

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

LCB File No. R094-18

July 19, 2018

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

AUTHORITY: §§1, 6-8, 11-14, 22 and 26-31, NRS 641A.160; §§2-5 and 15, NRS 641A.160 and 641A.260; §9, NRS 641A.160 and 641A.210; §10, NRS 641A.160, 641A.180, 641A.220 and 641A.231; §§16, 17 and 19-21, NRS 641A.160, 641A.287 and 641A.288; §18, NRS 641A.160, 641A.287, 641A.288 and 641A.310; §§23-25, NRS 641A.160 and 641A.310.

A REGULATION relating to mental health; establishing requirements relating to courses or programs of continuing education for licensees; revising provisions relating to administration of the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors; revising provisions relating to licensure as a marriage and family therapist, marriage and family therapist intern, clinical professional counselor or clinical professional counselor intern; revising provisions relating to the supervision of an intern; revising requirements relating to the professional responsibility of a licensee; eliminating the endorsement of a license of a clinical professional counselor or a clinical professional counselor intern which authorizes the licensee to assess and treat couples or families; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors to regulate the practice of marriage and family therapy and the practice of clinical professional counseling in this State. (NRS 641A.160) Existing regulations establish various qualifications that an applicant must meet to obtain a license from the Board and provide instructions for filing such an application. (NAC 641A.065-641A.116, 641A.156) **Section 9** of this regulation deletes the requirement that a person desiring licensure by the Board: (1) include three letters of personal or professional reference with his or her application; and (2) have his or her transcripts be sent directly to the Board by an educational institution. **Section 9** also exempts a person applying for a license by endorsement from the requirements for an application for a standard license.

Existing law requires the Board to adopt regulations establishing educational requirements that an applicant must meet to qualify for licensure. (NRS 641A.180) Existing regulation sets forth the areas of study, minimum number of courses and minimum hours of credit that an applicant's graduate education must include to qualify for licensure. (NAC 641A.085) **Section 10** of this regulation: (1) eliminates the minimum hours of credit required; and (2) adds courses of study to the list of required courses. **Section 10** also exempts an applicant for licensure as an intern from providing proof of completion of the educational requirements if he or she holds a graduate degree from a program accredited by the Council for Accreditation of Counseling and Related Educational Programs or the Commission on Accreditation for Marriage and Family Therapy Education. **Section 10** also provides the Board discretion to grant a license to an applicant whose graduate education substantially meets the educational requirements for licensure. **Section 11** of this regulation revises the frequency by which an applicant for a license to practice as a marriage and family therapist may take the examination for licensure.

To renew a license issued by the Board, existing law requires a licensee to submit evidence to the Board that he or she completed the continuing education requirements established by the Board through regulation. (NRS 641A.260) Existing regulations set forth certain continuing education requirements that a licensee must complete to maintain licensure. (NAC 641A.131, 641A.133) **Section 2** of this regulation establishes the standards for a course or program of continuing education. **Section 3** of this regulation sets forth the process for approval of individual courses or programs of continuing education. **Section 4** of this regulation sets forth the process by which the Board can approve a person or entity as an approved provider of continuing education which, as defined in **section 6** of this regulation, means the person or entity is not required to obtain approval for each course or program of continuing education presented by the person or entity. **Section 5** of this regulation sets forth certain requirements for a provider and an approved provider of continuing education relating to record retention and the provision of certificates of completion to attendees of a course or program of continuing education.

Existing law requires a licensee seeking to renew his or her license to receive at least 2 hours of instruction on evidence-based suicide prevention and awareness as part of the requirement for continuing education. (NRS 641A.260) **Section 14** of this regulation includes these 2 hours of instruction in the existing minimum number of 20 hours of required continuing education adopted by the Board. **Section 14** also authorizes a licensee to meet a certain number of his or her continuing education hours by completing certain graduate coursework and attending Board meetings and meetings and events of community health care coalitions, committees or other boards. **Section 14** also eliminates the restriction on completing the required hours of continuing education by distance education.

Existing regulations require: (1) the Board to meet at least twice a year; and (2) every written communication to the Board to include the address of the sender. (NAC 641A.045, 641A.055) **Section 7** of this regulation increases the frequency of Board meetings to at least quarterly. **Section 8** of this regulation clarifies that a written communication to the Board must contain either the mailing address or electronic mail address of the sender.

Existing regulations set forth: (1) requirements for licensure as a marriage and family therapy intern or clinical professional counselor intern; and (2) conditions and limitations on the practice of interns. (NAC 641A.146-641A.196) **Section 16** of this regulation clarifies that an

intern must complete his or her internship within 3 years, unless the Board grants a renewal of his or her license. **Section 16** provides for one 3-year renewal of an intern's license by the Board as authorized under existing law. **Section 17** of this regulation removes the requirement that an applicant for licensure as an intern complete an oral examination conducted by the Board and only requires a personal interview of the applicant at the request of the Board. **Section 17** also deletes the requirement that an applicant for licensure as a marriage and family therapy intern practice at least 1 year before taking his or her written examination for licensure. **Section 18** of this regulation requires the Board to document, both in the minutes of a meeting of the Board and in the licensee's file, the reasons for which the Board suspended or revoked the license of an intern. **Section 19** of this regulation increases the number of interns that a primary approved supervisor may supervise from six to ten. **Section 19** also: (1) requires a primary supervisor to meet with his or her intern at least 1 hour a week during the course of the internship and document any variations in the weekly schedule; and (2) removes the requirement of approval by the Board of the use of conference calls in the supervision of interns. **Section 20** of this regulation provides that the Board will approve, upon the recommendation of the primary supervisor, certain licensed professionals as secondary supervisors. The provision in existing regulation regarding revocation of the approval of an intern's approved supervisor is moved from **section 18** to **section 20**.

Existing regulation authorizes an intern to engage in private practice at a facility where he or she has access to a licensed professional in certain counseling fields. (NAC 641A.196) **Section 22** of this regulation allows such access to a licensed professional to be either in person or by telephone. **Section 6** of this regulation defines "private practice" to mean an intern engaging in work at a facility at which the intern's compensation is not reported on Form W-2 by the facility.

Existing regulation requires a marriage and family therapist, clinical professional counselor or intern to abide by various tenets of professional responsibility. (NAC 641A.243) In addition to the existing professional responsibility requirements, **section 23** of this regulation requires a licensee to: (1) be knowledgeable in telehealth as it relates to the practice of marriage and family therapy or clinical professional counseling, as applicable; and (2) abide by various requirements relating to records retention and client confidentiality.

Existing regulations list the course work, examination and supervised experience a clinical professional counselor or clinical professional counselor intern must successfully complete to obtain an endorsement from the Board that authorizes the clinical professional counselor or clinical professional counselor intern to assess or treat couples or families. (Sections 3 and 4 of LCB File No. R091-14) Existing regulations also provide that the Board will issue such an endorsement to a clinical professional counselor or clinical professional counselor intern who completes the required course work, examination and supervised experience. (Section 2 of LCB File No. R091-14) **Section 31** of this regulation eliminates the issuance of an endorsement of a license to a clinical professional counselor or clinical professional counselor intern. **Sections 6, 11, 13-15, 18 and 23-25, 27, 28 and 30** of this regulation make conforming changes relating to the elimination of such an endorsement.

Section 1. Chapter 641A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this regulation.

