

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

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CHAPTER 641

PSYCHOLOGISTS, LICENSED BEHAVIOR ANALYSTS, LICENSED ASSISTANT BEHAVIOR ANALYSTS, AUTISM BEHAVIOR INTERVENTIONISTS, PSYCHOLOGICAL ASSISTANTS, PSYCHOLOGICAL INTERNS AND UNLICENSED PERSONNEL

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GENERAL PROVISIONS

NAC 641.001 Definitions. (NRS 641.100) As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 641.003 to 641.015, inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Bd. of Psychological Exam'rs by R089-03, eff. 1-18-2005; A by R209-09, 10-15-2010)

NAC 641.003 "Applied behavior analysis" defined. (NRS 641.100) "Applied behavior analysis" has the meaning ascribed to it in NRS 689A.0435.

(Added to NAC by Bd. of Psychological Exam'rs by R209-09, eff. 10-15-2010)

NAC 641.005 "Board" defined. (NRS 641.100) "Board" means the Board of Psychological Examiners.

(Added to NAC by Bd. of Psychological Exam'rs by R089-03, eff. 1-18-2005)

NAC 641.007 "Distance education course" defined. (NRS 641.100) "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.

(Added to NAC by Bd. of Psychological Exam'rs by R209-09, eff. 10-15-2010)

NAC 641.008 "Licensed assistant behavior analyst" defined. (NRS 641.100) "Licensed assistant behavior analyst" has the meaning ascribed to it in NRS 689A.0435.

(Added to NAC by Bd. of Psychological Exam'rs by R209-09, eff. 10-15-2010)

NAC 641.0085 "Licensed behavior analyst" defined. (NRS 641.100) "Licensed behavior analyst" has the meaning ascribed to it in NRS 689A.0435.

(Added to NAC by Bd. of Psychological Exam'rs by R209-09, eff. 10-15-2010)

NAC 641.009 "National examination" defined. (NRS 641.100) "National examination" has the meaning ascribed to it in NRS 641.0243.

(Added to NAC by Bd. of Psychological Exam'rs by R209-09, eff. 10-15-2010)

NAC 641.011 "Psychological assistant" defined. (NRS 641.100) "Psychological assistant" means a person registered with the Board pursuant to NAC 641.151.

(Added to NAC by Bd. of Psychological Exam'rs by R089-03, eff. 1-18-2005)

NAC 641.015 "Psychologist" defined. (NRS 641.100) "Psychologist" has the meaning ascribed to it in NRS 641.027.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 8-24-90; A by R089-03, 1-18-2005)

NAC 641.018 Submission of standards by accredited educational institution or public agency that employs psychological scientist. (NRS 641.100, 641.390) Each accredited educational institution or public agency that employs a person pursuant to subsection 1 of NRS 641.390 shall submit a copy of the explicit standards to the Board as soon as practicable. If the accredited educational institution or public agency revises the standards, it shall submit a copy of the revision to the Board within 30 days after the revision becomes effective.

(Added to NAC by Bd. of Psychological Exam'rs by R078-99, eff. 3-13-2000)

FEES

NAC 641.019 Fees. (NRS 641.100, 641.110, 641.228)

1. The Board will charge and collect the following fees:

For an application for licensure.....	\$100
For the state examination for licensure 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	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 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
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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
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For the initial registration of a psychological assistant, psychological intern or psychological trainee 250

For the renewal of a registration of a psychological assistant, psychological intern or psychological trainee 150

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.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 7-7-82; A 8-24-90; 7-11-94; 12-28-95; R153-97, 12-19-97; R078-99, 3-13-2000; R090-01, 2-7-2002; R077-02, 7-25-2002; R131-09, 1-28-2010; R209-09, 10-15-2010; R127-14, 6-28-2016)—(Substituted in revision for NAC 641.135)

LICENSING REQUIREMENTS

NAC 641.020 Licensure or certification in another state not accepted when acquired through “grandfather” clause. (NRS 641.100, 641.190) 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.

[Bd. of Psychological Exam'rs, Policy No. 3, eff. 6-28-65]—(NAC A by R209-09, 10-15-2010)

NAC 641.025 Issuance of license to psychologist licensed not less than 20 years in another state or Canada. (NRS 641.100, 641.110, 641.170, 641.190)

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 was earned from a regionally accredited program, accredited by a national regulatory body approved by the Board, and which relates primarily to psychology;

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

(c) Has not had the scope of the 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 the applicant's:

(a) Moral character;

(b) Current fitness to practice psychology; or

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

(Added to NAC by Bd. of Psychological Exam'rs, eff. 1-24-94; A by R153-97, 12-19-97; R090-01, 2-7-2002; R117-08, 12-17-2008; R131-09, 1-28-2010; R209-09, 10-15-2010)

NAC 641.028 Issuance of license to psychologist licensed not less than 5 years in another jurisdiction. (NRS 641.100, 641.190)

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;

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

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

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

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

(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 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.

(Added to NAC by Bd. of Psychological Exam'rs by R153-97, eff. 12-19-97; A by R131-09, 1-28-2010; R209-09, 10-15-2010; R127-14, 6-28-2016)

NAC 641.029 Issuance of license to behavior analyst; provisional licenses. (NRS 641.100, 641.110, 641.160, 641.170)

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 NAC 641.113;

(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.

(Added to NAC by Bd. of Psychological Exam'rs by R209-09, eff. 10-15-2010)

NAC 641.031 Issuance of license to assistant behavior analyst; provisional licenses. (NRS 641.100, 641.110, 641.160, 641.170)

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 NAC 641.113;
- (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.

(Added to NAC by Bd. of Psychological Exam'rs by R209-09, eff. 10-15-2010)

NAC 641.050 Education: Adoption of list of accredited programs; accredited educational institutions. (NRS 641.100, 641.110, 641.170)

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 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.

[Bd. of Psychological Exam'rs, § 641.040, eff. 12-14-78]—(NAC A 7-7-82; 8-3-88; 1-24-94; 12-28-95; R117-08, 12-17-2008; R209-09, 10-15-2010)

NAC 641.061 Educational requirements for psychologists: Submission of proof that unaccredited program completed before January 1, 2018, is equivalent to accredited program. (NRS 641.100, 641.110, 641.170)

1. An applicant for licensure as a psychologist who, before January 1, 2018, 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 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) The evaluation of the academic credentials of the applicant conducted pursuant to subsection 3 or 4.

3. Except as otherwise provided in subsection 4, to determine whether the content of the courses and the supervised practical, internship, field or laboratory training taken by an applicant are equivalent to a program accredited by the American Psychological Association pursuant to subsection 1, the applicant must have his or her academic credentials, including, without limitation, the required curriculum, evaluated by:

- (a) The Association of State and Provincial Psychology Boards; or
- (b) The director of clinical training of a doctoral program that is accredited by the American Psychological Association and approved by the Board of Psychological Examiners.

4. An applicant who is unable to obtain an evaluation as required in subsection 3 may, upon the approval of the Board, have his or her academic credentials evaluated by a designee of the director of clinical training of a doctoral program that is accredited by the American Psychological Association.

5. The Board may establish a subcommittee to review the academic credentials of an applicant and present a recommendation to the Board. In determining whether to approve the academic credentials of an applicant pursuant to subsection 3 or 4, the Board will consider any recommendation from the Association of State and Provincial Psychology Boards, the director of clinical training of a doctoral program that is accredited by the American Psychological Association, or a designee of the director of clinical training of a doctoral program that is accredited by the American Psychological Association, as applicable, and the recommendation of the subcommittee, if any, but is not bound to follow such recommendations.

6. If the title of any course submitted by an applicant pursuant to paragraph (g) of subsection 2 does not adequately describe its content, the Board or subcommittee, as applicable, may require the applicant to submit additional information regarding the contents of the course, including, without limitation, a syllabus, a university catalog description or a statement from the instructor of the course.

7. If the Board finds that the training program completed by an applicant pursuant to this section is not equivalent to a program accredited by the American Psychological Association, the applicant may petition the Board for reconsideration. A decision of the Board upon reconsideration, or a decision of the Board to deny such a petition, is a final decision for the purposes of chapter 233B of NRS.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 8-3-88; A 8-24-90; 1-24-94; R117-08, 12-17-2008; R209-09, 10-15-2010; R038-16, 12-21-2016)

NAC 641.062 Educational requirements for psychologists: Submission of proof that unaccredited program completed on or after January 1, 2018, is equivalent to accredited program. (NRS 641.100, 641.110, 641.170)

1. An applicant for licensure as a psychologist who, on or after January 1, 2018, has completed a training program that is 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 submit to the Board:

(a) Transcripts, syllabi, university catalog descriptions, a description of the training program, professional competency evaluations conducted of the applicant while in the 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 for doctoral programs in the *Standards of Accreditation for Health Service Psychology* of the American Psychological Association, which is available, free of charge, at the Internet address <http://www.apa.org/ed/accreditation/index.aspx>, and Section C of the *Implementing Regulations* of the Commission on Accreditation of the American Psychological Association, which is available, free of charge, at the Internet address <http://www.apa.org/ed/accreditation/section-c-soa.pdf>; and

(b) The evaluation of the academic credentials of the applicant conducted pursuant to subsection 4 or 5.

