

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

LCB File No. R074-18

August 9, 2018

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

AUTHORITY: §§1-3, 7, 8, 12, 26 and 27, NRS 641.100; §§4, 5, 10, 11, 13 and 15, NRS 641.100, 641.110 and 641.170; §6, 14 and 16-25, NRS 641.100 and 641.170; §9, NRS 641.100, 641.110 and 641.228.

A REGULATION relating to psychology; revising provisions relating to the registration of psychological assistants, psychological interns and psychological trainees by the Board of Psychological Examiners; revising provisions relating to the supervision of psychological assistants, psychological interns and psychological trainees; imposing a fee for the initial registration and the renewal of a registration of a psychological assistant, psychological intern and psychological trainee; establishing standards by which a supervisor may seek reimbursement under the State Plan for Medicaid for certain services rendered by a psychological assistant, psychological intern or psychological trainee under his or her supervision; revising provisions relating to the employment of a psychological assistant, psychological intern or psychological trainee; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Board of Psychological Examiners to adopt regulations establishing: (1) standards for the supervised experience of persons that is required for licensure by the Board; and (2) qualifications for the issuance or renewal of a license by the Board. Existing law also authorizes the Board to adopt regulations relating to the registration of persons as psychological assistants, psychological interns or psychological trainees. (NRS 641.100) Existing law further establishes the qualifications that a person must meet to register with the Board as a psychological assistant, psychological intern or psychological trainee. (NRS 641.226) Existing regulations set forth additional requirements, conditions and limitations relating to registration as a psychological assistant or psychological intern. (NAC 641.151, 641.1515) **Section 4** of this regulation sets forth certain conditions and limitations on the issuance and renewal of a registration of a psychological trainee. **Section 5** of this regulation establishes a time limit during which an application for registration as a psychological assistant, psychological

intern or psychological trainee must be completed. **Section 13** of this regulation prohibits a psychological assistant from renewing his or her registration if he or she has obtained the requisite number of hours of postdoctoral supervised experience to become licensed as a psychologist. **Section 14** of this regulation enacts a similar prohibition on the renewal of a registration as a psychological intern. **Sections 11, 15, 16, 20, 21, 24 and 26** of this regulation make conforming changes relating to the practice of a registered psychological trainee.

Existing regulations set forth the requirements, conditions and limitations relating to the supervision of psychological assistants and psychological interns. (NAC 641.1517-641.161) **Section 25** of this regulation makes the supervisor of a psychological assistant, psychological intern or psychological trainee ethically and legally responsible for: (1) all professional activities of the psychological assistant, psychological intern or psychological trainee; (2) the welfare of the patients and clients under the care of a psychological assistant, psychological intern or psychological trainee under his or her supervision; and (3) the competency development of any psychological assistant, psychological intern or psychological trainee under his or her supervision. **Section 6** of this regulation sets forth the methods, policies and procedures that a supervisor may employ to ensure he or she meets her ethical and legal responsibilities for all clients and patients under his or her care while supervising a psychological assistant, psychological intern or psychological trainee. **Section 6** also authorizes the Board to request documentation which sets forth the methods being employed by a supervisor relating to his or her supervisory duties. **Section 22** of this regulation establishes the minimum number of hours that a supervisor must individually meet with a psychological assistant, psychological intern or psychological trainee under his or her supervision. **Section 23** of this regulation limits the number of psychological assistants, psychological interns or psychological trainees a supervisor may have under his or her supervision at one time. **Section 27** of this regulation repeals provisions relating specifically to the supervision of a psychological assistant that have been replaced by the provisions of **section 6**.

Section 17 of this regulation requires that a supervisor of a psychological trainee must be assigned by the psychological trainee's doctoral training program in accordance with 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. **Section 17** also sets forth the conditions under which: (1) a psychological assistant may supervise a psychological intern; and (2) a psychological intern may supervise a psychological trainee. If a psychological assistant, psychological intern or psychological trainee seeks to enter into an employment agreement with his or her supervisor or agency, **section 18** of this regulation requires such an agreement to acknowledge that the employment of the psychological assistant, psychological intern or psychological trainee complies with all regulations adopted by the Board. **Section 19** of this regulation prohibits the wage of a psychological assistant, psychological intern or psychological trainee to be based on the number of clients seen by the psychological assistant, psychological intern or psychological trainee.

