

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

LCB FILE NO. R051-19I

**The following document is the initial draft regulation proposed
by the agency submitted on 07/29/2019**

Proposed Changes to NAC 641A

NAC 641A.035, subsections 17 & 18

Current:

Does not exist

Change to: **6. “Clinical relationship” means any relationship in which the marriage and family therapist, clinical professional counselor, or intern, respectively, has engaged in the treatment of a client. 16. “Provider of health care” has the meaning ascribed to it in NRS 629.031**

19. “Treatment” means the provision, coordination, or management of marriage and family therapy or clinical professional counseling or related services by one or more providers of health care, including the coordination or management of health care by a provider of health care with a third party, and consultation between or among providers of health care relating to the client.

Rationale: defines terminology used in this section. “Treatment” definition was adapted from [45 CFR 164.501](#). All other subsections would be re-numbered accordingly.

----- **NAC 641A.065,
subsection 1(d)**

Current:

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;

Change to:

~~[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;]~~

Rationale: This requirement is in conflict with NRS 641A.241 and 641A.242. Regarding intern applicants, the requirements contained in this subsection are redundant with other sections and subsections of code (e.g., supervisor recommendations are inherent in a supervision contract).

----- **NAC
641A.085, subsection 7(b)(4)**

Current:

Does not exist

Change to:

4. Graduate degrees conferred on or before August 30, 2023 which met the requirements of this section as it existed on August 29, 2018.

Makes permanent the temporary regulation adopted in January of 2019.

----- NAC 641A.105

Current:

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.....	50 150
For annual renewal of a license.....	
For reinstatement of a license revoked for nonpayment of the fee for renewal.....	100
For an inactive license.....	150

Change to:

Except as otherwise provided in [NRS 641A.290](#), the Board will charge and collect the following fees, respectively:

<i>Application for an initial license</i>	<i>\$150</i>
<i>Issuance of an initial license</i>	<i>\$60</i>
<i>Biennial renewal of a license to practice as an MFT or CPC</i>	<i>\$450</i>
<i>Fee for the late payment of the biennial renewal</i>	<i>\$125</i>
<i>Placement of license to practice as an MFT or CPC on inactive status for one year</i>	<i>\$100</i>

<i>One-time only renewal of an intern license</i>	<i>\$150</i>
<i>Issuance of a duplicate license</i>	<i>\$10</i>
<i>Reevaluation of an applicant's coursework</i>	<i>\$50</i>
<i>Application for approval to become a primary supervisor</i>	<i>\$75</i>
<i>Approval of a single course or program of continuing education</i>	<i>\$25</i>
<i>Annual Approval of a provider of continuing education</i>	<i>\$150</i>

Rationale: sets fees as prescribed by the passage of SB 37 (section 14).

NAC 641A.131, subsections (1-3) Current:

1. To maintain licensure, a marriage and family therapist or clinical professional counselor must complete at least 20 hours of continuing education each licensing period, at least 3 hours of which must be on ethics issues specifically pertaining to the practice of marriage and family therapy or clinical professional 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. A marriage and family therapist or clinical professional counselor shall not use more than 10 hours of distance education that is not interactive to satisfy the requirements of subsection 1.

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

- (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 practice of marriage and family therapy or clinical professional counseling and may 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 paragraph annually. (b) Completing graduate-level course work specifically pertaining to the practice of marriage and family therapy or clinical professional counseling, as applicable. Such course work 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 any meeting of the Board except a meeting at which the Board is considering disciplinary or other administrative action against the marriage and family therapist or clinical professional counselor. For each such authorized meeting attended, 1 hour of continuing education may be credited pursuant to this paragraph, but not more than 2 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 3 hours of continuing education may be credited for such meetings and events pursuant to this paragraph annually. 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 or any additional documentation requested by the Board.

Change to:

1. To maintain licensure, a marriage and family therapist or clinical professional counselor must complete at least ~~[20]~~ 40 hours of continuing education each licensing period, ~~[3]~~ 6 hours of which must be on ethics issues specifically pertaining to the practice of marriage and family therapy or clinical professional counseling, as applicable; and at least ~~[2]~~ 4 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, ~~[1]~~ 2 hours 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. A marriage and family therapist or clinical professional counselor shall not use more than ~~10~~ 20 hours of distance education that is not interactive to satisfy the requirements of subsection

1.

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

(a) Teaching not more than ~~10~~ 20 hours at an institution, seminar, workshop, conference or other program. The content of the teaching material must be related to the practice of marriage and family therapy or clinical professional counseling and may 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 paragraph annually. (b) Completing graduate-level course work specifically pertaining to the practice of marriage and family therapy or clinical professional counseling, as applicable. Such course work 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 any meeting of the Board except a meeting at which the Board is considering disciplinary or other administrative action against the marriage and family therapist or clinical professional counselor. For each such authorized meeting attended, 1 hour of continuing education may be credited pursuant to this paragraph, but not more than ~~2~~ 4 hours of continuing education may be credited for such meetings pursuant to this paragraph ~~annually~~ *per renewal period* .