3. For the purposes of paragraph (a) of subsection 2, a training program “substantially complies with the accreditation standards for doctoral programs” if the applicant submits to the Board, without limitation, proof:

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

(b) That the primary purpose of the training program is to provide broad and general training in scientific psychology and in the foundations of practice in health service psychology. The program materials must demonstrate:

- (1) The integration of empirical evidence and practice;
- (2) That the training is sequential, cumulative, graded in complexity and designed to prepare students for practice or further organized training; and
- (3) That the program requires respect for and understanding of cultural and individual differences and diversity.

- (c) 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 stable leadership provided by one or more designated doctoral-level psychologists who:
 - (I) Are members of an identifiable core faculty of the program; and
 - (II) Together with other core faculty of the program have primary responsibility for the program's design, implementation, evaluation and quality.
 - (4) Has an identifiable body of students who are matriculated in the program for the purpose of earning a degree.
 - (5) Includes supervised practicums which must include, without limitation:
 - (I) Supervised experience working with diverse persons who display a variety of presenting problems, diagnoses and issues;
 - (II) Supervised experience in settings committed to training and providing experiences consistent with health service psychology competencies, including, without limitation, those competencies listed in paragraphs (e) and (f);
 - (III) Supervision provided by appropriately trained and credentialed persons; and
 - (IV) Practicum evaluations which are based, at least in part, on direct observation, which may occur in person or via electronic means.
- (d) That the program requires a student to complete successfully at least 3 academic years, or the equivalent, of full-time graduate study which includes at least 2 years, or the equivalent, of academic training and at least 1 year, or the equivalent, in full-time residence. A person seeking to satisfy the requirement for 1 year in full-time residence based on equivalent experience must demonstrate that the experience achieved all the purposes of the requirement, including, without limitation, mentoring, supervision and evaluation regarding the development of professional competence. Experience in a program that was conducted entirely through electronic means may not be used to satisfy the requirements of this paragraph.
- (e) That the applicant, while in the program, acquired and demonstrated substantial graduate-level understanding and competence in discipline-specific knowledge in the following areas:
- (1) The history and systems of psychology.
 - (2) Affective aspects of behavior.
 - (3) Biological aspects of behavior.
 - (4) Cognitive aspects of behavior.
 - (5) Social aspects of behavior.
 - (6) Developmental aspects of behavior across the lifespan.
 - (7) Advanced integrative knowledge in scientific psychology.
 - (8) Research methods.
 - (9) Quantitative methods.
 - (10) Psychometrics.
- (f) That the applicant, while in the program, achieved and demonstrated profession-wide competency in the following areas:
- (1) Research.
 - (2) Ethical and legal standards.
 - (3) Individual and cultural diversity.
 - (4) Professional values, attitudes and behaviors.
 - (5) Communication and interpersonal skills.
 - (6) Assessment.
 - (7) Intervention.
 - (8) Supervision.
 - (9) Consultation, interprofessional and interdisciplinary skills.
4. Except as otherwise provided in subsection 5, to determine whether the training program completed by an applicant is equivalent to a program accredited by the American Psychological

Association pursuant to subsection 1, the applicant must have his or her academic credentials, including, without limitation, the required curriculum, evaluated by:

- (a) The Association of State and Provincial Psychology Boards; or
- (b) The director of clinical training of a doctoral program that is accredited by the American Psychological Association and approved by the Board of Psychological Examiners.

5. An applicant who is unable to obtain an evaluation as required in subsection 4 may, upon the approval of the Board, have his or her academic credentials evaluated by a designee of the director of clinical training of a doctoral program that is accredited by the American Psychological Association.

6. The Board may establish a subcommittee to review the academic credentials of an applicant and present a recommendation to the Board. In determining whether to approve the academic credentials of an applicant pursuant to subsection 4 or 5, the Board will consider any recommendation from the Association of State and Provincial Psychology Boards, the director of clinical training of a doctoral program that is accredited by the American Psychological Association, or a designee of the director of clinical training of a doctoral program that is accredited by the American Psychological Association, as applicable, and the recommendation of the subcommittee, if any, but is not bound to follow such recommendations.

7. If the Board finds that the training program completed by an applicant pursuant to this section is not equivalent to a program accredited by the American Psychological Association, the applicant may petition the Board for reconsideration. A decision of the Board upon reconsideration, or a decision of the Board to deny such a petition, is a final decision for the purposes of chapter 233B of NRS.

(Added to NAC by Bd. of Psychological Exam'rs by R038-16, eff. 12-21-2016)

NAC 641.0625 Educational requirements for psychologists: Satisfaction of remaining requirements through program of respecialization or equivalent program. (NRS 641.100, 641.110, 641.170) To meet the educational requirements for licensure as a psychologist set forth in NAC 641.061 or 641.062, as applicable, an applicant who:

1. Has not earned a doctoral degree in psychology from an accredited educational institution approved by the Board or completed doctoral-level training from an accredited educational institution deemed equivalent by the Board in both subject matter and extent of training; and

2. Has met some of the educational requirements for licensure as a psychologist through the completion of doctoral-level training in a related field of study,

↳ must satisfy the remaining educational requirements for licensure as a psychologist through the completion of a program of respecialization that is accredited by the American Psychological Association or a program deemed equivalent by the Board.

(Added to NAC by Bd. of Psychological Exam'rs by R038-16, eff. 12-21-2016)

NAC 641.063 Educational requirements for behavior analysts and assistant behavior analysts: Submission of proof that unaccredited program is equivalent to accredited program. (NRS 641.100, 641.170)

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.

(Added to NAC by Bd. of Psychological Exam'rs by R209-09, eff. 10-15-2010)

NAC 641.080 Supervised experience: Applicant for licensure as psychologist. (NRS 641.100, 641.110, 641.170)

1. Before an applicant is eligible for licensure as a psychologist, he or she must complete 2 years of supervised and documented experience that is the equivalent of full-time experience.

2. Except as otherwise provided in subsection 3, the 2 years of experience required pursuant to paragraph (e) of subsection 1 of NRS 641.170 must be supervised experience and must comply with the following requirements:

(a) The first year must satisfy the requirements of subsection 4; and

(b) The second year must be postdoctoral, must consist of not less than 1,750 hours and must:

(1) Meet the guidelines established by the Association of State and Provincial Psychology Boards; or

(2) Satisfy the requirements of subsection 6.

3. If an applicant has been licensed for at least 5 years in another state and has had no disciplinary action or other adverse action taken against him or her by the regulatory body, the 2 years of experience required pursuant to paragraph (e) of subsection 1 of NRS 641.170 must be supervised experience and must comply with the following requirements:

(a) Each year must consist of not less than 1,500 hours;

(b) One year must satisfy the requirements of subsection 4; and

(c) One year must be postdoctoral and must satisfy the requirements of subsection 6.

4. For the purposes of paragraph (a) of subsection 2 and paragraph (b) of subsection 3, 1 year of supervised experience must be satisfactorily completed in:

(a) A doctoral internship program approved by the American Psychological Association; or

(b) A doctoral internship that is equivalent to a doctoral internship in a program that is accredited by the American Psychological Association. An applicant, his or her proposed supervisor and a representative of the proposed agency or institution at which the internship will be conducted must submit to the Board a plan to meet the requirements of this paragraph and information showing that the proposed internship substantially complies with the accreditation standards for doctoral internship programs in the *Standards of Accreditation for Health Service Psychology* of the American Psychological Association, which is available, free of charge, at the Internet address <http://www.apa.org/ed/accreditation/index.aspx>, and Section C of the *Implementing Regulations* of the Commission on Accreditation of the American Psychological Association which is available, free of charge, at the Internet address <http://www.apa.org/ed/accreditation/section-c-soa.pdf>. Substantial compliance with such standards may be demonstrated by submission to the Board of information showing that the proposed doctoral internship:

(1) Requires completion of the internship in an agency or institution that provides services to a population sufficient in number and diversity to give the intern adequate experiential exposure to meet the purposes, aims and competencies of the internship.

(2) Requires the intern to complete a minimum of 2,000 hours of training, which must be completed:

(I) If on a full-time basis, in not less than 12 months; or

(II) If on a part-time basis, in not less than 24 months.

(3) Offers education and training conducted in a single-site or multiple-site setting that prepares interns for the practice of health service psychology.

(4) Includes a training program that meets the requirements set forth in subsection 5.

5. A proposed doctoral internship that is not approved by the American Psychological Association must include a training program that, without limitation:

(a) Is an integral part of the mission of the agency or institution in which the program is provided, with administrative and structural processes that facilitate systematic coordination, control, direction and organization of the training activities and resources of the program.

(b) Recognizes the importance of cultural and individual differences and diversity in the training of psychologists.

(c) Demonstrates the adequacy of its educational and training resources, including, without limitation, clerical and technical support, access to training materials and equipment that reflect

the current knowledge base in the profession, and physical facilities that are appropriate for confidential interactions and are compliant with the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the regulations adopted pursuant thereto.