Existing law authorizes the Division of Health Care Financing and Policy of the Department of Health and Human Services to reimburse under the State Plan for Medicaid a licensed psychologist who supervises a psychological assistant, psychological intern or psychological trainee for certain services rendered under the scope of practice of the psychological assistant, psychological intern or psychological trainee. (NRS 422.27239) **Section 12** of this regulation amends the definition of “supervisor” to include such a licensed psychologist seeking Medicaid reimbursement. **Section 6** requires a supervisor seeking reimbursement under the State Plan for Medicaid to sign all clinical documentation of services, including, without limitation, reports, treatment plans and progress notes for such patients. If a supervisor assigns a psychological assistant, psychological intern or psychological trainee to another licensed medical or behavior health specialist for specific skill training, **section 17** requires the supervisor to be present if he or she is seeking reimbursement for any services rendered during such an assignment.

Existing law authorizes the Board to collect a fee for the initial registration, except for certain previously registered persons, and renewal of such registration of a psychological assistant, psychological intern or psychological trainee of not more than \$250 and \$150, respectively. (NRS 641.228) **Section 9** of this regulation sets the fee for the initial registration of a psychological assistant, psychological intern or psychological trainee at \$250 and the renewal of such a registration at \$150.

Section 1. Chapter 641 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this regulation.

Sec. 2. *“Psychological intern” has the meaning ascribed to it in NRS 641.0265.*

Sec. 3. *“Psychological trainee” has the meaning ascribed to it in NRS 641.0267.*

Sec. 4. *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:*

(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.

2. Initial registration as a psychological trainee is for 2 years.

3. Registration as a psychological trainee may be renewed once for 2 years and for a second renewal period of 1 year unless otherwise approved by the Board.

Sec. 5. 1. An application for registration as a psychological assistant, psychological intern or psychological trainee 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.

2. If an application is deemed withdrawn pursuant to this section, the applicant may reapply for such registration and must pay any application fees in effect at the time of the reapplication.

Sec. 6. 1. A supervisor shall employ methods of proper and diligent oversight of a psychological assistant, psychological intern or psychological trainee who is under his or her supervision to meet his or her ethical and legal responsibilities set forth in subsection 2 of NAC 641.161. Such methods must include the implementation of policies and procedures that ensure the accessibility of the supervisor to the psychological assistant, psychological intern or psychological trainee commensurate with the professional developmental level of the psychological assistant, psychological intern or psychological trainee. Such methods may include:

- (a) The physical presence of the supervisor;*
- (b) Availability of the supervisor by telephone; and*
- (c) Availability of another licensed medical or behavioral health provider at the site at which the psychological assistant, psychological intern or psychological trainee is providing services.*

2. To ensure compliance with subsection 1, a supervisor may employ various modes of supervision of a psychological assistant, psychological intern or psychological trainee under his or her supervision, including, without limitation:

(a) Individual supervision;

(b) Group supervision;

(c) Tracking the progress of clients and patients treated or assessed by the psychological assistant, psychological intern or psychological trainee;

(d) Conducting therapy or an assessment with the psychological assistant, psychological intern or psychological trainee;

(e) Discussing the cases of clients and patients with the psychological assistant, psychological intern or psychological trainee; or

(f) Directly observing or reviewing audio or video recordings of the delivery of services by the psychological assistant, psychological intern or psychological trainee.

3. A supervisor shall:

(a) Maintain primary responsibility for the care plan of each client and patient treated or assessed by a psychological assistant, psychological intern or psychological trainee under his or her supervision; and

(b) Sign all clinical documentation of services, including, without limitation, reports, treatment plans and progress notes for which he or she is seeking reimbursement under the State Plan for Medicaid for the services rendered under the authorized scope of practice of the psychological assistant, psychological intern or psychological trainee pursuant to NRS 422.27239, as applicable.

4. A supervisor must be available to a psychological assistant, psychological intern or psychological trainee whom he or she supervises if a crisis or emergency arises relating to a client or patient while the psychological assistant, psychological intern or psychological trainee is providing services to the client or patient. In case of his or her absence, a supervisor must arrange for the availability of another appropriate licensed medical or behavioral health provider during a crisis or emergency.

6. The Board may request a supervisor to provide to the Board:

(a) Evidence of the manner in which he or she meets his or her supervisory duties as outlined in subsections 1 and 2.

(b) Upon the registration of a psychological assistant, psychological intern or psychological trainee, a training plan that includes, without limitation, the policies the supervisor will put in place to ensure the availability of the supervisor and the methods, procedures or policies the supervisor intends to employ to ensure compliance with this section and NAC 641.161.

Sec. 7. NAC 641.001 is hereby amended to read as follows:

641.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 641.003 to 641.015, inclusive, *and sections 2 and 3 of this regulation* have the meanings ascribed to them in those sections.