Sec. 2. 1. *To be approved as an individual course or program to be presented by a provider of continuing education pursuant to section 3 of this regulation or to be presented by an approved provider of continuing education pursuant to section 4 of this regulation, a course or program of continuing education must, as determined by the Board or the staff, as applicable:*

(a) Be taught by a competent instructor, as demonstrated by his or her educational, professional or teaching experience;

(b) Provide current and relevant educational material relating to marriage and family therapy or clinical professional counseling, be applicable to the practice of marriage and family therapy or clinical professional counseling and be reasonably determined to enhance the knowledge and competency of a licensee in the practice of marriage and family therapy or clinical professional counseling, as applicable;

(c) Be of professional quality;

(d) Be presented in the form of a lecture, a seminar, a workshop, an academic course at an institution of higher education, a distance learning course through an accredited college or university that does not count towards a degree or an on-the-job training program offered by an employer;

(e) Be supported by evidence that is based on research or published theory; and

(f) Include an evaluation form, to be completed by each attendee, of the content and presentation of the course or program and its relevance to the practice of marriage and family therapy or clinical professional counseling.

2. The subject matter of a course or program of continuing education must address at least one of the following areas:

(a) Theories or concepts of human behavior and the social environment;

(b) Intervention methods for use in the practice of marriage and family therapy or clinical professional counseling;

(c) Conducting research in marriage and family therapy or clinical professional counseling, including, without limitation, the evaluation of programs and practices;

(d) Management, administration or policy related to marriage and family therapy or clinical professional counseling;

(e) Ethics;

(f) Culturally appropriate services and the delivery of such services;

(g) Theories or concepts of substance abuse treatment;

(h) Evidence-based suicide prevention and awareness; or

(i) Any other area directly related to the practice of marriage and family therapy or clinical professional counseling, as determined by the Board.

Sec. 3. 1. Unless currently an approved provider of continuing education pursuant to section 4 of this regulation, a natural person, business entity or governmental entity requesting the approval of a course or program of continuing education must, for each course or program, submit to the Board an application for approval of the course or program of continuing education.

2. Except as otherwise provided in subsection 5, the Board will approve or deny the application and notify the applicant, in writing, of its decision within 30 days after receiving an application submitted pursuant to subsection 1.

3. If the Board approves an application for a course or program of continuing education, the notice of approval sent pursuant to subsection 2 must:

(a) State the number of hours of continuing education for which the course or program is approved;

(b) Specify the particular presentation or series of presentations that the approval covers; and

(c) Contain the specific date upon which the approval expires, which must not be more than 3 years after the date of the notice of approval.

4. Upon approval of a course or program of continuing education pursuant to subsection 2, the Board will assign a registration number to the course or program and notify the applicant of the registration number.

5. Except for a course or program of continuing education in the area described in paragraph (h) of subsection 2 of section 2 of this regulation, the Board may delegate the approval or denial of an application for a course or program of continuing education to the staff by an action of the Board at any regular or special meeting of the Board.

Sec. 4. 1. An applicant seeking to become an approved provider of continuing education must submit to the Board evidence that shows the applicant:

(a) Has had one or more courses or programs of continuing education previously approved pursuant to section 3 of this regulation;

(b) Has held an active license issued by the Board for at least 3 years immediately preceding the date of his or her application to become an approved provider of continuing education;

(c) Holds an active state business license issued by the Secretary of State;

(d) Is a regionally accredited college or university or a department thereof; or

(e) Is a governmental entity.

2. Upon receipt of evidence sufficient to the Board that an applicant meets one of the criteria set forth in subsection 1, the Board will approve the application to become an approved provider of continuing education. Upon approval of an application, the Board will assign a registration number to the approved provider and notify the approved provider of that number.

3. Within 30 days after presenting a course or program of continuing education, an approved provider of continuing education shall transmit to the Board:

(a) The title of the course or program;

(b) The name of the instructor of the course or program;

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

(d) The names and total number of attendees who were issued certificates pursuant to subsection 2 of section 5 of this regulation;

(e) The number of hours of continuing education available for credit for attending the course or program; and

(f) The registration number assigned by the Board to:

(1) The course or program pursuant to subsection 4 of section 3 of this regulation; or

(2) The approved provider of continuing education pursuant to subsection 2.

4. The Board may:

(a) Request information relating to a course or program of continuing education that is in addition to the information submitted to the Board pursuant to subsection 3; and

(b) Withdraw the approved status of an approved provider if the Board determines that the approved provider no longer possesses the qualifications set forth in subsection 1 or if the Board determines that the content of a course or program presented by the approved provider does not meet the standards set forth in section 2 of this regulation.

5. If the Board denies an application submitted pursuant to subsection 1, withdraws the approved status of an approved provider on continuing education or determines that the content of a course or program does not meet the standards set forth in section 2 of this regulation, the Board will provide written notice to the applicant or approved provider, as applicable, with its justification for such action and a description of the deficiencies. The applicant or approved provider may, within 30 days after receiving notice pursuant to this subsection, request in writing that the Board reconsider its decision after correcting the deficiencies described by the Board in the notice.

Sec. 5. An approved provider of continuing education or provider of continuing education shall, for each course or program of continuing education presented:

1. Keep a record of the course or program of continuing education for 3 years after presentation of the course or program, including, without limitation:

(a) Each attendee of the course or program; and

(b) The number of continuing education hours available for credit for attending the course or program.

2. Issue each attendee who completes the course or program of continuing education a certificate that contains:

(a) The name of the attendee;

(b) The name of the instructor of the course or program;

(c) The title of the course or program;

(d) The number of hours of continuing education available for credit for attending the course or program; and

(e) The date and location of the course or program.

Sec. 6. NAC 641A.035 is hereby amended to read as follows:

641A.035 As used in this chapter, unless the context otherwise requires:

1. *“Approved provider of continuing education” means a natural person, business entity or governmental entity that the Board has approved to provide courses or programs of continuing education pursuant to section 4 of this regulation.*

2. “Approved supervisor” has the meaning ascribed to it in NRS 641A.025 and includes an approved primary and secondary supervisor.

~~2.~~ 3. “Board” has the meaning ascribed to it in NRS 641A.030.

~~3.~~ 4. “Clinical professional counselor” has the meaning ascribed to it in NRS 641A.031.

~~4.~~ 5. “Clinical professional counselor intern” means a person licensed as a clinical professional counselor intern pursuant to NRS 641A.288.

~~5. “Endorsement”~~

6. *“Course or program of continuing education”* means ~~an authorization added to the license of a clinical professional counselor or a clinical professional counselor intern pursuant to section 3 of LCB File No. R091-14 which indicates that the Board has determined that the licensee has demonstrated competency in the assessment or treatment of couples or families and authorizes the clinical professional counselor or clinical professional counselor intern to expand the scope of his or her practice to include the assessment or treatment of couples or families.~~

~~6.1~~ *a course or program of education and training that is designed to maintain, improve or enhance the knowledge and competency of a licensee.*

7. “Intern” means a marriage and family therapist intern or a clinical professional counselor intern.

~~7.1~~ 8. “Internship” means the period of supervised experience required of a marriage and family therapist intern pursuant to NRS 641A.287 ~~or~~ a clinical professional counselor intern pursuant to NRS 641A.288 . ~~for a clinical professional counselor or clinical professional counselor intern seeking an endorsement pursuant to section 2 of this LCB File No. R091-14.~~

~~8.1~~ 9. “License” has the meaning ascribed to it in NRS 641A.040.

~~9.1~~ 10. “Marriage and family therapist” has the meaning ascribed to it in NRS 641A.060.

~~10.1~~ 11. “Marriage and family therapist intern” means a person licensed as a marriage and family therapist intern pursuant to NRS 641A.287.

~~11.1~~ 12. “Practice of clinical professional counseling” has the meaning ascribed to in NRS 641A.065.

~~12.1~~ 13. “Practice of marriage and family therapy” has the meaning ascribed to it in NRS 641A.080.

14. *“Private practice” means engaging in work at a facility at which the compensation of the intern for federal income taxes is not reported, or required to be reported, on Form W-2 by the facility because the intern is a sole proprietor, self-employed or an independent contractor.*

15. *“Provider of continuing education” means a natural person, business entity or governmental entity that presents a course or program of continuing education that must be approved pursuant to section 3 of this regulation.*

16. “Staff” means the staff of the Board, including, without limitation, any person who has entered into a contract with the Board to provide services to the Board as an independent contractor.