(d) Has policies and procedures that are consistent with those described in the accreditation standards for doctoral internship programs in the *Standards of Accreditation for Health Service Psychology* of the American Psychological Association, including, without limitation, policies relating to:

- (1) The recruitment and selection of interns;
- (2) The required prior doctoral preparation and experiences;
- (3) Providing administrative and financial assistance to interns;
- (4) The requirements for successful internship performance;
- (5) Performance evaluations, feedback, retention and termination decisions relating to interns;
- (6) The identification and remediation of insufficient competence and problematic behavior by an intern;
- (7) Grievance procedures for interns, including the provision of due process;
- (8) The requirements for supervision of an intern as set forth in paragraphs (q), (r) and (s);
- (9) Maintenance of records; and
- (10) Nondiscrimination, including documentation of such policies and operating procedures.

(e) Has policies and procedures that are consistent with the profession's current ethics code and which adhere to:

- (1) The regulations of the agency or institution; and
- (2) All applicable local, state and federal laws regarding due process and fair treatment.

(f) Requires the retention of records on the performance of interns and complaints and grievances against the program or persons associated with the program.

(g) Ensures a welcoming, supportive and encouraging learning environment for all interns, including those from diverse and underrepresented communities.

(h) Recognizes the right of interns, faculty and staff to be treated with courtesy and respect.

(i) Recognizes science as the core of health service psychology and relies on the current evidence base in the training and assessment of interns.

(j) Requires an intern to demonstrate competency in profession-wide competencies, including, without limitation:

- (1) Research;
- (2) Ethical and legal standards;
- (3) Individual and cultural diversity;
- (4) Professional values, attitudes and behaviors;
- (5) Communication and interpersonal skills;
- (6) Assessment;
- (7) Intervention;
- (8) Supervision; and
- (9) Consultation, interprofessional and interdisciplinary skills.

(k) Demonstrates a clear and coherent plan for educational activities that support the achievement of interns in profession-wide and program-specific competencies.

(l) Employs primarily an experiential training method that:

(1) Involves the delivery of services by an intern in direct contact with recipients of those services; and

(2) Includes sufficient observation and supervision by doctoral-level licensed psychologists to facilitate the readiness of the intern to enter into the general practice of psychology upon completion of the training.

(m) Follows a logical and cumulative training sequence that builds on the skills and competencies acquired by the intern during training and is graded in complexity in a manner consistent with that sequence.

(n) Demonstrates that the tasks and duties associated with the delivery of service by an intern are primarily learning-oriented and that the training considerations of interns take precedence over the delivery of service and the generation of revenue.

(o) Maintains appropriate and transparent communication practices, including, without limitation:

(1) Articulating the commitment of the program to attracting and training diverse clients;

(2) Ensuring regular communication between the doctoral program and the doctoral internship program;

(3) Ensuring that all communications with potential and current interns are informative, accurate and transparent;

(4) Disclosing the status of the program with regard to accreditation; and

(5) Demonstrating a commitment to public disclosure.

(p) Provides adequate financial support for:

(1) Interns;

(2) Faculty and staff; and

(3) Sufficient and dependable training activities for the duration of the year or years of any contracts with interns.

(q) Provides supervision in a regularly scheduled manner and ensures that:

(1) Each intern has access to consultation and supervision during the times he or she is providing clinical services; and

(2) Each intern receives not less than 4 hours per week of supervision, including not less than 2 hours per week of individual supervision by one or more doctoral-level licensed psychologists who are involved in an ongoing supervisory relationship with the intern and have primary professional responsibility for the cases on which individual supervision is provided.

(r) Ensures that any supervisory hours other than the 2 hours of individual supervision required by subparagraph (2) of paragraph (q) are:

(1) Consistent with the definition of supervision in the glossary of the *Standards of Accreditation for Health Service Psychology* of the American Psychological Association;

(2) Conducted by health care professionals who are appropriately credentialed; and

(3) Interactive experiences in a group or individual format.

(s) Requires that overall responsibility for the supervision of interns, including oversight and integration of supervision provided by non-psychologist professionals, is maintained by doctoral-level licensed psychologists.

6. For the purposes of subparagraph (2) of paragraph (b) of subsection 2 and of paragraph (c) of subsection 3, supervised experience is credited only for:

(a) Professional work in a setting that provides an opportunity for interaction with colleagues and an opportunity for work with a broad range of clients, including, without limitation, a private practice and a public or private agency, institution or organization; and

(b) Work experience that is other than experience which is acquired in connection with a practicum for which graduate credits are granted and which complies with the following requirements:

(1) The number of hours required pursuant to paragraph (b) of subsection 2 or paragraph (a) of subsection 3 must be completed in not less than 10 months and not more than 3 years unless otherwise approved by the Board;

(2) Unless otherwise approved by the Board, at least 50 percent of the hours per week of the supervised experience must be spent providing clinical services, including, without limitation, psychological services rendered directly to an individual, couple, family or group, psychological testing, and individual or group supervision relating to those services;

(3) The hours per week of the supervised experience that are not spent in the manner set forth in subparagraph (2) must be spent engaging in an activity related to psychology, including, without limitation, teaching psychology, researching psychology and engaging in administrative activities related to psychology or in any other activity related to psychology; and

(4) At least 40 hours of the supervised experience must be spent receiving training in cultural, ethnic and group processes as social bases of behavior and at least 3 hours of individual supervision must be spent focused on that area of psychology. Such hours may be obtained by, without limitation:

(I) Conducting clinical work directly with culturally diverse or underserved populations;

(II) Reading materials related to culturally diverse populations;

(III) Researching an issue related to culturally diverse populations;

(IV) Attending a workshop, conference or seminar concerning working with culturally diverse populations;

(V) Giving a presentation related to culturally diverse populations at a workshop, conference or seminar; and

(VI) Authoring a publication related to culturally diverse populations.

[Bd. of Psychological Exam'rs, § 641.100, eff. 12-14-78]—(NAC A 7-7-82; 8-24-90; 1-24-94; 12-28-95; R077-02, 7-25-2002; R089-03, 1-18-2005; R038-16, 12-21-2016)

REVISER'S NOTE.

The regulation of the Board of Psychological Examiners filed with the Secretary of State on December 21, 2016 (LCB File No. R038-16), which amended this section, contains the following provision not included in NAC:

“Sec. 18. 1. A person who engages in activities as a psychological intern in this State on December 21, 2016, or has engaged in such activities before that date, is exempt from the amendatory requirements of NAC 641.080 until his or her internship is completed or terminated.

2. A person who supervises a psychological intern in this State on December 21, 2016, is exempt from the amendatory requirements of NAC 641.080, 641.1567, 641.158 and section 2 of this regulation [NAC 641.1517] until his or her supervision of the psychological intern is completed or terminated.

3. A person who supervises a psychological assistant in this State on December 21, 2016, is exempt from the amendatory requirements of NAC 641.156 and 641.158 until his or her supervision of the psychological assistant is completed or terminated.”

NAC 641.083 Supervision of licensed assistant behavior analysts and autism behavior interventionists. (NRS 641.100, 641.110, 641.395)

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 psychologist, a licensed behavior analyst or a licensed assistant behavior analyst who supervises an autism behavior interventionist must supervise the autism behavior interventionist during at least 10 percent of the hours the autism behavior interventionist 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 autism behavior interventionist who is being supervised by the supervisor.

(Added to NAC by Bd. of Psychological Exam'rs by R209-09, eff. 10-15-2010; A by R127-14, 6-28-2016)

NAC 641.112 State examination of applicant for licensure as a psychologist: Content; review of failed examination; reexamination; fee; prohibited acts. (NRS 641.100, 641.110, 641.180)

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. 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. 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. 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.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 7-11-94; A by R078-99, 3-13-2000; R131-09, 1-28-2010; R209-09, 10-15-2010; R127-14, 6-28-2016)

NAC 641.113 State examination of applicants for licensure as licensed behavior analyst or licensed assistant behavior analyst: Content; reexamination; fee; prohibited acts. (NRS 641.100, 641.110, 641.170, 641.172)

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.

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:

(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.

4. 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.

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.

(Added to NAC by Bd. of Psychological Exam'rs by R209-09, eff. 10-15-2010; A by R127-14, 6-28-2016)

NAC 641.120 National examination: Use; prerequisite for taking; reexamination. (NRS 641.100, 641.180)

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

2. 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:

- (1) NAC 641.061 if the applicant graduated before January 1, 2018; or
- (2) NAC 641.062 if the applicant graduated on or after January 1, 2018; 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 or twice may retake the examination.
- (b) 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 to the Board a written request to retake the examination and a written plan explaining the steps the applicant will take to pass the examination. The Board will approve the request to retake the examination if the Board determines that the written plan submitted by the applicant is likely to result in the applicant passing the examination.

(c) Four or more times may not retake the examination except as otherwise provided in this paragraph, and his or her application for licensure pursuant to NRS 641.160 or NAC 641.062, as applicable, 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 notified the Board that he or she failed the examination for the immediately preceding time, request permission in writing from the Board to reapply for licensure and retake the examination. The Board will, if good cause is shown, approve the request.

[Bd. of Psychological Exam'rs, § 641.070, eff. 12-14-78]—(NAC A 7-7-82; 8-24-90; R089-03, 1-18-2005; R131-09, 1-28-2010; R209-09, 10-15-2010; R127-14, 6-28-2016; R038-16, 12-21-2016)

NAC 641.132 Renewal of license. (NRS 641.100, 641.110, 641.220, 641.232)

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 641.1363, 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 641.1363, 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 641.1363, 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 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.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 12-28-95; A by R090-01, 2-7-2002; R209-09, 10-15-2010)

NAC 641.133 Placement of license on inactive status; renewal or restoration to active status. (NRS 641.100, 641.110, 641.160, 641.170)

1. Upon written request to the Board and payment of the fee prescribed by the Board, a 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 the 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 641.019 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 or her license was on inactive status, the submission of proof that he or she is in good standing and that there are no disciplinary proceedings pending against him or her 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 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 641.113, as applicable.