Sec. 8. NAC 641.011 is hereby amended to read as follows:

641.011 “Psychological assistant” ~~means a person registered with~~ *has* the ~~Board pursuant to NAC 641.151.~~ *meaning ascribed to it in NRS 641.0263.*

Sec. 9. NAC 641.019 is hereby amended to read as follows:

641.019 1. ~~The~~ *Except as otherwise provided in NRS 641.228, 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
<i>For the initial registration of a psychological assistant, psychological intern or psychological trainee.....</i>	<i>250</i>
<i>For the renewal of a registration of a psychological assistant, psychological intern or psychological trainee</i>	<i>150</i>

For the restoration to active status of a license as a psychologist on inactive status if the restoration occurs during the first year of the biennium in which the license was issued or renewed	400
For the restoration to active status of a license as a psychologist on inactive status if the restoration occurs during the second year of the biennium in which the license was issued or renewed	150
For the restoration to active status of a license as a licensed behavior analyst on inactive status if the restoration occurs during the first year of the biennium in which the license was issued or renewed	300
For the restoration to active status of a license as a licensed behavior analyst on inactive status if the restoration occurs during the second year of the biennium in which the license was issued or renewed.....	100
For the restoration to active status of a license as a licensed assistant behavior analyst on inactive status if the restoration occurs during the first year of the biennium in which the license was issued or renewed.....	175
For the restoration to active status of a license as a licensed assistant behavior analyst on inactive status if the restoration occurs during the second year of the biennium in which the license was issued or renewed.....	40
For the registration of a nonresident consultant	100
For reproduction and mailing of material for an application	25
For a dishonored check	15

For a change of name on a license	25
For a duplicate license.....	25
For copies of the provisions of NRS relating to the practice of psychology and applied behavior analysis and the rules and regulations adopted by the Board	25
For a letter of good standing	15
For the review and approval of a course or program of continuing education.....	25

2. The Board will annually determine the actual costs to the Board for the state examination administered by the Board pursuant to NAC 641.112 or 641.113 for purposes of determining the fee charged and collected pursuant to subsection 1.

Sec. 10. NAC 641.080 is hereby amended to read as follows:

641.080 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~~ *the District of Columbia or any state or territory of the United States* 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~~ *accredited* 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~~ *accredited* 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.

Sec. 11. NAC 641.1503 is hereby amended to read as follows:

641.1503 1. An application for licensure as a psychologist shall be deemed withdrawn and all fees for the application are forfeited if:

(a) The application is not completed as described in NRS 641.170 within 2 years after the date on which the Board first received the application materials; or

(b) The applicant has not taken the national examination required pursuant to NRS 641.180 within 2 years after the date on which the Board first received the application materials.

2. An application for licensure as a licensed behavior analyst or a licensed assistant behavior analyst shall be deemed withdrawn and all fees for the application are forfeited if the application

is not completed as described in NRS 641.170 within 2 years after the date on which the Board first received the application.

3. ~~An application for registration as a psychological assistant shall be deemed withdrawn if the application is not completed within 2 years after the date on which the Board first received the application materials.~~

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

Sec. 12. NAC 641.1507 is hereby amended to read as follows:

641.1507 As used in NAC 641.1507 to 641.168, inclusive, “supervisor” means a psychologist who supervises a psychological assistant, ~~or~~ psychological intern *or psychological trainee* pursuant to this chapter ~~H~~, *whether or not he or she seeks reimbursement under the State Plan for Medicaid for the services rendered under the authorized scope of practice of the psychological assistant, psychological intern or psychological trainee pursuant to NRS 422.27239.*

Sec. 13. NAC 641.151 is hereby amended to read as follows:

641.151 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~~ *Initial registration as a psychological assistant is for one year.*

Registration as a psychological assistant ~~is for~~, including any renewal of such registration, may not exceed 3 years unless otherwise approved by the Board.

4. After a psychological assistant has obtained the required amount of postdoctoral supervised experience required pursuant to paragraph (b) of subsection 2 of NAC 641.080 or paragraph (c) of subsection 3 of NAC 641.080, he or she may not apply for renewal of his or her registration as a psychological assistant.

Sec. 14. NAC 641.1515 is hereby amended to read as follows:

641.1515 1. Unless the person is participating in a federally-regulated internship program, a person ~~must~~ *may* 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.

4. After a psychological intern has obtained the required amount of predoctoral supervised experience required pursuant to paragraph (a) of subsection 2 of NAC 641.080 or paragraph (b) of subsection 3 of NAC 641.080, he or she may not apply for renewal of his or her registration as a psychological intern.