Sec. 7. NAC 641A.045 is hereby amended to read as follows:

641A.045 1. The Board will hold meetings at least ~~twice yearly;~~ **quarterly.**

2. The members of the Board must be given 5 **business** days’ notice of any special meeting.

Sec. 8. NAC 641A.055 is hereby amended to read as follows:

641A.055 Every written communication to the Board must include the name and **the mailing** address **or electronic mail address** of the sender.

Sec. 9. NAC 641A.065 is hereby amended to read as follows:

641A.065 **Except as otherwise provided in NRS 641A.241 and 641A.242:**

1. Any person desiring licensure by the Board must submit or have submitted to the Board:

(a) An application completed on the forms provided by the Board;

(b) ~~Official transcripts;~~ **Transcripts** from each **graduate** institution of higher education he or she attended which ~~are sent directly to the Board from the institution;~~ **substantiate the education and training required for licensure;**

(c) ~~A total of three letters of personal or professional reference, or both, written by persons not related to the applicant which are addressed and sent directly to the Board;~~

~~(d)~~ A copy of the applicant’s valid driver’s license, passport or other government-issued identification card;

~~(e)~~ **(d)** A written summary by the applicant of his or her experiences and qualifications for licensing, including documentation of his or her internship , **if applicable**, and recommendations from supervisors or any person approved by the Board;

~~(f)~~ (e) If the person is licensed as a marriage and family therapist or clinical professional counselor in ~~another~~ *the District of Columbia or any* state ~~or~~ *territory of the United States*, evidence satisfactory to the Board of such licensure and of good standing as a marriage and family therapist or clinical professional counselor in ~~that~~ *the District of Columbia or the* state ~~or~~ *territory of the United States*; and

~~(g)~~ (f) A complete set of fingerprints and written permission authorizing the Board to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The Board may exchange with the Federal Bureau of Investigation any information relating to the fingerprints of an applicant pursuant to this section.

2. To have the Board act upon an application for a license at a scheduled meeting, the applicant must have filed the completed application with the Board at least 10 ~~working~~ *business* days before that meeting. For good cause, the Board may allow an applicant to present material at its meeting in addition to the materials which he or she has previously submitted to the Board.

3. By submitting an application, an applicant grants the Board full authority to make any investigation or personal contact necessary to verify the authenticity of the matters and information stated within the application. If the Board so requests, the applicant must supply such a verification.

4. The Board may appoint a subcommittee to examine an application and conduct interviews before the Board's meeting and to make recommendations for its action.

5. The Board may require the personal appearance of the applicant at the meeting.

6. The same application which is filed for licensure as an intern will be used by the Board for application for licensure as a marriage and family therapist or clinical professional counselor upon completion of the internship.

Sec. 10. NAC 641A.085 is hereby amended to read as follows:

641A.085 1. ~~For~~ *Except as otherwise provided in subsection 7, to* qualify for licensure as a marriage and family therapist or marriage and family therapist intern, an applicant's graduate education in marriage and family therapy must include the following ~~areas~~ *courses* of study:

Area of Study	Minimum Number of Courses	Minimum Number of Semester Hours of Credit	Minimum Number of Quarter Hours of Credit
Human Development, including			
 Issues of Sexuality	2	6	8
Marital and Family Systems	2	6	8
Marital and Family Therapy	3	9	12
Ethical and Legal Issues in Marriage and Family Therapy	1	3	4
Supervised Practice of Marriage and Family Therapy	3	9	12

Area of Study	Minimum Number of Courses	Minimum Number of Semester Hours of Credit	Minimum Number of Quarter Hours of Credit
Diagnosis and Assessment (including the use of the Diagnostic and Statistical Manual of Mental Disorders)	1	3	4
Research	1	3	4
Abuse of Alcohol or Controlled —Substances	1	3	4

(a) At least two courses in human development, including, without limitation, issues of sexuality.

(b) At least two courses in marital and family systems.

(c) At least three courses in marital and family therapy.

(d) At least one course in ethical and legal issues in marriage and family therapy.

(e) At least three courses in the supervised practice of marriage and family therapy.

(f) At least one course in diagnosis and assessment, including, without limitation, the use of the Diagnostic and Statistical Manual of Mental Disorders.

(g) At least one course in research.

(h) At least one course in abuse of alcohol or controlled substances.

(i) At least one course in crisis or trauma.

(j) *At least one course in grief or loss.*

(k) *At least one course in group counseling.*

(l) *At least one course in individual counseling theories.*

2. ~~For~~ *Except as otherwise provided in subsection 7, to* qualify for licensure as a clinical professional counselor or clinical professional counselor intern, an applicant's graduate education in clinical professional counseling must include the following ~~areas~~ *courses* of study:

Area of Study	Minimum Number of Courses	Minimum Number of Semester Hours of Credit	Minimum Number of Quarter Hours of Credit
Human Growth and Development	1	3	4
Individual Counseling Theories	1	3	4
Individual Counseling Techniques and Practice	1	3	4
Lifestyle and Career Development	1	3	4
Group Dynamics, Counseling and Consulting	1	3	4
Ethics and Professional Studies	1	3	4
Supervised Practice of Clinical Professional Counseling	3	9	12

Area of Study	Minimum Number of Courses	Minimum Number of Semester Hours of Credit	Minimum Number of Quarter Hours of Credit
Diagnosis and Assessment (including the use of the Diagnostic and Statistical Manual of Mental Disorders)	1	3	4
Social and Cultural Foundations	1	3	4
Research and Evaluation	1	3	4
Abuse of Alcohol or Controlled Substances	1	3	4

- (a) *At least one course in human growth and development.*
- (b) *At least one course in individual counseling theories.*
- (c) *At least one course in individual counseling techniques and practice.*
- (d) *At least one course in lifestyle and career development.*
- (e) *At least one course in group dynamics, counseling and consulting.*
- (f) *At least one course in ethics and professional studies.*
- (g) *At least three courses in the supervised practice of clinical professional counseling.*
- (h) *At least one course in diagnosis and assessment, including, without limitation, the use of the Diagnostic and Statistical Manual of Mental Disorders.*
- (i) *At least one course in social and cultural foundations.*

(j) *At least one course in research and evaluation.*

(k) *At least one course in abuse of alcohol or controlled substances.*

(l) *At least one course in couples counseling.*

(m) *At least one course in family systems.*

(n) *At least one course in crisis or trauma.*

(o) *At least one course in grief or loss.*

3. The courses in the supervised practice of marriage and family therapy *or clinical professional counseling* required pursuant to subsection 1 *or 2, as applicable*, must ~~include~~ :

(a) *Include* clinical experience working with individuals, couples and families. ~~An applicant will not fulfill the course requirement for the supervised practice of marriage and family therapy if all of his or her clinical experience involves working only with individuals.~~

~~4. The courses in the supervised practice of marriage and family therapy and clinical professional counseling required pursuant to subsection 1 or 2 must include~~

(b) *Be equivalent to* three courses taken during three semesters or four courses taken during four quarters ~~over~~ *which provide* a minimum of ~~1~~ *year*.

~~5.~~ *40 weeks of supervised practice.*

4. For a graduate degree to fulfill the educational requirements for licensure as a marriage and family therapist, clinical professional counselor or intern pursuant to this section, the degree must require at least ~~48~~ *60* semester hours or 72 quarter hours.

~~6.~~ *5.* The Board will consider only courses completed at the graduate level for fulfillment of the educational requirements for licensure as a marriage and family therapist, clinical professional counselor or intern.