(Added to NAC by Bd. of Psychological Exam'rs by R078-99, eff. 3-13-2000; A by R090-01, 2-7-2002; R131-09, 1-28-2010; R209-09, 10-15-2010)

NAC 641.136 Continuing education: Requirements for renewal of license as a psychologist; acceptance or approval of courses and programs by Board. (NRS 641.100, 641.110, 641.220)

1. To renew his or her license, a psychologist must certify to the Board that during the 2 years immediately preceding the date he or she submits an application for renewal, he or she 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. At least 2 hours must include instruction in evidence-based suicide prevention and awareness. 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 or she is the instructor.

2. Except as otherwise provided in subsection 3, 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 or a course in evidence-based suicide prevention and awareness, 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.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 12-28-95; A by R090-01, 2-7-2002; R117-08, 12-17-2008; R209-09, 10-15-2010; R038-16, 12-21-2016)

NAC 641.1363 Continuing education: Requirements for renewal of license as a licensed behavior analyst or licensed assistant behavior analyst; courses and programs. (NRS 641.100, 641.110, 641.220)

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. At least 2 hours must include instruction in evidence-based suicide prevention and awareness. 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 or a course in evidence-based suicide prevention and awareness, 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.

(Added to NAC by Bd. of Psychological Exam'rs by R209-09, eff. 10-15-2010; A by R038-16, 12-21-2016)

NAC 641.1365 Continuing education: Hours awarded for certain activities. (NRS 641.100, 641.220) The Board will award not more than 8 hours of continuing education within a 2-year period to any person licensed by the Board who is appointed by the Board to:

1. Conduct or develop an examination; or

2. Serve on a committee approved by the Board.

(Added to NAC by Bd. of Psychological Exam'rs by R078-99, eff. 3-13-2000; A by R131-09, 1-28-2010)

NAC 641.137 Continuing education: Requirements for course or program; subjects. (NRS 641.100, 641.220)

1. A continuing education course or program must be approved by the Board pursuant to NAC 641.136 or 641.138 and:

(a) Be presented in accordance with accepted educational principles at a doctoral or postdoctoral level which is appropriate for professional psychologists;

(b) Be at least 1 hour in length, not including breaks; and

(c) Be primarily related to the study of psychology or have a potential application to the practice of psychology.

2. The subjects acceptable for a continuing education course or program include, but are not limited to:

(a) Scientific and professional ethics and standards;

(b) Forensic issues;

(c) Research design and methodology;

(d) Tests and measurements;

(e) Psychotherapeutic techniques;

(f) Biological bases of behavior, including physiological psychology, comparative psychology, neuropsychology, human sexuality and psychopharmacology;

(g) Cognitive and emotional bases of behavior, including learning, memory, perception, cognition, thinking, motivation and emotion;

(h) Social bases of behavior, including social, group, cultural and ethnic processes, sex roles, and organization and systems therapy;

(i) Differences in persons, including personality therapy, human development, abnormal psychology, psychopathology and the psychology of persons with disabilities; and

(j) Evidence-based suicide prevention and awareness.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 12-28-95; A by R090-01, 2-7-2002; R038-16, 12-21-2016)

NAC 641.138 Continuing education: Request for approval of course or program. (NRS 641.100, 641.220)

1. The Board will evaluate a written request for the approval of a continuing education course or program which is submitted by the sponsoring organization or agency on a form provided by the Board at least 30 days before the first day of the course or program. If the Board does not approve a course or program, the sponsoring organization or agency may, within 30 days after it receives notice of the Board's disapproval, submit to the Board a written request for reconsideration. A request for reconsideration will be considered by the Board at its next regularly scheduled meeting.

2. A written request for approval must include, without limitation:

(a) The name, address and telephone number of the person submitting the application;

(b) The name of the sponsoring organization or agency;

(c) The title of the continuing education course or program;

(d) The date, time and location of the course or program;

(e) The number and type of persons expected to attend the course or program and the maximum enrollment, if any;

(f) The number of hours of instruction, excluding breaks;

(g) The subjects that the course or program will cover;

(h) For each instructor:

(1) His or her name, address and daytime telephone number; and

(2) His or her professional affiliations, educational background and work history which is relevant to the course or program;

(i) A description of:

(1) The goal or purpose of the course or program;

(2) The content of the course or program;

(3) The objectives of the course or program;

(4) The amount of time which will be allotted for each objective of the course or program;

(5) The instructor who will teach each objective of the course or program;

(6) The method of teaching each objective of the course or program; and

(7) The evaluation process which will be used to determine whether the participants achieved the objectives of the course or program;

(j) A copy of the refund form for the course or program which includes a statement of the refund policy;

(k) A copy of the certificate of completion for the course or program which must include space for:

(1) The name of the sponsoring organization;

(2) The name and signature of each instructor;

(3) The name of the person who completed the course or program and his or her license number;

(4) The title of the course or program;

(5) The number of hours of the course or program;

- (6) The date and location of the course or program; and
 - (7) The signature of a person who represents the sponsoring organization; and
 - (l) A copy of the brochure or advertising material, if any, for the course or program.
- (Added to NAC by Bd. of Psychological Exam'rs, eff. 12-28-95)**

NAC 641.139 Continuing education: Responsibilities of sponsor of course or program. (NRS 641.100, 641.220) A sponsoring agency or organization of a continuing education course or program shall provide to the Board:

1. The attendance roster for the course or program; and
2. Written documentation for each licensee who successfully completed the objectives of the course or program.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 12-28-95)

NAC 641.1395 Continuing education: Investigation of complaint regarding course or program. (NRS 641.100, 641.220) If the Board receives a written complaint concerning an instructor of a continuing education course or program, a sponsoring agency or organization, or both, the Board may investigate the complaint. The investigation may include a determination of the relevant facts and an investigation of the materials and records of the instructor for the course or program.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 12-28-95)

NAC 641.150 Genuine collaboration. (NRS 641.100) A psychologist who practices psychotherapy shall be deemed to have engaged in "genuine collaboration" if:

1. The client has not had a recent physical examination and the psychologist refers the client to a qualified physician for such evaluation.
2. The patient's symptoms or complaints may have a physical basis and the psychologist refers the client to a qualified physician for consultation and evaluation.
3. Medication or hospitalization are considered as possibilities for treatment of the client and the psychologist refers the client to a qualified physician for a decision and possible treatment.

[Bd. of Psychological Exam'rs, Policy No. 4, eff. 6-28-65]

APPLICATION FOR LICENSURE OR REGISTRATION AS PSYCHOLOGICAL ASSISTANT DEEMED WITHDRAWN

NAC 641.1503 Incomplete application; failure to take national examination; reapplication. (NRS 641.100, 641.110, 641.170, 641.172)

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. 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.

(Added to NAC by Bd. of Psychological Exam'rs by R117-08, eff. 12-17-2008; A by R209-09, eff. 10-15-2010; R127-14, 6-28-2016)

FIRMS, PARTNERSHIPS AND CORPORATIONS

NAC 641.1505 Registration; notification of certain changes; exemption from requirements. (NRS 641.100, 641.113)

1. Except as otherwise provided in subsection 3, a firm, partnership or corporation that engages in or offers to engage in the practice of psychology must register with the Board and pay the fee for registration before it commences to engage in or offer to engage in the practice of psychology.

2. A firm, partnership or corporation shall notify the Board of any change in ownership or of the addition or departure of any psychologist associated with the firm, partnership or corporation within 30 days after the change. The firm, partnership or corporation must complete a new registration for any change in ownership.

3. The following entities are exempt from the requirements of this section:

(a) A federal, state or local governmental agency or institution.

(b) A firm or corporation that bears the name of a psychologist who is the only person practicing under the name of the firm or corporation.

(c) A firm, partnership or corporation that is formed for the sole purpose of sharing administrative expenses, including, without limitation, rent, services for billing patients and clerical support, if:

(1) The place of business of the firm, partnership or corporation is not identified by the name of the firm, partnership or corporation;

(2) Records of patients, correspondence concerning patients and materials for billing patients do not display the name of the firm, partnership or corporation;

(3) The name of the firm, partnership or corporation is not used in any advertising by the firm, partnership or corporation;

(4) The firm, partnership or corporation does not hold a business license issued by a county, city or town to engage in the practice of psychology; and

(5) Professional liability insurance is not held in the name of the firm, partnership or corporation.

(Added to NAC by Bd. of Psychological Exam'rs by R153-97, eff. 12-19-97; A by R077-02, 7-25-2002; R089-03, 1-18-2005)

PSYCHOLOGICAL ASSISTANTS, INTERNS, TRAINEES AND UNLICENSED PERSONNEL

General Provisions

NAC 641.1507 "Supervisor" defined. (NRS 641.100) As used in NAC 641.1507 to 641.168, inclusive, "supervisor" means a psychologist who supervises a psychological assistant, psychological intern, or psychological trainee pursuant to this chapter.

