION relating to psychology; revising provisions relating to the state examination required for licensure as a psychologist; revising provisions relating to applications for licensure as a behavior analyst or assistant behavior analyst; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the Board of Psychological Examiners to administer a state examination to an applicant for a license as a psychologist. (NRS 641.180) Existing regulations allow an applicant for licensure as a psychologist to review his or her state examination if he or she failed the examination. (NAC 641.112) **Section 1** of this regulation eliminates such right of review by the applicant.

Existing law authorizes the Board to license behavior analysts and assistant behavior analysts until January 1, 2019. (NRS 641.110, 641.170). Existing regulations deem an application for licensure as a behavior analyst or an assistant behavior analyst withdrawn if the application is not completed within 2 years after its submission. (NAC 641.1503) **Section 2** of this regulation removes the requirement for such an applicant to complete his or her application within 2 years, thereby leaving no restriction on the amount of time such an application can remain incomplete.

Section 1. NAC 641.112 is hereby amended to read as follows:

641.112 1. The Board will administer 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. ~~3. An applicant who fails the state examination may review his or her 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.~~ 4. An applicant who fails the state examination:

(a) Once or twice may retake the state examination.

(b) Three times may not retake the state examination unless the applicant requests permission and obtains approval from the Board to retake the state examination for a fourth time. The applicant must submit to the Board a written request to retake the state examination and a written plan explaining the steps the applicant will take to pass the state examination. The Board will approve the request to retake the state examination if the Board determines that the written plan submitted by the applicant is likely to result in the applicant passing the state examination.

(c) Four or more times may not retake the state examination except as otherwise provided in this paragraph, and his or her application for licensure pursuant to NRS 641.160 is deemed denied. A person whose application is deemed denied pursuant to this paragraph may, not earlier than 18 months after the date on which he or she is notified by the Board that he or she failed that state examination for the immediately preceding time, request permission in writing from the Board to reapply for licensure and retake the state examination. The Board will, if good cause is shown, approve the request.

~~5.~~ 4. 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.}~~ 5. 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. 2. NAC 641.1503 is hereby amended to read as follows:

641.1503 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 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.

~~{4.}~~ 3. If an application is deemed withdrawn pursuant to this section, the applicant may reapply for such licensure or registration and must pay any application fees in effect at the time of the reapplication.