~~{7.}~~ 6. A course may not be used to satisfy the requirements for more than one ~~{area}~~ *course* of study set forth in subsection 1 or 2.

~~{8.}~~ 7. The Board ~~{may}~~ :

(a) Will consider a graduate degree from a program that was accredited by the Council for Accreditation of Counseling and Related Educational Programs or the Commission on Accreditation for Marriage and Family Therapy Education at the time the degree was conferred as fulfilling the educational requirements for licensure as an intern.

(b) May consider:

~~{a)}~~ *(1) Graduate degrees in fields related to mental health which are comparable to degrees in marriage and family therapy, counseling or mental health counseling and which meet the requirements for ~~{course content}~~ courses listed in subsection 1 or 2, regardless of the terminology used in the degree granted by the educational institution, as fulfilling the educational requirements for licensure as a marriage and family therapist, clinical professional counselor or intern.*

~~{b)}~~ *(2) Graduate degrees from a program that the Board determines substantially meets the requirements set forth in subsection 1 or 2, as applicable.*

*(3) Years of clinical experience as a licensed marriage and family therapist , ~~{or}~~ clinical professional counselor *or intern* in lieu of specific academic courses.*

Sec. 11. NAC 641A.095 is hereby amended to read as follows:

641A.095 1. ~~{A failed}~~ *An applicant for a license to practice as a marriage and family therapist who fails an examination required pursuant to NRS 641A.230 ~~{or section 3 of LCB File No. R091-14 may be retaken at the next scheduled offering of the examination, except that the examination may be taken only one additional time within the 12 months following the date~~*

~~of the original examination. Thereafter, only one~~ *may take the* examination *not more than two more times* in ~~any calendar year may be taken.~~ *the 12-month period commencing on the date of the original examination.* If an applicant fails the exam for a third time ~~+~~ *during that time period,* the Board may require additional courses of study or may impose other conditions before allowing the applicant to retake the examination.

2. The application ~~for licensure or endorsement~~ of an applicant *for a license to practice as a marriage and family therapist* who does not:

- (a) Take an examination within 1 year after being notified of his or her eligibility; or
- (b) Retake an examination within 1 year after failing the examination,

↪ shall be deemed lapsed. An applicant seeking to pursue licensure ~~or endorsement~~ whose application has lapsed must fulfill all requirements at the time the new application is submitted and provide documentation concerning the lapsed application.

Sec. 12. NAC 641A.105 is hereby amended to read as follows:

641A.105 ~~The~~ *Except as otherwise provided in NRS 641A.290, the* Board will charge and collect the following fees, respectively:

For application for a license	\$75
For examination of an applicant for a license	200
For issuance of a license.....	50
For annual renewal of a license.....	150
For reinstatement of a license revoked for nonpayment of the fee for renewal	100
For an inactive license.....	150

Sec. 13. NAC 641A.116 is hereby amended to read as follows:

641A.116 If a licensee allows his or her license ~~for endorsement~~ to lapse, the licensee must apply to the Board for reinstatement. The Board may place additional requirements on the application for reinstatement, including the requirement of an interview.

Sec. 14. NAC 641A.131 is hereby amended to read as follows:

641A.131 1. To maintain licensure, a marriage and family therapist or clinical professional counselor must complete at least 20 hours of continuing education each ~~year,~~ *licensing period*, at least 3 hours of which must be on ethics issues specifically pertaining to the field of practice of ~~the~~ marriage and family ~~therapist~~ *therapy* or clinical professional ~~counselor.~~ *counseling, as applicable, and at least 2 hours of which must pertain to instruction on evidence-based suicide prevention and awareness.* If the marriage and family therapist or clinical professional counselor is an approved supervisor, at least 1 hour of the requirements of this subsection must be on issues specifically pertaining to supervising in the field of practice of the approved supervisor and must include education in at least one of the following:

- (a) An overview of a supervision model;
- (b) Areas of focus for a supervisor and the roles of a supervisor;
- (c) The process of supervising and the practical application of that process;
- (d) Ethical dilemmas involved in supervising;
- (e) Methods of effectively addressing and preventing ethical dilemmas in supervising; or
- (f) An overview of the supervision standards of the American Association for Marriage and Family Therapy, the National Board for Certified Counselors or the Association for Counselor

Education and Supervision, or the provisions of this chapter and chapter 641A of NRS relating to the practice of marriage and family therapy or the practice of clinical professional counseling, as applicable.

2. ~~If a clinical professional counselor holds an endorsement, at least 3 hours of the continuing education required by subsection 1 must be on issues related to the assessment or treatment of couples or families to renew the endorsement.~~

~~—3.—A marriage and family therapist or clinical professional counselor shall not use more than 10 hours of distance education to satisfy the requirements of subsection 1.~~

~~—4.—~~ With the approval of the Board, a marriage and family therapist or clinical professional counselor may satisfy the requirements of subsection 1 by ~~teaching~~ :

(a) Teaching not more than 10 hours at an institution, seminar, workshop, conference or other program. The content of the teaching material must be related to the field of practice of the marriage and family therapist or clinical professional counselor and ~~may not~~ be part of the primary or regular employment of the marriage and family therapist or clinical professional counselor. For each such hour taught, 2 hours of continuing education may be credited pursuant to this ~~subsection.~~

~~—5.—A)~~ *paragraph annually.*

(b) Completing graduate-level coursework specifically pertaining to the practice of marriage and family therapy or clinical professional counseling, as applicable. Such coursework may be credited pursuant to this paragraph at 15 hours of continuing education for 1 graduate semester hour or 12 hours of continuing education for 1 graduate quarter hour.

(c) Attending a meeting of the Board. For each such meeting attended, 1 hour of continuing education may be credited pursuant to this paragraph, but not more than 4 hours of continuing education may be credited for such meetings pursuant to this paragraph annually.

(d) Attending a meeting or event of a coalition, committee or board related to community health care. For each such meeting or event attended, 1 hour of continuing education may be credited pursuant to this paragraph, but not more than 6 hours of continuing education may be credited for such meetings and events pursuant to this paragraph annually. A meeting or event related to suicide awareness, assessment, intervention, prevention or education may be credited toward the requirement for a licensee to receive at least 2 hours of instruction on evidence-based suicide prevention and awareness pursuant to NRS 641A.260. Documentation of attendance at a meeting or event described in this paragraph must be an official record of attendance at the meeting or event obtained from the coalition, committee or board holding the meeting or hosting the event, or a ticket or receipt for admission to the event.

3. *Except as otherwise provided in NRS 641A.265, a marriage and family therapist or clinical professional counselor is subject to disciplinary action by the Board if he or she fails to satisfy the requirements for continuing education set forth in subsection 1.*

~~{6.}~~ 4. To reactivate an inactive license, an inactive licensee must complete at least 20 hours of continuing education in the year immediately preceding his or her application for reactivation.

~~{7. —As used in this section, “distance education” means education, training, courses or programs that are delivered to a student who is geographically separate from the instructor.}~~

Sec. 15. NAC 641A.133 is hereby amended to read as follows:

641A.133 1. ~~{An}~~ *Except as otherwise provided in NRS 641A.265, an* application for the renewal of a license ~~{for endorsement}~~ *to practice as a marriage and family therapist or clinical professional counselor* must be accompanied by an affidavit and the form for reporting continuing education provided by the Board evidencing the completion by the marriage and family therapist or clinical professional counselor of at least 20 hours of continuing education required pursuant to NAC 641A.131 during the ~~{year}~~ *licensing period* immediately preceding the date of the expiration of the current license.

2. A marriage and family therapist or clinical professional counselor shall maintain sufficient documentation verifying the information included in the affidavit relating to his or her continuing education for at least 3 years after the date on which the affidavit is executed. A marriage and family therapist or clinical professional counselor will not be given credit for any hours of continuing education that are not supported by documentation.