(Added to NAC by Bd. of Psychological Exam'rs by R089-03, eff. 1-18-2005; A by R209-09, 10-15-2010; R111-13, 10-24-2014)—(Substituted in revision for NAC 641.017)

Psychological Assistants and Interns

NAC 641.151 Psychological assistants: Registration. (NRS 641.100, 641.110, 641.170)

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 (b) of subsection 2 of NAC 641.080 or paragraph (c) of subsection 3 of NAC 641.080 for licensure as a psychologist by submitting the appropriate application to the Board.

2. Unless otherwise approved by the Board, a person may apply to the Board for registration as a psychological assistant only after he or she 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:

(1) NAC 641.061 if the applicant graduated before January 1, 2018; or

(2) NAC 641.062 if the applicant graduated on or after January 1, 2018; or

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

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

(Added to NAC by Bd. of Psychological Exam'rs, eff. 8-3-88; A 8-24-90; 1-24-94; 12-28-95; R089-03, 1-18-2005; R117-08, 12-17-2008; R209-09, 10-15-2010; R038-16, 12-21-2016)

NAC 641.1515 Psychological interns: Registration. (NRS 641.100, 641.170)

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 (a) 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 641.062, as applicable; 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.

(Added to NAC by Bd. of Psychological Exam'rs by R111-13, eff. 10-24-2014; A by R038-16, 12-21-2016)

NEW SECTION Psychological trainees: Registration (per SB162)

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

2. (a) A program which is accredited by the American Psychological Association or meets the requirements of NAC 641.061 or 641.062, as applicable; or

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

3. Registration as a psychological trainee is for 2 years and may not be renewed if the renewal would cause the psychological trainee to be registered as a psychological trainee for more than 5 years unless otherwise approved by the Board.

NAC 641.1517 Psychological interns and psychological trainees: Agreement between supervisor and doctoral training program. (NRS 641.100, 641.110, 641.170) A supervisor

shall provide to the Board a copy of a written agreement between the supervisor and the doctoral training program of each psychological intern or psychological trainee whom he or she supervises. The agreement must include, without limitation:

1. An outline of the skill level of the psychological intern or psychological trainee at the beginning of the supervised experience.
2. The goals for the supervised experience of the psychological intern or psychological trainee.
3. A format and procedure for reporting to the doctoral training program the following information concerning the psychological intern or psychological trainee:
 - (a) His or her progress in building skills;
 - (b) His or her progress toward meeting the goals specified in subsection 2; and
 - (c) Any areas requiring continued growth.
4. An acknowledgment that the written agreement must be in place in order for the psychological intern or psychological trainee to:

- (a) Have lawful and ethical access to clients and the protected health information of clients; and
- (b) Use his or her supervised experience to make progress toward a degree, certification or license.

(Added to NAC by Bd. of Psychological Exam'rs by R038-16, eff. 12-21-2016)

REVISER'S NOTE.

The regulation of the Board of Psychological Examiners filed with the Secretary of State on December 21, 2016 (LCB File No. R038-16), which amended this section, contains the following provision not included in NAC:

"Sec. 18. 1. A person who engages in activities as a psychological intern in this State on December 21, 2016, or has engaged in such activities before that date, is exempt from the amendatory requirements of NAC 641.080 until his or her internship is completed or terminated.

2. A person who supervises a psychological intern in this State on December 21, 2016, is exempt from the amendatory requirements of NAC 641.080, 641.1567, 641.158 and section 2 of this regulation [NAC 641.1517] until his or her supervision of the psychological intern is completed or terminated.

3. A person who supervises a psychological assistant in this State on December 21, 2016, is exempt from the amendatory requirements of NAC 641.156 and 641.158 until his or her supervision of the psychological assistant is completed or terminated."

NAC 641.1519 Qualifications of supervisor. (NRS 641.100, 641.170)

1. A psychologist who wishes to serve as a supervisor of a psychological assistant must:
 - (a) Except as otherwise approved by the Board, be licensed by the Board to practice psychology;
 - (b) Except as otherwise approved by the Board, have been licensed by the Board to practice psychology for 3 years or more; and
 - (c) Have had training in clinical supervision, including, without limitation, the completion of continuing education courses, other courses or courses of independent study relating to clinical supervision.

2. A supervisor of a psychological assistant shall maintain, and provide to the Board upon request, documentation substantiating that he or she satisfies the requirements set forth in subsection 1.

(Added to NAC by Bd. of Psychological Exam'rs by R089-03, eff. 1-18-2005; A by R117-08, 12-17-2008; R038-16, 12-21-2016)—(Substituted in revision for NAC 641.1563)

NAC 641.152 Supervision; assignment of psychological assistant to specialist. (NRS 641.100, 641.170)

1. A psychological assistant or psychological intern may work only under the supervision and control of a psychologist who satisfies the requirements of NAC 641.1519.

2. A psychological trainee may work only under the supervision and control of a psychologist who is formally assigned by their home training program in compliance with required practicum

training elements contained in the Standards of Accreditation for Health Service Psychology of the American Psychological Association and Section C of the Implementing Regulations of the Commission on Accreditation of the American Psychological Association.

2. The supervisor of a psychological assistant, psychological intern, or psychological trainee is responsible for the adequate supervision of the psychological assistant, psychological intern, or psychological trainee.

3. For specific skill training, the supervisor may assign 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.

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.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 8-3-88; A 8-24-90; R089-03, 1-18-2005; R111-13, 10-24-2014)

NAC 641.153 Agreement regarding employment. (NRS 641.100, 641.170) 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:

1. In writing; and

2. Submitted to and approved by the Board.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 8-3-88; A by R111-13, 10-24-2014)

NAC 641.154 Wages; compensation of supervisor; emphasis of supervision. (NRS 641.100, 641.170)

1. 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, psychological intern, or psychological trainee 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, psychological intern, or psychological trainee whom he or she supervises is on training the psychological assistant, psychological intern, or psychological trainee as applicable, rather than on the raising of revenue by the psychological assistant, psychological intern or psychological trainee, as applicable.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 8-3-88; A by R089-03, 1-18-2005; R111-13, 10-24-2014)

NAC 641.156 Psychological assistants, psychological interns, and psychological trainees: Presence of supervisor. (NRS 641.100, 641.170)

1. Unless otherwise approved by the Board, a supervisor must 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.

3. Unless otherwise approved by the Board, a supervisor shall always be physically present on the premises where qualifying professional activities are undertaken by a psychological trainee.

4. Except as otherwise provided in NAC 641.152, a supervisor who supervises a psychological assistant, psychological intern, or psychological trainee must have clinical responsibility for all cases in which the psychological assistant provides services.

5. A mental health or medical professional licensed or certified in this State must be available on the premises at all times when a psychological assistant, psychological intern or psychological trainee is providing services to a client.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 8-3-88; A by R089-03, 1-18-2005; R111-13, 10-24-2014; R038-16, 12-21-2016)

REVISER'S NOTE.

The regulation of the Board of Psychological Examiners filed with the Secretary of State on December 21, 2016 (LCB File No. R038-16), which amended this section, contains the following provision not included in NAC:

"Sec. 18. 1. A person who engages in activities as a psychological intern in this State on December 21, 2016, or has engaged in such activities before that date, is exempt from the amendatory requirements of NAC 641.080 until his or her internship is completed or terminated.

2. A person who supervises a psychological intern in this State on December 21, 2016, is exempt from the amendatory requirements of NAC 641.080, 641.1567, 641.158 and section 2 of this regulation [NAC 641.1517] until his or her supervision of the psychological intern is completed or terminated.

3. A person who supervises a psychological assistant in this State on December 21, 2016, is exempt from the amendatory requirements of NAC 641.156 and 641.158 until his or her supervision of the psychological assistant is completed or terminated."

NAC 641.1565 Supervision involving potential conflict of interest prohibited. (NRS 641.100, 641.170)

1. A supervisor shall not supervise a psychological assistant, psychological intern, or psychological trainee 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, psychological intern, or psychological trainee 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.

(Added to NAC by Bd. of Psychological Exam'rs by R089-03, eff. 1-18-2005; A by R111-13, 10-24-2014)

NAC 641.1567 Duties of supervisor regarding preparation and maintenance of records and notification of Board. (NRS 641.100, 641.170)

1. A supervisor shall prepare records that will enable him or her to:
 - (a) Effectively train and evaluate each psychological assistant, psychological intern, or psychological trainee whom he or she supervises; and
 - (b) Accurately determine the number of hours of supervised experience obtained by each psychological assistant, psychological intern, or psychological trainee whom he or she supervises.
 2. A supervisor shall maintain all records relating to the supervision of a psychological assistant, psychological intern, or psychological trainee including, without limitation, the records required to be maintained pursuant to NAC 641.1517, 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, psychological intern, or psychological trainee 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.
- (Added to NAC by Bd. of Psychological Exam'rs by R089-03, eff. 1-18-2005; A by R111-13, 10-24-2014; R038-16, 12-21-2016)**

REVISER'S NOTE.

The regulation of the Board of Psychological Examiners filed with the Secretary of State on December 21, 2016 (LCB File No. R038-16), which amended this section, contains the following provision not included in NAC:

"Sec. 18. 1. A person who engages in activities as a psychological intern in this State on December 21, 2016, or has engaged in such activities before that date, is exempt from the amendatory requirements of NAC 641.080 until his or her internship is completed or terminated.

