

**PROPOSED REGULATION OF THE
STATE BOARD OF HEALTH**

LCB FILE NO. R181-18I

**The following document is the initial draft regulation proposed
by the agency submitted on 06/28/2018**

Section 1. Chapter 178 of the NAC is hereby amended by adding thereto the provisions set forth as sections 2 to X, inclusive of this regulation.

Section 2.

“Advanced practice registered nurse” means a registered nurse who holds a valid license as an advanced practice registered nurse, certified as a psychiatric mental health nurse, issued by the State Board of Nursing pursuant to NRS 632.237

Section 3.

1. If the Division finds that the report of an evaluator of competency:
 - a. Does not meet national standards;
 - b. Display errors that reflect state regulatory violations; or
 - c. Does not provide adequate data to reasonably support the stated conclusionsthe Division may require additional forensic training and review that reflects satisfactory correction of deficiencies.
2. In the case of unsatisfactory correction of deficiencies, the Division may suspend or revoke the certification.
3. If a person is aggrieved by a decision of the Division relating to the denial or suspension of the certification, the aggrieved person may file an appeal according to the procedures set forth in NAC 439.300 to 439.395

Section 4 NAC 178.050 is hereby amended to read as follows:

“Division” ~~means—the Division of Mental Health and Developmental Services the Department of Health and Human Services~~ has the meaning ascribed to it in NRS 178.3983.

Section 5 NAC 178.100 is hereby amended to read as follows:

1. Each person desiring a certificate must make application to the Division upon a form, and in a manner, prescribed by the Division.
2. The application must be accompanied by:
 - (a) Evidence satisfactory to the Division that the applicant:
 - (1) Is a clinical social worker, psychiatrist or psychologist or advanced practice registered nurse who is authorized by the nursing board to practice in the field of mental health;
 - (2) Attended and completed the course of training established pursuant to NAC 178.110;and
 - (3) Passed the examination administered by the Division pursuant to the provisions of subsection 4 of NRS 178.417; and
 - (b) An application fee of ~~\$25.~~\$250 for psychologists and psychiatrists and \$125 for licensed clinical social workers and advanced practice registered nurses.
3. After receiving an application and the accompanying evidence from an applicant, the Division will:
 - (a) Evaluate the application and accompanying evidence and determine whether the applicant is qualified pursuant to this section to be issued a certificate; and
 - (b) Issue a written statement to the applicant of its determination.
4. If the Division determines that the applicant is not qualified to be issued a certificate pursuant to subsection 3, the applicant may appeal the decision of the Division to the Administrator.
5. A certificate issued pursuant to the provisions of this section must be renewed every 2 years.

Section 6 NAC 178.130 is hereby amended to read as follows:

1. To renew a certificate, an evaluator of competency shall submit an application for the renewal of a certificate to the Division upon a form, and in a manner, prescribed by the Division.

2. The application for the renewal of a certificate must be accompanied by:

(a) Evidence satisfactory to the Division that the evaluator of competency completed the requirements for the renewal of a certificate established pursuant to [NAC 178.120](#); and

(b) (b) A renewal fee of ~~\$25~~ **\$150 for psychologists and psychiatrists and \$75 for licensed clinical social workers and advanced practice registered nurses.**

(c)

3. After receiving an application for the renewal of a certificate and the accompanying evidence from an evaluator of competency, the Division will:

(a) Evaluate the application for the renewal of a certificate and accompanying evidence and determine whether the evaluator of competency has met the requirements for the renewal of a certificate established pursuant to [NAC 178.120](#); and

(b) Issue a written statement to the applicant of its determination.

4. If the Division determines that the evaluator of competency has not met the requirements for the renewal of a certificate, the evaluator of competency may appeal the decision of the Division ~~to the Administrator.~~ **according to the procedures set forth in NAC 439.300 to 439.395**