3. The Board may audit such affidavits and forms as the Board deems necessary to verify the authenticity of the information set forth in the affidavit or form.

Sec. 16. NAC 641A.146 is hereby amended to read as follows:

641A.146 1. An internship must be:

(a) Approved by the Board before the applicant begins the internship; and

(b) Completed within 3 years after the Board approves the internship ~~{}~~ *unless a renewal of the license of the intern is granted pursuant to subsection 3.*

2. An intern shall, on or before September 15 and March 15 of each year ~~{}~~ *of his or her internship*, submit to the Board a written report from the approved supervisor evaluating his or her internship. The Board may ~~{terminate}~~ *revoke* the license of any intern who fails to file such

a written report. An intern who has his or her license ~~terminated~~ *revoked* pursuant to this subsection:

(a) Shall submit to the Board the reasons for his or her failure to file the written report; and

(b) Must reapply for a new ~~internship~~ *license* in accordance with all applicable provisions of law in place at the time of reapplication.

3. If an intern does not complete an internship within 3 years after the Board approves the internship pursuant to subsection 1, the intern must request ~~an extension~~ *a renewal* of ~~the internship~~ *his or her license* from the Board. The Board ~~may~~ *will* only grant one 3-year ~~extension~~ *renewal* of the ~~internship~~ *license*. If the Board grants ~~an extension~~ *a renewal* of ~~an internship~~ *a license* pursuant to this subsection and an intern fails to complete the internship successfully within 3 years after the Board grants the ~~extension~~ *the renewal of the license*, the intern:

(a) Shall submit to the Board the reasons for his or her failure to complete the internship successfully; and

(b) Must reapply for a new ~~internship~~ *license* in accordance with all applicable provisions of law in place at the time of reapplication.

4. To obtain the hours of supervised experience required pursuant to NRS 641A.220 or 641A.231, an intern must complete:

(a) At least 1,500 hours of direct contact with clients in the practice of marriage and family therapy or the practice of clinical professional counseling, as applicable;

(b) At least 300 hours of marriage and family therapy or clinical professional counseling, as applicable, that is supervised by the primary approved supervisor or secondary approved supervisor *or supervisors* of the intern, including:

(1) At least 160 hours supervised by the primary approved supervisor of the intern; and
(2) At least 40 hours supervised by the secondary approved supervisor *or supervisors* of the intern; and

(c) At least 1,200 hours of work related to the practice of marriage and family therapy or the practice of clinical professional counseling, as applicable, including:

(1) Not more than 500 hours which consist of direct contact with clients in the practice of marriage and family therapy or the practice of clinical professional counseling, as applicable, that is performed in conjunction with a graduate program of study;

(2) Not more than 300 hours of leading group therapy or counseling sessions;

(3) Not more than 200 hours of teaching, including, but not limited to, leading sessions for parent or family education, leading workshops or participating in other teaching activities, which are:

(I) Approved by the primary approved supervisor of the intern; and

(II) Documented;

(4) Not more than 150 hours of individual counseling or therapy which the intern personally receives from a licensed mental health professional who is not the approved supervisor of the intern; and

(5) Not more than 50 hours of training approved by the primary approved supervisor of the intern, including, but not limited to:

(I) Graduate course work at a university; or

(II) Attendance at a workshop related to the practice of marriage and family therapy or the practice of clinical professional counseling.

5. Credit must not be given for experience gained by a person before the person was licensed as an intern pursuant to the provisions of NAC 641A.156.

6. As used in this section, “mental health professional” means a person licensed in the ~~State of Nevada~~ *the District of Columbia or any state or territory of the United States* as a psychiatrist, psychologist, marriage and family therapist, clinical professional counselor or clinical social worker.

Sec. 17. NAC 641A.156 is hereby amended to read as follows:

641A.156 1. An applicant for licensure as an intern must:

(a) Satisfy the requirements of NAC 641A.065, 641A.075 and 641A.085;

(b) Submit to the Board a proposed plan for internship, including the name of the proposed supervisors;

(c) Complete a personal interview ~~and,~~ if requested by the Board ; ~~pass an oral examination conducted by the Board;~~ and

(d) Pass ~~the~~ *an* examination required by NRS 641A.230 or 641A.231, as applicable. An applicant must take such an examination for the first time ~~:~~

~~—— (1) If the applicant is applying for licensure as a marriage and family therapist intern,] at any time [after completing 1 year as a marriage and family therapist intern and before the expiration of his or her license as a marriage and family therapist intern.~~

~~—— (2) If the applicant is applying for licensure as a clinical professional counselor intern, at any time during his or her final semester of graduate study and before the expiration of his or her license as a clinical professional counselor intern.] *during his or her final semester or quarter of graduate study.*~~

2. The Board will issue a license as an intern in the State of Nevada to each qualified applicant upon approving the proposed internship plan of the applicant.

Sec. 18. NAC 641A.176 is hereby amended to read as follows:

641A.176 1. ~~The~~ *In addition to the revocation of a license pursuant to NAC 641A.146,* *the* Board may, for good cause shown, ~~grant, deny,~~ suspend or revoke the license ~~for endorsement~~ of any intern.

2. *If the Board suspends or revokes the license of an intern pursuant to subsection 1, the Board will:*

(a) Record the reasoning for the suspension or revocation in the minutes of the meeting of the Board at which the decision was made; and

(b) Place a copy of that reasoning in the licensee's file kept by the Board.

3. An intern is subject to the same standards of professional ethics as a marriage and family therapist or clinical professional counselor, as applicable.

~~3. The Board may, for good cause shown, approve, deny or revoke the proposed supervisor or approved supervisor of any intern.~~

Sec. 19. NAC 641A.178 is hereby amended to read as follows:

641A.178 1. Before beginning an internship, each intern must have at least two supervisors approved by the Board. During the course of the supervision of the intern:

(a) The primary approved supervisor shall meet with the intern for at least 160 hours, *which must include at least 1 hour per week*, to discuss and evaluate the performance of the intern. ~~;~~ *and* *The primary supervisor shall document any variation from this weekly schedule and retain such documentation until the completion of the internship. A violation of this*

paragraph may result in the revocation of the intern's license or the approval of the primary supervisor pursuant to NAC 641A.182.

(b) The secondary approved supervisor *or supervisors* shall meet with the intern for *a combined total of* at least 40 hours ~~H~~ *to discuss and evaluate the performance of the intern.*

2. Unless otherwise authorized by the Board, not more than:

(a) ~~Six~~ *Ten* interns may be placed under the supervision of any primary approved supervisor at one time; and

(b) Ten interns may be placed under the supervision of any secondary approved supervisor at one time.

3. The time required for supervision includes the time devoted to:

(a) Meetings between the approved supervisor and the intern where videotapes or audiotapes are reviewed;

(b) Therapy sessions in which the approved supervisor participates;

(c) Therapy sessions in which the approved supervisor observes the session from a location whereby the approved supervisor is neither seen nor heard; or

(d) The presentation of a case by the intern and a discussion by the approved supervisor of the proper management and treatment of the case.

4. The time required for supervision does not include the time devoted to attendance at seminars, workshops or classes.

~~{5. The Board will approve the use of conference calls for supervision of an intern in extenuating circumstances.}~~

Sec. 20. NAC 641A.182 is hereby amended to read as follows:

641A.182 1. Except as otherwise provided in subsection 2, an approved supervisor of an intern must be a marriage and family therapist or clinical professional counselor. Each potential supervisor must offer evidence satisfactory to the Board of his or her training or experience, or both, which qualifies him or her to supervise.

2. In extenuating circumstances ~~+~~ *or upon the recommendation of the primary supervisor*, the Board ~~may~~ *will* approve as a secondary supervisor a person who is a licensed psychologist, psychiatrist or *clinical* social worker who has received training in supervision.