Sec. 15. NAC 641.1517 is hereby amended to read as follows:

641.1517 *1.* 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:

~~1-1~~ *(a)* An outline of the skill level of the psychological intern *or psychological trainee* at the beginning of the supervised experience.

~~1-2~~ *(b)* The goals for the supervised experience of the psychological intern ~~1-~~

~~3-~~ *or psychological trainee.*

(c) A format and procedure for reporting to the doctoral training program the following information concerning the psychological intern ~~1-~~

~~—(a)~~ *or psychological trainee:*

(1) His or her progress in building skills;

~~[(b)]~~ (2) His or her progress toward meeting the goals specified in ~~[(subsection 2)]~~ *paragraph (b)*; and

~~[(e)]~~ (3) Any areas requiring continued growth.

~~[(4)]~~ (d) An acknowledgment that the written agreement must be in place in order for the psychological intern *or psychological trainee* to:

~~[(a)]~~ (1) Have lawful and ethical access to clients and the protected health information of clients; and

~~[(b)]~~ (2) Use his or her supervised experience to make progress toward a degree, certification or license.

(e) The schedule of meetings between the supervisor and the psychological intern or psychological trainee relating to the supervision of the psychological intern or psychological trainee.

2. If a psychological intern or psychological trainee has multiple supervisors, the supervision schedule included in the written agreement pursuant to paragraph (e) of subsection 1 must include the name of each supervisor of the psychological intern or psychological trainee who is scheduled to attend each meeting.

Sec. 16. NAC 641.1519 is hereby amended to read as follows:

641.1519 1. A psychologist who wishes to serve as a supervisor of a psychological assistant, *psychological intern or psychological trainee* must:

(a) Except as otherwise approved by the Board, be licensed by the Board to practice psychology; *and*

(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. *In addition to the requirements of subsection 1, a psychologist who wishes to serve as a supervisor of a psychological assistant must, except as otherwise approved by the Board, have been licensed to practice psychology for 3 years or more.*

3. A supervisor of ~~1a~~ :

(a) 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~~ *subsections 1 ~~1~~ and 2.*

(b) *A psychological intern or psychological trainee shall maintain, and provide to the Board upon request, documentation substantiating that he or she satisfies the requirements set forth in subsection 1.*

Sec. 17. NAC 641.152 is hereby amended to read as follows:

641.152 1. ~~1A~~ *Except as otherwise provided in subsection 5, 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. *Except as otherwise provided in subsection 5, a psychological trainee may work only under the supervision and control of a supervisor who is formally assigned by his or her home doctoral training program in compliance with required practicum training elements set forth*

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.

3. *Subject to the conditions set forth in NAC 641.161 and subsection 4:*

(a) *A psychological assistant may supervise a psychological intern for the purposes of training in supervision in accordance with the national training standards set forth in the Standards of Accreditation for Health Service Psychology of the American Psychological Association.*

(b) *A psychological intern may supervise a psychological trainee for the purposes of training in supervision in accordance with the national training standards set forth in the Standards of Accreditation for Health Service Psychology of the American Psychological Association.*

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

~~3.~~ 5. For specific skill training, the supervisor may assign a psychological assistant , *psychological intern or psychological trainee* 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 clinical professional counselor* 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. *Any services submitted by a supervisor for reimbursement under the State Plan for Medicaid that were rendered under the authorized scope of practice of a psychological assistant, psychological intern or psychological trainee pursuant to NRS 422.27239 while under the supervision of a specialist pursuant to this subsection must also be supervised by the supervisor.*

~~{4.}~~ 6. A psychological assistant or psychological intern must be:

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

Sec. 18. NAC 641.153 is hereby amended to read as follows:

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

1. ~~{In writing.}~~ *Acknowledge that such employment complies with regulations adopted by the Board relating to the practice of psychological assistants, psychological interns or psychological trainees, as applicable;* and
2. ~~{Submitted}~~ *Be submitted in writing* to and approved by the Board.

Sec. 19. NAC 641.154 is hereby amended to read as follows:

641.154 1. Except as otherwise provided in this subsection, a psychological assistant, ~~{or}~~ psychological intern *or psychological trainee* is entitled to be paid a fixed wage on a periodic basis, and may not be paid based on *the number of clients seen or* a percentage of the fees received. An employment agreement which is proposed to be entered into by a psychological

assistant, ~~or~~ psychological intern *or psychological trainee* 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 ~~or~~ *psychological trainee*.

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

3. Except as otherwise provided in this subsection, a supervisor may not accept compensation from a psychological assistant, ~~or~~ psychological intern *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 *or psychological trainee* for his or her supervision must ~~be~~ :

(a) Clearly establish which licensed mental or behavioral health professional accepts responsibility for the practice of the psychological assistant, psychological intern or psychological trainee pursuant to subsection 2 of NAC 641.161; and

(b) Be approved by the Board before it becomes effective.