(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 ~~3~~ 6 hours of continuing education may be credited for such meetings and events pursuant to this paragraph ~~annually~~ *per renewal period* . 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 or any additional documentation requested by the Board.

Rationale: updates NAC in accordance with biennial renewal in SB 37 (section 6). Note that suicide CEU requirements in NRS 641A.260 are for two hours “as a prerequisite for the renewal of a license” so this number remains unchanged.

NAC 641A.133, subsections (1) and

(3) Current:

1. Except as otherwise provided in NRS 641A.265, an application for the renewal of a license 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 licensing period immediately preceding the date of the expiration of the current license.

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.

Change to:

1. Except as otherwise provided in NRS 641A.265, an application for the renewal of a license 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]~~ **attesting to** the completion by the marriage and family therapist or clinical professional counselor of at least ~~[20]~~ **40** hours of continuing education required pursuant to NAC 641A.131 during the licensing period immediately preceding the date of the expiration of the current license.

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.

Rationale: updates NAC in accordance with biennial renewal in SB 37 (section 6) and eliminates the unnecessary requirement to log all CEUs prior to renewal application, deferring to clinician record maintenance.

NAC 641A.146, subsection 1 Current:

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.

Change to:

An internship must be:

- (a) Outlined in an agreement with an approved primary supervisor;**
- (b) Approved by the Board ~~[before the applicant begins the internship]; and~~**
- (c) Completed within 3 years after the Board approves the internship unless a renewal of the *internship license* ~~[license of the intern]~~ is granted pursuant to subsection 3.**

Rationale: Requires a supervision agreement in conformance with NRS 641A.287(2)(e) and 641A.288(2)(e), replacing the ambiguous “plan” in sections 156 and 186, below. Also improves language accuracy.

----- NAC

641A.146, subsection 2

Current:

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 revoke the license of any intern who fails to file such a written report.

An intern who has his or her license 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 license in accordance with all applicable provisions of law in place at the time of reapplication.

Change to:

2. An intern shall, on or before September 15 and March 15 of each year of his or her internship *solicit from his or her primary supervisor and submit to the board:*~~;~~

(a) ~~submit to the Board~~ A ~~written~~ report from the ~~approved~~ primary supervisor evaluating his or her internship; and

(b) A report tallying all hours accumulated to date; and

(c) A report tallying all hours within the preceding six-month period. 3.

The Board may revoke the license of any intern who fails to file such a written report. An intern who has his or her license 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 license in accordance with all applicable provisions of law in place at the time of reapplication.

(note: existing subsections ~~3-7~~ become renumbered to 4-7)

Rationale: Interns should be responsible for obtaining and filing their reports but their licenses should not be jeopardized for something that supervisors are supposed to produce on their behalf. It further clarifies what hours are to be included in the report so as to eliminate guesswork and improve continuity. The evaluation requirement, if changed, will simply be housed under NAC 641A.178 (5).

NAC 641A.146, subsection 5 *Current:*

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.

Change to:

Except as otherwise provided in subsection (4)(c)(1), credit ~~[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.

Rationale: Amends contradictory language.

----- **NAC 641A.156**

Current:

1. An applicant for licensure as an intern must:
 - (a) Satisfy the requirements of NAC 641A.06 ~~5~~, 641A.07 ~~5~~ and 641A.08 ~~5~~; (b) Submit to the Board a ~~[proposed plan for internship]~~ *supervision agreement*, including the names of the proposed supervisors;
 - (c) Complete a personal interview if requested by the Board; and
 - (d) Pass an examination required by NRS 641A.230 or 641A.231, as applicable. An applicant must take such an examination for the first time at any time during his or her final semester or quarter of graduate study and before the expiration of his or her license as an intern. 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].~~

Rationale: conforms code to NRS 641A.287(2)(e) and 641A.288(2)(e)

----- **NAC 641A.178,**
subsection (4)

Current:

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

Change to:

Except as otherwise provided in NAC 641A.146 (4)(c)(5) the ~~[The]~~ time required for supervision does not include the time devoted to attendance at seminars, workshops or classes.

Rationale: Amends contradictory language.

NAC 641A.178, subsections (5) and (6)

Current:

Does not exist

Change to:

5. Each primary supervisor shall, on or before each September 15 and March 15 of each year, for each intern supervised, complete and submit to the intern a written report evaluating the internship. The report shall be written on a form provided by the board and must include, without limitation:

- (a) A progress rating of “sufficient” or “insufficient;” and , if applicable***
- (b) Reason(s) substantiating an insufficient progress rating; and***
- (c) A report tallying all hours accumulated to date; and***
- (d) A report tallying all hours within the preceding six-month period.***

Rationale: Existing law requires interns to submit a supervisor’s written evaluation of intern performance. This change provides conforming language while maintaining the legal protection of internship evaluation by a supervisor and supplies additional direction as to the contents of said evaluation. It also further elevates the supervisor’s responsibilities to execute supervision duties adequately and ethically.

NAC 641A.186

Current:

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.