3. Each supervisor must:

(a) Have been licensed in ~~this State~~ *the District of Columbia or any state or territory of the United States* for at least 3 years.

(b) Not be related to the intern by closer than the fourth degree of consanguinity.

(c) Have never professionally provided mental health therapy to the intern.

(d) Maintain liability insurance covering the supervision.

(e) Be approved by the Board.

(f) Agree to be available to consult with the Board concerning the professional record, competence in practice, and emotional and mental stability or professional and ethical conduct of the intern.

4. Except as otherwise provided in subsection 5, each potential primary supervisor must provide evidence satisfactory to the Board of completion of:

(a) Supervisory training that consists of:

(1) At least one graduate-level course taught by an instructor deemed appropriate by the Board, which includes at least 45 clock hours on the supervision of the practice of marriage and family therapy or the practice of clinical professional counseling, as applicable; or

(2) A professional training program on supervision taught by an instructor deemed appropriate by the Board, which is provided by the American Association for Marriage and Family Therapy or the National Board for Certified Counselors, as applicable; and

(b) At least 25 hours of mentored supervision.

5. In lieu of providing evidence satisfactory to the Board of the completion of supervisory training and supervisory experience as required pursuant to subsection 4, a potential supervisor may provide evidence satisfactory to the Board that he or she has obtained and maintained, as applicable:

(a) A designation as an “Approved Supervisor” or “Supervisor Candidate” from the American Association for Marriage and Family Therapy; or

(b) A credential as an “Approved Clinical Supervisor” from the National Board for Certified Counselors.

6. The Board may, for good cause shown, revoke the approval of an approved supervisor of any intern.

Sec. 21. NAC 641A.186 is hereby amended to read as follows:

641A.186 ~~1.~~ ***Except as otherwise provided in NAC 641A.182, an*** intern may perform marriage and family therapy or clinical professional counseling only under the supervision of a marriage and family therapist or clinical professional counselor and in accordance with his or her approved plan for internship.

Sec. 22. NAC 641A.196 is hereby amended to read as follows:

641A.196 1. Except as otherwise provided in subsection 4, an intern may engage in private practice only at facilities which have a licensed marriage and family therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, psychologist, psychiatrist or

clinical social worker ~~to~~ available to consult with the intern either in person or by telephone during the intern's hours of employment at the site. If more than one such licensed professional is available at the site during the intern's hours of employment, the intern may consult with one or more of the licensed professionals.

2. An intern shall inform each of his or her clients that he or she is not licensed to engage independently in the practice of marriage and family therapy or the practice of clinical professional counseling, as applicable.

3. An intern shall include a statement describing his or her status as an intern on all forms of advertising, including, but not limited to, business cards, directory listings and brochures.

4. The Board will only allow an intern to engage in private practice at facilities other than those listed in subsection 1:

(a) In extenuating circumstances; and

(b) If other arrangements approved by the Board have been established for supervision of the intern in emergency situations.

Sec. 23. NAC 641A.243 is hereby amended to read as follows:

641A.243 A marriage and family therapist, clinical professional counselor or intern:

1. Shall not misrepresent, in advertising or otherwise, his or her education, training, type of license, ~~endorsement,~~ qualifications, competence or service, or the results to be achieved if he or she provides service to a client.

2. Shall not engage in the practice of marriage and family therapy or the practice of clinical professional counseling while impaired by:

(a) Alcohol, drugs or any other chemical; or

(b) A mental or physical condition that prevents him or her from safely engaging in the practice of marriage and family therapy or the practice of clinical professional counseling.

3. Shall not use his or her relationship with a client to further his or her own personal, religious, political or business interests.

4. Shall set and maintain professional boundaries with clients, interns and persons with whom he or she works.

5. Shall not give or receive, directly or indirectly, a fee, commission, rebate or other compensation for professional services that he or she has not actually and personally provided.

6. Shall not knowingly offer service to a client who is receiving treatment from another marriage and family therapist, clinical professional counselor or intern, or a holder of a license, certificate or registration issued by any other similar board, without prior consultation between the client and the other marriage and family therapist, clinical professional counselor, intern or holder of the license, certificate or registration.

7. Except as otherwise provided in subsection 8, shall not disparage the qualifications of any colleague.

8. Shall report to the Board any unlicensed, unauthorized, unqualified or unethical practice of marriage and family therapy or the practice of clinical professional counseling that is occurring.

9. Shall not attempt to diagnose, prescribe for, treat or provide advice for any problem which is outside of his or her field of competence, the scope of the practice of marriage and family therapy or the practice of clinical professional counseling, as applicable, or the scope of his or her license . ~~for endorsement, as applicable.~~

10. Shall base his or her practice upon the recognized knowledge relevant to marriage and family therapy or clinical professional counseling, as applicable.

11. Shall critically examine and keep current with emerging knowledge relevant to the practice of marriage and family therapy or the practice of clinical professional counseling, as applicable **H**, *including, without limitation, adherence to national professional standards relating to telehealth. As used in this subsection, “telehealth” has the meaning ascribed to it in NRS 629.515.*

12. Based upon recognized knowledge and standards for the practice of marriage and family therapy or the practice of clinical professional counseling, as applicable, shall prepare and maintain in a timely manner a record for each of his or her clients which:

(a) Sets forth his or her assessment of the problems of the client, plan of action for the client, course of treatment for the client and progress notes regarding the course of treatment of the client; and

(b) Includes copies of other relevant documentation, including, without limitation:

(1) All documents relating to the informed consent given by the client;

(2) All documents relating to the release of information regarding the client; and

(3) All other legal documents regarding the client.

↪ As used in this subsection, “assessment” means an evaluation of the impairment in the functioning of a client that is based upon comprehensive information about the client.

13. *Shall, with respect to a record prepared pursuant to subsection 12 for a client in the context of family, couple or group therapy or counseling:*

(a) Take any precaution necessary to protect the confidentiality of other persons referenced in the record.

(b) Except as otherwise provided in this paragraph, provide a client, upon request, with access to the client's record. A licensee shall not provide a client with access to his or her record:

(1) Except as otherwise provided in subparagraph (2), unless the licensee has obtained written authorization to provide access to the record from each person involved in the therapy or counseling who is competent to execute such an authorization.

(2) In exceptional circumstances, when the licensee is concerned, based on compelling evidence, that such access could cause serious harm to the client or other persons referenced in the record.

↪ A licensee shall document in the client's record any request by the client for access to his or her record and, if a licensee withholds all or a portion of a requested record, the rationale for the withholding.

14. Shall, whether engaged in private practice or employed by an entity, retain the records of his or her clients prepared pursuant to subsection 12 in his or her primary custody until the time at which the records must be destroyed in accordance with federal law.

15. Shall complete and submit any reports required by this chapter and chapter 641A of NRS, or pursuant to any rule, order or instruction of a court of competent jurisdiction, in a timely manner.

~~14.~~ *16. Shall comply with the provisions of this chapter and chapter 641A of NRS and all other applicable federal laws and regulations.*

~~15.~~ *17. Shall not authorize a person under the supervision of the marriage and family therapist or clinical professional counselor to perform services that are outside of the scope of the license, ~~endorsement,~~ training or experience of the person performing the services, or allow*

such a person to hold himself or herself out as having expertise in a field or activity in which that person is not qualified.

~~16.~~ **18.** Shall notify the Board in writing within 10 days after:

(a) An action is taken against any license, certification, registration or other credential held by the marriage and family therapist, clinical professional counselor or intern that was issued by *the District of Columbia or* another state or territory of the United States;

(b) A criminal charge is filed against the marriage and family therapist, clinical professional counselor or intern;

(c) The marriage and family therapist, clinical professional counselor or intern is convicted of a criminal offense, other than a traffic offense which is a misdemeanor that does not involve alcohol or controlled substances;

(d) A civil action, including, without limitation, an action for malpractice, is filed against the marriage and family therapist, clinical professional counselor or intern; or

(e) A settlement or judgment is made in any civil action, including, without limitation, an action for malpractice, in any case filed against the marriage and family therapist, clinical professional counselor or intern for any act relating to the practice of marriage and family therapy or the practice of clinical professional counseling, as applicable.