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

Sec. 20. NAC 641.1565 is hereby amended to read as follows:

641.1565 1. A supervisor shall not supervise a psychological assistant, ~~or~~ 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 ~~or~~ *or psychological trainee*:

- (a) Who is a member of the supervisor's household;
- (b) Who is related to the supervisor by blood, adoption or marriage, within the third degree of consanguinity or affinity;
- (c) With whom the supervisor has had or is having a dating relationship;
- (d) With whom the supervisor has a financial or business relationship, including, without limitation, an agreement concerning compensation of the supervisor by the psychological assistant, ~~or~~ psychological intern *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.

Sec. 21. NAC 641.1567 is hereby amended to read as follows:

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

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

(b) Accurately determine the number of hours of supervised experience obtained by each psychological assistant, ~~or~~ 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, ~~or~~ 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, ~~or~~ 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.

Sec. 22. NAC 641.157 is hereby amended to read as follows:

641.157 1. A supervisor shall meet *individually* with the psychological assistant ~~or~~, psychological intern *or psychological trainee* whom he or she supervises at ~~least once each week to discuss and critique the performance~~ *a level commensurate with the needs* of the psychological assistant or psychological intern. ~~;~~ ~~as applicable.~~ *If a supervisor seeks reimbursement under the State Plan for Medicaid for the services rendered under the authorized scope of practice of the psychological assistant, psychological intern or psychological trainee pursuant to NRS 422.27239, the supervisor is responsible for providing*

the individual supervision necessary to oversee the care of patients for which he or she is seeking such reimbursement.

2. A supervisor shall provide a *full-time* psychological assistant whom he or she supervises with at least ~~4 hours~~ *1 hour* of individual supervision each ~~month~~ *week or a proportional level of supervision for a part-time psychological assistant.*

3. A supervisor shall provide a *full-time* 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 ~~+~~ *or a proportional level of supervision for a part-time psychological intern.*

4. *A supervisor shall provide a psychological trainee whom he or she supervises with at least 1 hour of individual supervision each week for every 10 hours of placement of the psychological trainee at his or her assigned training site.*

5. The supervisor shall document the hours of individual supervision provided pursuant to subsections 2 , ~~and~~ 3 ~~+~~

~~5~~ *or 4, as applicable.*

6. A ~~psychologist~~ *supervisor* who does not adequately supervise a psychological assistant , ~~or~~ 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.

Sec. 23. NAC 641.158 is hereby amended to read as follows:

641.158 1. A psychologist may serve as a supervisor to:

(a) Not more than three *full-time equivalent* psychological assistants;

(b) Not more than two *full-time equivalent* psychological interns;

(c) *Not more than four part-time psychological trainees working not more than 10 hours per week; or*

(d) A combination of not more than ~~three~~ *five* psychological assistants , ~~and one~~ psychological ~~intern; or~~

~~—(d) A combination of not more than two psychological assistants and not more than two psychological~~ interns ~~;~~ *or psychological trainees,*

↪ 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 two training sites at the same time.

Sec. 24. NAC 641.159 is hereby amended to read as follows:

641.159 1. A supervisor and his or her psychological assistant , ~~or~~ 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 , ~~or~~ 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 , ~~or~~ psychological intern ~~;~~ *or psychological trainee.*

Sec. 25. NAC 641.161 is hereby amended to read as follows:

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

2. The supervisor is ethically and legally responsible for ~~all professional~~ :

(a) *All professional* activities undertaken by the psychological assistant, ~~or~~ psychological intern ~~or~~ *or psychological trainee*;

(b) *The welfare of the patients and clients treated by a psychological assistant, psychological intern or psychological trainee under his or her supervision; and*

(c) *The development in competency of any psychological assistant, psychological intern or psychological trainee under his or her supervision.*

3. A psychological assistant, ~~or~~ 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.

Sec. 26. NAC 641.210 is hereby amended to read as follows:

641.210 A psychologist:

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

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

communication within 30 days after it is mailed to him or her at the address shown on the records of the Board.

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

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

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

6. Shall not permit any person, other than:

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

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

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

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

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

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

Sec. 27. NAC 641.156 is hereby repealed.

TEXT OF REPEALED SECTION

641.156 Psychological assistants: 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. Except as otherwise provided in NAC 641.152, a supervisor who supervises a psychological assistant must have clinical responsibility for all cases in which the psychological assistant provides services.

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