2. A person who supervises a psychological intern in this State on December 21, 2016, is exempt from the amendatory requirements of NAC 641.080, 641.1567, 641.158 and section 2 of this regulation [NAC 641.1517] until his or her supervision of the psychological intern is completed or terminated.

3. A person who supervises a psychological assistant in this State on December 21, 2016, is exempt from the amendatory requirements of NAC 641.156 and 641.158 until his or her supervision of the psychological assistant is completed or terminated."

NAC 641.157 Duties of supervisor regarding weekly meetings and individual supervision; grounds for discipline of supervisor. (NRS 641.100, 641.170)

1. A supervisor shall meet with the psychological assistant, psychological intern or psychological trainee whom he or she supervises at least once each week to discuss and critique the performance of the psychological assistant 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 week required pursuant to subparagraph (2) of paragraph (q) of subsection 5 of NAC 641.080.
4. A supervisor shall provide a psychological trainee whom he or she supervises 1 hour of individual or group supervision each week for every 4 hours the trainee is engaged in providing direct psychological services and a minimum of 1 hour of individual supervision each week.
4. The supervisor shall document the hours of individual supervision provided pursuant to subsections 2 and 3.
5. A psychologist who does not adequately supervise a psychological assistant, psychological intern or psychological trainee is subject to disciplinary action by the Board for committing an unethical practice contrary to the interest of the public.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 7-7-82; A 8-3-88; R089-03, 1-18-2005; R111-13, 10-24-2014; R038-16, 12-21-2016)

NAC 641.158 Limitations on number of assistants, interns and supervisors. (NRS 641.100, 641.170)

1. A psychologist may serve as a supervisor to:
 - (a) Not more than three psychological assistants;
 - (b) Not more than two psychological interns;
 - (c) A combination of not more than three psychological assistants and one psychological intern; or
 - (d) A combination of not more than two psychological assistants and not more than two 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.
3. A psychological trainee may not be assigned to more than 2 training site and supervisors at the same time.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 8-3-88; A by R089-03, 1-18-2005; R111-13, 10-24-2014; R038-16, 12-21-2016)

REVISER'S NOTE.

The regulation of the Board of Psychological Examiners filed with the Secretary of State on December 21, 2016 (LCB File No. R038-16), which amended this section, contains the following provision not included in NAC:

"Sec. 18. 1. A person who engages in activities as a psychological intern in this State on December 21, 2016, or has engaged in such activities before that date, is exempt from the amendatory requirements of NAC 641.080 until his or her internship is completed or terminated.

2. A person who supervises a psychological intern in this State on December 21, 2016, is exempt from the amendatory requirements of NAC 641.080, 641.1567, 641.158 and section 2 of this regulation [NAC 641.1517] until his or her supervision of the psychological intern is completed or terminated.

3. A person who supervises a psychological assistant in this State on December 21, 2016, is exempt from the amendatory requirements of NAC 641.156 and 641.158 until his or her supervision of the psychological assistant is completed or terminated."

NAC 641.159 Log of experience. (NRS 641.100, 641.170)

1. A supervisor and his or her psychological assistant, psychological intern, or psychological trainee 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, psychological intern, or psychological trainee;
 - (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, psychological intern, or psychological trainees.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 8-3-88; A by R089-03, 1-18-2005; R111-13, 10-24-2014)

NAC 641.161 Responsibility to inform clients of status of assistant, intern, or trainee; ethical and legal responsibility of supervisor for professional activities of assistant, intern or traineeintern; advertising or listing. (NRS 641.100, 641.170)

1. A supervisor and his or her psychological assistant, psychological intern or psychological trainee are responsible for informing clients of the status of the psychological assistant, psychological intern or psychological trainee.

2. The supervisor is ethically and legally responsible for all professional activities undertaken by the psychological assistant, psychological intern or psychological trainee.

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

(Added to NAC by Bd. of Psychological Exam'rs, eff. 8-3-88; A by R111-13, 10-24-2014)

Unlicensed Personnel

NAC 641.168 Psychological testing. (NRS 641.100)

1. A licensed psychologist may have personnel who are not licensed pursuant to chapter 641 of NRS perform the following types of psychological testing under the psychologist's direct supervision and periodic observation:

(a) Objective written psychological tests may be administered and scored only by a person who has successfully completed training to administer and score such tests.

(b) Objective tests that require a response other than in writing may be administered and scored only by a school psychologist or a person who has completed the training in psychometrics that is required for a master's degree.

(c) Projective tests may be administered and scored only by a psychological assistant or a psychological intern who has successfully completed training to administer and score such tests.

2. The results of a psychological test may be interpreted only by a psychological assistant or a psychological intern who has successfully completed training to interpret such a test.

3. The supervising psychologist is responsible at all times for the actions of the personnel who administer, score and interpret such psychological tests.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 7-11-94)

NONRESIDENT PSYCHOLOGICAL CONSULTANTS

NAC 641.169 Approval to practice. (NRS 641.100, 641.410)

1. A psychologist who is invited to practice in Nevada pursuant to NRS 641.410 shall submit to the Board:

(a) An application for approval to practice as a consultant in this State. The application must be submitted at least 30 days before the psychologist intends to begin practice in this State.

(b) A letter from the inviting psychologist stating that he or she will have primary responsibility for the professional conduct of the invited psychologist.

(c) A sworn statement by the invited psychologist that he or she will only practice as a consultant in this State.

2. An invited psychologist must obtain the approval of the Board before practicing as a consultant in this State.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 7-11-94)—(Substituted in revision for NAC 641.180)

PRACTICE BEFORE THE BOARD OF PSYCHOLOGICAL EXAMINERS

NAC 641.170 Requests for Board to adopt, file, amend or repeal regulations. (NRS 641.100) Any interested person or agency may request that the Board adopt, file, amend or repeal any of these regulations by letter addressed to the President or Secretary-Treasurer of the Board.

[Bd. of Psychological Exam'rs, § 641.020, eff. 12-14-78]

NAC 641.172 Informal disposition of complaints. (NRS 641.100) If, after investigating a complaint, the Attorney General determines that the complaint does not justify or require formal disciplinary proceedings, the President or a person designated by the President may consider and resolve the complaint through informal conferences, meetings, agreements or other informal action as may be appropriate under the circumstances. Such informal action is held without prejudice to the Board, and formal proceedings may be instituted subsequently by the Board, the President or a person designated by the President for the same or related matters. If

new evidence is discovered, the matter may, at any time, be reopened and investigated further if the circumstances so warrant.

(Added to NAC by Bd. of Psychological Exam'rs by R077-02, eff. 7-25-2002)

NAC 641.173 Pleadings. (NRS 641.100)

1. Each pleading or paper filed with the Board in connection with a proceeding for a disciplinary action must be designated as an application, petition, complaint, answer or motion.
2. All pleadings, other than motions and complaints, brought by the Board on its own motion must be verified.
3. The Board may allow any pleading to be amended or corrected or any omission therein to be supplied.
4. Pleadings will be liberally construed and defects that do not affect substantial rights of the parties will be disregarded.

(Added to NAC by Bd. of Psychological Exam'rs by R077-02, eff. 7-25-2002)

NAC 641.174 Answer to formal complaint; motions. (NRS 641.100)

1. An answer to a formal complaint reported to the Board by the Attorney General must be filed with the Board and service thereof made on parties of record within 15 days after service of the complaint, unless the Board for good cause extends the time by which the answer must be filed. Any matter that is alleged as an affirmative defense must be separately stated and numbered.
2. A respondent who fails to answer a complaint in a timely manner pursuant to subsection 1 shall be deemed to have denied the allegations set forth in the complaint generally and, unless otherwise allowed by the Board, is precluded from establishing any affirmative defense at the hearing. The Board will proceed with the matter based solely upon the issues set forth in the complaint unless the matter is continued by the Board.
3. Any motion upon the complaint must be filed before the answer is due. If it is not so filed, the objection must be raised in the answer.
4. If a motion is directed toward an answer, the motion must be filed within 5 days after service of the answer.
5. All other motions must be timely filed.

(Added to NAC by Bd. of Psychological Exam'rs by R077-02, eff. 7-25-2002)

NAC 641.175 Representation by attorney; conduct at hearing. (NRS 641.100)

1. A respondent may be represented by an attorney licensed to practice law in this State. If the attorney is not licensed to practice law in this State, he or she must be associated with an attorney who is so licensed. The respondent may appear on his or her own behalf.
2. An attorney appearing in a hearing before the Board shall ensure that his or her conduct complies with the Nevada Rules of Professional Conduct.
3. All persons appearing in a hearing before the Board shall conform to the standards of ethical and courteous conduct required in the courts of this State.
4. If a person fails to conform his or her conduct to the standards required by this section, the Board may:
 - (a) Limit the evidence presented by that person; or
 - (b) Exclude the person or his or her representative from the hearing.
5. Any action taken by the Board pursuant to this section and the specific reasons for that action will be stated on the record.
6. The respondent shall pay the cost for representation by his or her attorney at a hearing before the Board.

(Added to NAC by Bd. of Psychological Exam'rs by R077-02, eff. 7-25-2002)

NAC 641.176 Withdrawal of attorney. (NRS 641.100) An attorney may withdraw from representation of a respondent upon notice to the respondent and the Board. The notice must

include the reason for the requested withdrawal. The Board may deny permission to withdraw if the withdrawal would unreasonably delay the hearing.