Sec. 24. NAC 641A.256 is hereby amended to read as follows:

641A.256 1. For the purposes of subsection 7 of NRS 641A.310, the Board will interpret the term “unprofessional conduct” to mean a lack of knowledge, skill or ability in discharging a professional obligation, and to include, without limitation, malpractice and gross negligence.

2. The Board will consider the following acts by a marriage and family therapist, clinical professional counselor or intern to constitute unprofessional conduct:

(a) Performing services relating to the practice of marriage and family therapy or the practice of clinical professional counseling as an intern outside the scope of an approved plan of internship.

(b) Performing services relating to the practice of marriage and family therapy or the practice of clinical professional counseling as a marriage and family therapist, clinical professional counselor or intern under a license ~~for endorsement~~ that has lapsed or been deactivated.

(c) Failing to cooperate with any investigation of a complaint filed against the marriage and family therapist, clinical professional counselor or intern, including, without limitation, denying or failing to cooperate with a request for records made by the Board.

3. As used in this section:

(a) “Gross negligence” means conduct in the practice of marriage and family therapy or the practice of clinical professional counseling which represents an extreme departure from the standard of care required from a marriage and family therapist, clinical professional counselor or intern under the circumstances.

(b) “Malpractice” means conduct in the practice of marriage and family therapy or the practice of clinical professional counseling which falls below the standard of care required from a marriage and family therapist, clinical professional counselor or intern under the circumstances.

Sec. 25. NAC 641A.258 is hereby amended to read as follows:

641A.258 1. Any violation of this chapter or chapter 641A of NRS by a marriage and family therapist, clinical professional counselor or intern constitutes unprofessional conduct and

subjects the marriage and family therapist, clinical professional counselor or intern to disciplinary action by the Board.

2. If a marriage and family therapist, clinical professional counselor or intern violates any provision of this chapter or chapter 641A of NRS or engages in any other unprofessional conduct while his or her license ~~for endorsement~~ is in effect, the Board will take disciplinary action against the marriage and family therapist, clinical professional counselor or intern, including, without limitation, taking action against the marriage and family therapist, clinical professional counselor or intern after his or her license ~~for endorsement~~ has expired or been suspended.

3. If a board or entity in this State , *the District of Columbia* or in another state *or territory of the United States* which has issued a license, certificate, registration or other credential to a marriage and family therapist, clinical professional counselor or intern for the practice of marriage and family therapy, the practice of clinical professional counseling or practice in a related field revokes or suspends the license, certificate, registration or other credential, or takes any other disciplinary action against the marriage and family therapist, clinical professional counselor or intern, the revocation, suspension or disciplinary action is a ground for disciplinary action by the Board against the marriage and family therapist, clinical professional counselor or intern for unprofessional conduct.

4. The failure of a marriage and family therapist, clinical professional counselor or intern to comply with a stipulation, agreement, advisory opinion or order issued by the Board constitutes unprofessional conduct and is a ground for disciplinary action by the Board against the marriage and family therapist, clinical professional counselor or intern.

5. As used in this section, “related field” means a field related to the social sciences or the study of the human mind and mental illness, including, without limitation, social work, alcohol and drug abuse counseling, psychology, psychiatry, nursing or medicine.

Sec. 26. NAC 641A.301 is hereby amended to read as follows:

641A.301 As used in NAC 641A.301 to 641A.705, inclusive, unless the context otherwise requires, the words and terms defined in NAC 641A.303 to ~~641A.338,~~ **641A.336**, inclusive, have the meanings ascribed to them in those sections.

Sec. 27. NAC 641A.306 is hereby amended to read as follows:

641A.306 “Applicant” means a person who applies for any privilege, license ~~+~~ **endorsement** or authority from the Board.

Sec. 28. NAC 641A.441 is hereby amended to read as follows:

641A.441 1. During an investigation of an informal complaint, the staff or investigator, if any, may demand that a respondent produce his or her records or other evidence for inspection or copying, with or without prior notice to the respondent and with or without a subpoena. A respondent shall not deny any such request for records or other evidence if the record or other evidence is not subject to the provisions of 42 C.F.R. Part 2.

2. If the respondent initially refuses or fails to cooperate with a request for records in violation of this section, the Board may immediately suspend his or her license ~~for endorsement,~~ **if applicable,** until the respondent complies with the request for records or other evidence.

3. If the respondent continues to refuse or fail to cooperate with a request for records or other evidence in violation of this section after the Board has suspended his or her license ~~for endorsement, if applicable,~~ pursuant to subsection 2, the Board may take such further disciplinary action against the respondent as the Board determines necessary.

Sec. 29. NAC 641A.451 is hereby amended to read as follows:

641A.451 1. When an investigation of an informal complaint conducted pursuant to NAC 641A.434 is complete, the staff and investigator, if any, shall determine whether substantial evidence exists to sustain the alleged violation of a statute or regulation set forth in the informal complaint.

2. If the staff and investigator determine that no allegation of a violation of a statute or regulation set forth in the informal complaint can be sustained, the staff shall notify, in writing, the complainant and the respondent of this determination.

3. If the staff and investigator determine that a violation of a statute or regulation as alleged in the informal complaint can be sustained, the legal counsel for the Board shall:

(a) In compliance with NRS 622.330, offer mediation, settlement agreements, stipulations of facts and liability or informal hearings; or

(b) Prepare a notice of hearing and a formal complaint.

4. A notice of hearing and a formal complaint must:

(a) Be a plain statement of the facts and applicable provisions of statutes and regulations regarding the acts of the respondent alleged to be in violation of the statutes and regulations governing the practice of marriage and family therapy ~~§~~ *or clinical professional counseling, as applicable;*

(b) Include the date, time and place that the Board will hear the matter, if this information is known at the time when the notice of hearing and the formal complaint are sent to the respondent; and

(c) Be signed by the legal counsel for the Board and, if a member of the Board was active in the investigation, by that member of the Board.

5. The staff shall send a notice of hearing and a formal complaint prepared pursuant to subsection 4 to the respondent by certified mail.

Sec. 30. NAC 641A.595 is hereby amended to read as follows:

641A.595 The Board may hold an informal hearing to:

1. Mediate problems;
2. Discuss factual or legal questions relating to the propriety of certain conduct;
3. Discuss certain conduct and warn holders of licenses ~~and endorsements~~ that engaging in the conduct would be in violation of law or the Board's regulations; or
4. Determine the appropriateness of holding a formal hearing on any matter.

Sec. 31. NAC 641A.111, 641A.184 and 641A.338 and sections 2, 3 and 4 of LCB File No. R091-14 are hereby repealed.

TEXT OF REPEALED SECTIONS

641A.111 Interim permit. (NRS 641A.160, 641A.220, 641A.231)

1. The Board will, after verifying that an applicant for licensure meets the requirements of NRS 641A.220 or 641A.231 and holds an active, equivalent license in good standing from another jurisdiction, issue an interim permit authorizing the applicant to practice as a marriage and family therapist or clinical professional counselor, under the supervision of a person approved by the Board, until the results of the examination required by NRS 641A.230 or 641A.231 are received.

2. If the applicant does not pass the examination, the interim permit expires upon notification by the Board. The interim permit is not renewable.