Change to:

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~~ ***supervision agreement with a board approved supervisor.***

Rationale: conforms code to NRS 641A.287(2)(e) and 641A.288(2)(e)

NAC 641A.247, subsections 11-13

Current:

11. A marriage and family therapist, clinical professional counselor or intern shall not influence or attempt to influence a client in any manner which could be reasonably anticipated in his or her deriving benefits of an unprofessional nature from the client during the time that the client is receiving marriage and family therapy from the marriage and family therapist, clinical professional counseling from the clinical professional counselor, or marriage and family therapy or clinical professional counseling, as applicable, from an intern, and for 2 years after the termination of those services.

12. Throughout the period of treatment of a client and for the 2 years immediately following the termination of the professional relationship between the client and the marriage and family therapist, clinical professional counselor or intern treating the client, the marriage and family therapist, clinical professional counselor or intern shall not:

(a) Enter into a close personal relationship with the client, including, without limitation, sponsorship of the client in a group for self-help, or a romantic or sexual relationship; (b) Enter into, or attempt to enter into, a financial relationship with the client that is unrelated to the practice of marriage and family therapy or the practice of clinical professional counseling, as applicable; or

(c) Enter into a romantic or sexual relationship with any person who was in a romantic or sexual relationship with the client during the time that the marriage and family therapist, clinical professional counselor or intern was providing marriage and family therapy or clinical professional counseling to the client.

13. Within the 2 years immediately following the termination of a professional relationship with, internship for or supervision of a client, intern or other person, a marriage and family therapist or clinical professional counselor shall not solicit or enter into a dual relationship with the client, intern or other person if it is foreseeable that such a relationship would harm or exploit the client, intern or other person.

Change to:

11. A marriage and family therapist, clinical professional counselor or intern shall not influence or attempt to influence a client in any manner which could be reasonably anticipated in his or her deriving benefits of an ~~un~~*non*-professional nature from the client during the time that the client is receiving marriage and family therapy from the marriage and family therapist, clinical professional counseling from the clinical professional counselor, or marriage and family therapy or clinical professional counseling, as applicable, from an intern, and for 2 years after the termination of those services.

12. Throughout the period of treatment of a client and for the 2 years immediately following the termination of the professional relationship between the client and the marriage and family therapist, clinical professional counselor, or intern treating the client, the marriage and family therapist, clinical professional counselor or intern shall not:

(a) Enter into a close personal relationship with the client, including, without limitation, sponsorship of the client in a group for self-help~~[, or a romantic [or sexual] relationship]~~; or (b) Enter into, or attempt to enter into, a financial relationship with the

client that is unrelated to the practice of marriage and family therapy or the practice of clinical professional counseling, as applicable~~[, or]~~.

~~[(e)] 13. [Enter into a romantic or sexual relationship with any person who was in a romantic or sexual relationship with the client during the time that the marriage and family therapist, clinical professional counselor or intern was providing marriage and family therapy or clinical professional counseling to the client.]~~ *Sexual intimacy and romantic relationships with current clients, former clients, known members of the client’s family system, or known current or former romantic partners of any client, current or former, is prohibited.*

~~[13]~~ 14. Within the 2 years immediately following the termination of a ~~[professional]~~ *clinical* relationship with~~[, internship for or supervision of]~~ a client~~[,]~~ *or professional relationship with an* intern ~~[or other person]~~, as applicable, a marriage and family therapist or clinical professional counselor *or intern* shall not solicit or enter into a dual relationship with the client~~[,]~~ *or* intern ~~[or other person]~~ if it is *reasonably* foreseeable that such a relationship would harm or exploit the client~~[,]~~ *or* intern ~~[or other person]~~.

Rationale: Enhances protection for clients and public; clarifies and updates language to reflect modern ethical codes

----- NAC
641A.252, subsection (1)
Current:

- The Board hereby adopts by reference:
- (a) The *AAMFT Code of Ethics* of the American Association for Marriage and Family Therapy in force as it existed at the time of the alleged violation as a standard for professional conduct in the State of Nevada for marriage and family therapists and marriage and family therapist interns, excluding those provisions which apply exclusively to the American Association for Marriage and Family Therapy.
 - (b) The *Code of Ethics* of the National Board for Certified Counselors in force at the time of the alleged violation as a standard for professional conduct in the State of Nevada for clinical professional counselors and clinical professional counselor interns, excluding those provisions which apply exclusively to the National Board for Certified Counselors.

- Change to:*
- The Board hereby adopts by reference:
- (a) The *AAMFT Code of Ethics* of the American Association for Marriage and Family Therapy in force at the time of the alleged violation as a standard for professional conduct in the State of Nevada for marriage and family therapists and marriage and family therapist interns,

excluding those provisions which apply exclusively to the American Association for Marriage and Family Therapy.

- (b) The *Code of Ethics* of the National Board for Certified Counselors in force as it existed at the time of the alleged violation as a standard for professional conduct in the State of Nevada for clinical professional counselors and clinical professional counselor interns, excluding those provisions which apply exclusively to the National Board for Certified Counselors.

Rationale: updates code to reflect current ethical requirements as established by the professional associations previously acknowledged by the Board