(Added to NAC by Bd. of Psychological Exam'rs by R077-02, eff. 7-25-2002)

NAC 641.177 Disciplinary hearings: Procedure; continuances. (NRS 641.100, 641.280)

1. The Board will convene a disciplinary hearing at the time and place specified in the complaint and notice of hearing. The person presiding at the hearing may grant a continuance only upon:

- (a) A joint stipulation of the parties;
- (b) The existence of an emergency condition; or
- (c) A written request by a party filed at least 5 days before the date of the hearing and a showing by the party of good cause for the continuance. For the purpose of this paragraph, "good cause" must be narrowly construed.

2. A party requesting a continuance must appear on the date of the hearing and be prepared to proceed unless the request for a continuance has been made pursuant to a joint stipulation.

3. The hearing must proceed in the following manner unless the Board for good cause or to prevent manifest injustice orders otherwise:

- (a) An opening statement may be made on behalf of the Board or be waived.
 - (b) An opening statement on behalf of the respondent may be made, reserved until the close of the Board's case or waived.
 - (c) Presentation of the Board's case, followed by cross-examination.
 - (d) Presentation of the respondent's case, followed by cross-examination.
 - (e) Rebuttal, which must be limited to issues previously raised. No new matter may be presented upon rebuttal unless the Board for good cause so permits.
 - (f) Argument on behalf of the Board, unless waived.
 - (g) Argument on behalf of the respondent, unless waived.
 - (h) Submittal of the matter for decision.
4. After the matter is submitted, the Board will render a decision and its order.

(Added to NAC by Bd. of Psychological Exam'rs by R077-02, eff. 7-25-2002)

STANDARDS OF CONDUCT

NAC 641.200 Applicability. (NRS 641.100, 641.232)

1. The provisions of NAC 641.200 to 641.255, inclusive:

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

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

2. A violation of the provisions of NAC 641.200 to 641.255, inclusive, constitutes unprofessional conduct and is a ground for disciplinary action or the denial of an application for an initial license or the renewal of a license.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 8-24-90; A 12-28-95; R090-01, 2-7-2002; R209-09, 10-15-2010; R127-14, 6-28-2016)

NAC 641.204 Determination of organization as patient or client. (NRS 641.100, 641.232) An organization is a patient or client of a psychologist, licensed behavior analyst or licensed assistant behavior analyst if the professional contract between the organization and the psychologist, licensed behavior analyst or licensed assistant behavior analyst requires the psychologist, licensed behavior analyst or licensed assistant behavior analyst to provide services primarily to the organization rather than to the persons in the organization.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 12-28-95; A by R209-09, 10-15-2010; R127-14, 6-28-2016)

NAC 641.206 Authority of parent or legal guardian to make decisions concerning treatment; issues for which child or protected person is patient or client. (NRS 641.100, 641.232) If a psychologist, licensed behavior analyst or licensed assistant behavior analyst is treating a child or protected person, the parent or legal guardian of the child or protected person is the patient or client for the purpose of making decisions concerning treatment. The child or protected person who is receiving services from the psychologist, licensed behavior analyst or licensed assistant behavior analyst is also the patient or client for:

1. Issues directly affecting the physical or emotional safety of the child or protected person, 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 protected person receives professional services, must be reserved to the child or protected person, including, without limitation, confidential communications between the psychologist, licensed behavior analyst or licensed assistant behavior analyst and the child or protected person during the course of the professional relationship.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 12-28-95; A by R153-97, 12-19-97; R209-09, 10-15-2010; R127-14, 6-28-2016)

NAC 641.207 Child custody evaluation. (NRS 641.100)

1. A psychologist who performs a child custody evaluation shall:

(a) Ensure that his or her primary concerns in completing the child custody evaluation are the psychological interests and well-being of the child;

(b) Remain impartial and objective throughout the child custody evaluation;

(c) Not have or have had a relationship with the child, surrogate, parent or other legal guardian of the child other than as a psychologist performing the child custody evaluation unless ordered to perform such an evaluation by a court of competent jurisdiction that has knowledge that such a relationship exists or existed;

(d) Provide a child custody evaluation that is fair and unbiased;

(e) Gather and maintain the information necessary to complete the child custody evaluation, including, without limitation, information relating to:

(1) Each significant setting in which the child spends time;

(2) The recency and nature of the interactions of the child with each parental figure and other significant person in the child's life; and

(3) The developmental needs of the child;

(f) Provide an opportunity for the child to meet privately with the psychologist and express any concerns he or she may have;

(g) Determine whether other psychologists are evaluating the child and, if so, coordinate, to the extent possible, with those psychologists to minimize the possibility of conducting redundant child custody evaluations;

(h) Base his or her determination of the scope of the child custody evaluation on the best interests of the child, regardless of whether a request was made to evaluate only one aspect of the custody of the child;

(i) Before performing the child custody evaluation:

(1) Obtain the informed written consent of each adult being assessed who is participating in the child custody evaluation and, to the extent practicable, of the child who is the subject of the child custody evaluation;

(2) Inform each participant in the child custody evaluation, including, to the extent practicable, the child who is the subject of the child custody evaluation, of the conditions set forth in subsections 2, 3 and 4 of NAC 641.224 pursuant to which the psychologist will disclose confidential information relating to the child custody evaluation;

(3) Inform each participant in the child custody evaluation, including, to the extent practicable, the child who is the subject of the child custody evaluation, of the limitations on the confidentiality of communications with the psychologist as required pursuant to subsections 5 and 6 of NAC 641.224; and

(4) Clarify the cost of the child custody evaluation and obtain an agreement concerning the payment of fees;

(j) Base an opinion relating to child custody on the integration of all the information obtained as part of the child custody evaluation without placing an inappropriate emphasis on data relating to clinical assessment and after taking into consideration any limitations in the information obtained or the methods used to obtain the information; and

(k) Complete the child custody evaluation in a timely manner.

2. Except as otherwise provided in this subsection, a psychologist shall not render any opinion concerning the psychological functioning of any person who has not been personally evaluated by the psychologist for a child custody evaluation. A psychologist may report what a person personally evaluated by the psychologist in a child custody evaluation has stated about a person who has not been so evaluated or may address theoretical or hypothetical questions concerning such a person so long as the limited basis of the information is noted.

3. As used in this section:

(a) "Child custody evaluation" means any evaluation which is performed by a psychologist and which is intended to affect the legal relationship between a child and:

(1) The biological parent, adoptive parent or foster parent of the child;

(2) A surrogate; or

(3) Any other legal guardian of the child.

(b) "Surrogate" has the meaning ascribed to it in NRS 126.045.

(Added to NAC by Bd. of Psychological Exam'rs by R090-01, eff. 2-7-2002; A by R077-02, 7-25-2002)

NAC 641.208 Scope of practice for psychologist: Competency required; acquisition and use of new service or technique; unnecessary treatment; referral of certain patients; basis for rendering formal professional opinion; provision of consultation, intervention and referrals relating to patient health; discussion or consultation regarding medication. (NRS 641.100, 641.112) 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.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 12-28-95; A by R127-14, 6-28-2016)

NAC 641.209 Scope of practice for licensed behavior analyst or licensed assistant behavior analyst: Competency required; use of new method, service or technique; referral of certain clients; basis for rendering formal professional opinion. (NRS 641.100, 641.232, 641.395) 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.

(Added to NAC by Bd. of Psychological Exam'rs by R209-09, eff. 10-15-2010)

NAC 641.210 Display of license by psychologist; communications with Board; notification of change of address or telephone number; professional fees; supervision of certain persons. (NRS 641.100) 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.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 8-24-90; A 12-28-95; R117-08, 12-17-2008; R111-13, 10-24-2014)

NAC 641.213 Display of license by licensed behavior analyst or licensed assistant behavior analyst; response to communications from Board and availability of records relating to inquiries and complaints; notification of change of address or telephone number; professional fees; supervision of certain persons. (NRS 641.100, 641.232)

1. A licensed behavior analyst or licensed assistant behavior analyst:

(a) Shall display his or her license in a conspicuous place on the premises of his or her office or place of employment. A licensed behavior analyst or licensed assistant behavior analyst practicing outside of an office must have his or her wallet card, obtained pursuant to NAC 641.029 or 641.031 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 or licensed assistant behavior analyst 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.

(Added to NAC by Bd. of Psychological Exam'rs by R209-09, eff. 10-15-2010; A by R127-14, 6-28-2016)

NAC 641.215 Disclosure to patient or legal representative; termination of services; care of patients and research subjects. (NRS 641.100) A psychologist:

1. Shall, in an appropriate manner, explain a patient's condition clearly and truthfully to the patient or the person responsible for the care of the patient.

2. Shall keep each patient fully informed of the purpose and nature of any evaluation, treatment or other procedure and the patient's right to choose the services provided.

3. Shall not perform any professional service that has not been authorized by the patient or his or her legal representative.

4. Shall explain clearly to a patient:

(a) The basis and extent of all contemplated services, fees and charges;

(b) The extent of the patient's personal responsibility for those fees; and

(c) The prospective benefits to be derived from and the known risks of such services.