641A.184 Termination or suspension of supervision agreement. (NRS 641A.160)

1. If an approved supervisor or intern wishes to terminate a supervision agreement, the approved supervisor or intern must request approval from the Board to terminate the supervision agreement. Termination of a supervision agreement must not occur until the Board has approved the request for termination, and must be accomplished in such a way that:

- (a) Ensures compliance with the provisions of this chapter and chapter 641A of NRS;
- (b) Prevents hardship to clients;
- (c) Minimizes any risks to the approved supervisor; and
- (d) Gives the intern a reasonable amount of time to have a new internship approved by the Board.

2. If an approved supervisor requests approval from the Board to terminate a supervision agreement, the approved supervisor shall notify the intern whose supervision is being terminated as soon as practicable after requesting such approval.

3. When the Board receives a request for approval to terminate a supervision agreement, the Board will consider approving the request for termination at the next meeting of the Board. If the Board approves the termination of a supervision agreement, the approved supervisor shall:

- (a) If the approved supervisor is the primary approved supervisor and the intern is unable to establish a new supervision agreement, provide guidance to the intern relating to the termination of the therapeutic relationship with clients; and

(b) Complete and submit, along with the notification required pursuant to NRS 641A.2878 or 641A.2888 and on a form provided by the Board, a report which shows the intern's hours of supervised experience claimed through the date of termination of the supervision agreement.

4. An approved supervisor or intern may immediately suspend a supervision agreement if the approved supervisor is unable to provide supervision for personal reasons, including, without limitation, serious illness. An approved supervisor also may immediately suspend a supervision agreement if an intern is unable or unwilling to perform clinical duties or participate in supervision in a manner that complies with the supervision agreement or the provisions of this chapter or chapter 641A of NRS. The person suspending a supervision agreement pursuant to this subsection shall notify the Board of such suspension in writing not more than 5 days after the date of suspension.

641A.338 "Staff" defined. (NRS 641A.160) "Staff" means the staff of the Board.

Section 2 of LCB File No. R091-14 (NRS 641A.160)

1. A clinical professional counselor or a clinical professional counselor intern who seeks an endorsement must submit to the Board:

(a) An application completed on a form provided by the Board; and

(b) Proof of successful completion of the requirements of section 3 of LCB File No. R091-14, including, without limitation, official transcripts from each institution of higher learning he or she attended to complete the requirements of paragraph (a) of subsection 1 of section 3 of LCB File No. R091-14.

2. Upon receipt of an application and proof of successful completion of the requirements of section 3 of LCB File No. R091-14 from a clinical professional counselor or a clinical

professional counselor intern, the Board will issue an endorsement to the clinical professional counselor or clinical professional counselor intern.

3. An endorsement issued pursuant to this section is valid for the same term as the license of the clinical professional counselor or clinical professional counselor intern. A clinical professional counselor or clinical professional counselor intern who wishes to renew his or her endorsement must submit to the Board:

- (a) An application for renewal on a form provided by the Board; and
- (b) Proof of completion of any other requirements for renewal prescribed by the Board.

Section 3 of LCB File No. R091-14 (NRS 641A.160, 641A.180)

1. To qualify for an endorsement, a clinical professional counselor or clinical professional counselor intern must:

(a) Except as otherwise provided in subsections 3, 4 and 5, successfully complete at least six graduate level courses, each of which must be worth at least 3 semester hours or 4 quarter hours, and each of which must cover one of the following areas of study:

(1) Marital and family studies, including, without limitation, couple and family development and dynamics;

(2) Marital and family systems theory and systemic therapy approach;

(3) Couples counseling;

(4) Family counseling;

(5) Ethical and legal issues in marriage and family counseling; or

(6) Diagnosis and assessment with couples and families.

(b) Meet the supervised training or experience requirements of section 4 of LCB File No. 091-14.

(c) Pass the national examination sponsored by the Association of Marital and Family Therapy Regulatory Boards or its successor organization.

2. A course may not be used to satisfy the requirements for more than one area of study set forth in paragraph (a) of subsection 1.

3. The Board may consider years of clinical experience counseling couples or families in another state in lieu of specific courses required pursuant to paragraph (a) of subsection 1. An applicant for an endorsement must submit to the Board a request for such consideration at the time of application.

4. A clinical professional counselor or clinical professional counselor intern who has a graduate degree in marriage and family counseling from a marriage and family counseling program accredited by the Council for Accreditation of Counseling and Related Educational Programs or its successor organization is not required to complete the course requirements of paragraph (a) of subsection 1 to qualify for an endorsement.

5. A clinical professional counselor or clinical professional counselor intern who earned a graduate degree in clinical mental health counseling on or after January 1, 2010, from a clinical mental health counseling program accredited by the Council for Accreditation of Counseling and Related Educational Programs or its successor organization is not required to complete the course requirements of subparagraph (2) of paragraph (a) of subsection 1 in marital and family systems theory and systemic therapy approach to qualify for an endorsement.

Section 4 of LCB File No. R091-14 (NRS 641A.160)

1. Except as otherwise provided in subsection 5, upon completion of the educational requirements of paragraph (a) of subsection 1 of section 3 of LCB File No. R091-14, an applicant for an endorsement must obtain supervised training or demonstrate experience in

assessing and treating couples or families. Such training or experience must consist of at least 500 hours of face-to-face couples or family counseling and at least 100 hours of supervision related to that counseling, provided by a supervisor who meets the requirements of subsection 3.

An applicant may:

(a) Obtain supervised training through an endorsement internship conducted in this State pursuant to subsection 2 and pursuant to subsection 5, if applicable;

(b) Demonstrate supervised training or experience conducted outside this State pursuant to subsection 4 and pursuant to subsection 5, if applicable; or

(c) Demonstrate supervised training or experience which is completed partially outside this State and partially in this State, provided that any hours obtained:

(1) In this State meet the requirements of subsection 2 or subsection 5, as applicable; and

(2) Outside this State meet the requirements of subsection 4 or subsection 5, as applicable.

2. Except as otherwise provided in subsection 5, before starting a supervised training endorsement internship pursuant to paragraph (a) of subsection 1 in this State, a clinical professional counselor or clinical professional counselor intern must submit to the Board:

(a) An endorsement internship proposal on a form prescribed by the Board; and

(b) A contract for an endorsement internship with a supervisor who meets the requirements of subsection 3.

3. For the purposes of this section, a person is qualified to supervise a clinical professional counselor or clinical professional counselor intern seeking to complete the supervised training or experience required pursuant to subsection 1 if the person is:

(a) Designated by the American Association for Marriage and Family Therapy or its successor organization as an Approved Supervisor;

(b) A marriage and family therapist who has been designated as a primary supervisor approved by the Board pursuant to NAC 641A.182;

(c) A marriage and family therapist who the Board has determined possesses qualifications that are substantially equivalent to the qualifications required for a primary supervisor approved pursuant to NAC 641A.182; or

(d) A clinical professional counselor who the Board has determined possesses qualifications that are substantially equivalent to the qualifications required for a primary supervisor approved pursuant to NAC 641A.182.

4. Except as otherwise provided in subsection 5, a clinical professional counselor or clinical professional counselor intern may meet the requirements for supervised training or experience required pursuant to subsection 1 by demonstrating to the satisfaction of the Board that the clinical professional counselor or clinical professional counselor intern completed outside this State at least 500 hours of licensed face-to-face couples or family counseling and at least 100 hours of supervision related to that counseling by a supervisor. A clinical professional counselor or clinical professional counselor intern must provide proof to the Board that the supervisor met, at the time of the supervised experience, the requirements of subsection 3.

5. An applicant for an endorsement pursuant to this section may apply not more than 200 hours of supervised face-to-face couples or family counseling performed in the course of earning his or her graduate degree in clinical mental health counseling towards the supervised training or experience required pursuant to subsection 1. To obtain credit for such hours, the applicant must provide proof to the Board that the supervisor met, at the time of the supervised training or experience, the requirements of subsection 3.