5. Shall, upon termination of services to a patient, offer to make reasonable arrangements for the continuation of care, if such care is necessary.

6. Shall, if it is reasonably clear that a patient is not benefiting from the professional services provided by the psychologist, terminate the professional relationship with the patient after adequately preparing the patient for the termination.

7. Shall, during foreseeable periods of absence, make arrangements for another competent professional to provide emergency care for the patients under the care of the psychologist.

8. Shall not abandon or neglect a patient under and in need of immediate professional care without making reasonable arrangements for the continuation of care.

9. Shall not abandon a professional employment by a group practice, hospital, clinic or other health care facility without reasonable notice.

10. Shall not impose on a patient any stereotypes of behavior, values or roles related to age, gender, religion, race, disability, nationality or sexual preference which would interfere with the objective provision of psychological services to the patient.

11. Shall not willfully harass, abuse or intimidate any patient or other person to whom he or she has a professional responsibility. The use of any lawful procedure or process for the collection of an unpaid fee is not a violation of this subsection.

12. Shall not exercise undue influence upon any patient or promote the sale to a patient of any service, good, appliance or drug in such a way as to exploit the patient for the financial gain of the psychologist or another person.

13. Shall, in the conduct of psychological research:

(a) Respect the dignity and protect the welfare of his or her research subjects;

(b) Comply with all relevant laws and regulations concerning the treatment of research subjects;

(c) Fully inform each person who is a prospective subject of research, or his or her authorized representative, of any danger of serious aftereffects before the person is used as a subject; and

(d) Use reasonable efforts to remove any possible harmful aftereffects of emotional stress as soon as the design of the research permits.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 12-28-95)

NAC 641.219 Maintenance and availability of records. (NRS 641.100, 641.232)

1. A psychologist, licensed behavior analyst or licensed assistant behavior analyst 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 or licensed assistant behavior analyst 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 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 or licensed assistant behavior analyst 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 or licensed assistant behavior analyst 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 or licensed assistant behavior analyst who provides supervision of a licensed behavior analyst or licensed assistant behavior analyst 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.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 12-28-95; A by R089-03, 1-18-2005; R209-09, 10-15-2010; R127-14, 6-28-2016)

NAC 641.224 Confidential information. (NRS 641.100, 641.232)

1. If a psychologist, licensed behavior analyst or licensed assistant behavior analyst 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 or licensed assistant behavior analyst 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 or licensed assistant behavior analyst 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 or licensed assistant behavior analyst may disclose confidential information only if he or she obtains the informed written consent of the patient or client.

3. A psychologist, licensed behavior analyst or licensed assistant behavior analyst may disclose confidential information without the informed written consent of a patient or client if the psychologist, licensed behavior analyst or licensed assistant behavior analyst 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 or licensed assistant behavior analyst has made a reasonable but unsuccessful attempt to correct the problems within the organization.

4. A psychologist, licensed behavior analyst or licensed assistant behavior analyst 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 or licensed assistant behavior analyst to report the abuse of a child or elderly person.

5. If a psychologist, licensed behavior analyst or licensed assistant behavior analyst 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 or licensed assistant behavior analyst 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 or licensed assistant behavior analyst 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 or licensed assistant behavior analyst 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 or licensed assistant behavior analyst 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 or licensed assistant behavior analyst 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 or licensed assistant behavior analyst 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 or licensed assistant behavior analyst 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 or licensed assistant behavior analyst during the course of a professional relationship, or otherwise obtained by the psychologist, licensed behavior analyst or licensed assistant behavior analyst 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 or licensed assistant behavior analyst or the circumstances under which the information was obtained, the information will not be disclosed by the psychologist, licensed behavior analyst or licensed assistant behavior analyst without the informed written consent of the patient or client.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 12-28-95; A by R089-03, 1-18-2005; R209-09, 10-15-2010; R127-14, 6-28-2016)

NAC 641.229 Impairment of licensee; limitation on contact with current or former patient or client. (NRS 641.100, 641.232)

1. A psychologist, licensed behavior analyst or licensed assistant behavior analyst shall not begin or continue a professional relationship with a patient or client if the psychologist, licensed behavior analyst or licensed assistant behavior analyst is impaired, or has received notification from the Board that the Board 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 or licensed assistant behavior analyst 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 or licensed assistant behavior analyst shall not begin or continue a professional relationship with a patient or client if the objectivity or competency of the psychologist, licensed behavior analyst or licensed assistant behavior analyst is impaired, or if the psychologist, licensed behavior analyst or licensed assistant behavior analyst has received notification from the Board that the Board reasonably suspects his or her objectivity or competency to be impaired, because the psychologist, licensed behavior analyst or licensed assistant behavior analyst 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 or client.

3. If a psychologist, licensed behavior analyst or licensed assistant behavior analyst has rendered professional services to a person, the psychologist, licensed behavior analyst or licensed assistant behavior analyst 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 or licensed assistant behavior analyst because of an emotional or cognitive disorder.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 12-28-95; A by R117-08, 12-17-2008; R209-09, 10-15-2010; R127-14, 6-28-2016)

NAC 641.234 Assessment procedures: Communication of results to patient or client; limitations on use. (NRS 641.100, 641.232)

1. If a psychologist or licensed behavior analyst communicates the results of an assessment procedure to a patient or client or to the legal guardian, parents or agent of a patient 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 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.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 12-28-95; A by R209-09, 10-15-2010)

NAC 641.239 Misrepresentation of professional qualifications, affiliations, services, products or psychological findings. (NRS 641.100, 641.232)

1. A psychologist, licensed behavior analyst or licensed assistant behavior analyst 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 or licensed assistant behavior analyst shall correct any other person who the psychologist, licensed behavior analyst or licensed assistant behavior analyst knows has misrepresented the professional qualifications or affiliations of the psychologist, licensed behavior analyst or licensed assistant behavior analyst.

3. A psychologist, licensed behavior analyst or licensed assistant behavior analyst 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 or licensed assistant behavior analyst 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 or licensed assistant behavior analyst 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 his or her responsibility for the service or product; or

(c) The nature of 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.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 12-28-95; A by R209-09, 10-15-2010; R127-14, 6-28-2016)

NAC 641.241 Aiding in unlawful practice of psychology or applied behavior analysis; improper delegation of professional responsibilities; reporting of violation and exception. (NRS 641.100, 641.232)

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

2. A psychologist, licensed behavior analyst or licensed assistant behavior analyst 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 or licensed assistant behavior analyst has substantial reason to believe that another person has violated any provision of this chapter or chapter 641 of NRS, he or she shall inform the Board in writing of the violation, except that if the psychologist, licensed behavior analyst or licensed assistant behavior analyst 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 641.255, inclusive, do not relieve a psychologist, licensed behavior analyst or licensed assistant behavior analyst of the duty to file any report otherwise required by state or federal law or regulation.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 12-28-95; A by R209-09, 10-15-2010; R127-14, 6-28-2016)

NAC 641.245 Violation of law or regulation; use of fraud, misrepresentation or deception; improper filing of reports; violation of probation; failure to pay child support or to comply with certain warrants or subpoenas relating to determination of paternity or child support. (NRS 641.100, 641.232)

1. A psychologist, licensed behavior analyst or licensed assistant behavior analyst 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 or licensed assistant behavior analyst shall not use fraud, misrepresentation or deception:

- (a) To obtain a license or pass an examination required for licensure;
- (b) To assist another person in obtaining a license or passing an examination required for licensure;
- (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 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 or licensed assistant behavior analyst 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 or licensed assistant behavior analyst shall not violate any condition, limitation or term of probation imposed upon him or her by the Board.

5. A psychologist, licensed behavior analyst or licensed assistant behavior analyst 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.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 12-28-95; A by R153-97, 12-19-97; R209-09, 10-15-2010; R127-14, 6-28-2016)

NAC 641.250 *Ethical Principles of Psychologists and Code of Conduct: Adoption by reference; controlling provisions; revision.* (NRS 641.100)

1. The provisions set forth in the most recent edition of the *Ethical Principles of Psychologists and Code of Conduct* adopted by the American Psychological Association are hereby adopted by reference and incorporated herein, unless the Board gives notice that the most recent edition 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 641.255, inclusive, in which case the provisions of NAC 641.200 to 641.255, inclusive, are controlling. A copy of the publication may be obtained free of charge from the American Psychological Association at 750 First Street, N.E. Washington, D.C., 20002-4242, Attention: Service Center, at the Internet address <http://www.apa.org/ethics/code.html> or by telephone at (202) 336-5500.

2. If the publication adopted by reference pursuant to 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. 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 pursuant to subsection 1.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 8-24-90; A 12-28-95; R089-03, 1-18-2005)

**NAC 641.255 “Professional and Ethical Compliance Code for Behavior Analysts”:
Adoption by reference; controlling provisions; revision. (NRS 641.100, 641.232)**

1. The provisions which set forth the guidelines for conduct for behavior analysts which are contained in the most recent version of the “Professional and Ethical Compliance Code 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 641.255, inclusive, in which case the provisions of NAC 641.200 to 641.255, inclusive, 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://bacb.com/ethics-code/>.

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 and licensed assistant behavior analysts. 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.

(Added to NAC by Bd. of Psychological Exam'rs by R209-09, eff. 10-15-2010; A by R127-14, 6-28-2016)

