

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

LCB File No. R175-20

February 11, 2022

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

AUTHORITY: §§ 1 and 2, NRS 641.100 and 641.110; § 3, NRS 641.100.

A REGULATION relating to psychology; revising provisions relating to certain requirements for licensure as a psychologist; revising the standards of conduct for psychologists; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the Board of Psychological Examiners to adopt regulations governing the licensure of psychologists and the practice of psychology. (NRS 641.100)

Existing regulations authorize the Board to issue a license to practice psychology to a person who meets certain criteria and who: (1) has been licensed to practice psychology not less than 20 years in other states of the United States or in Canada; or (2) has been licensed to practice psychology continuously for 5 years in a jurisdiction whose requirements have been determined by the Board to be at least equivalent to the requirements of the law of this State governing the licensure of psychologists. Existing regulations authorize the Board to require applicants for these types of licensure to appear before the Board to demonstrate the applicant’s moral character, current fitness to practice psychology or intent to practice psychology in a manner consistent with his or her education, training and experience. (NAC 641.025, 641.028)

Sections 1 and 2 of this regulation remove the authority of the Board to require the applicant to appear before the Board to demonstrate the applicant’s moral character and, thus, authorize the Board to require the applicant to appear before the Board to demonstrate his or her current fitness to practice psychology or intent to practice psychology in a manner consistent with his or her education, training and experience.

Existing regulations establish a code of conduct for psychologists. (NAC 641.200-641.255) Existing regulations prohibit a psychologist from engaging in conduct in the practice of psychology which evidences moral unfitness to practice the profession. (NAC 641.208) **Section 3** of this regulation removes the word “moral” and, thus, prohibits a psychologist from engaging in conduct which evidences unfitness to practice the profession.

Section 1. NAC 641.025 is hereby amended to read as follows:

641.025 1. The Board may issue a license to practice as a psychologist to an applicant who:

(a) Has been licensed to practice psychology not less than 20 years in other states of the United States or in Canada, if that license was based on a doctoral degree which was earned from a regionally accredited program, accredited by a national regulatory body approved by the Board, and which relates primarily to psychology;

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

(c) Has not had the scope of the license to practice psychology limited by another jurisdiction;

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

(e) Has passed the state examination administered by the Board pursuant to NAC 641.112;

(f) Submits to the Board the appropriate application and fees and three letters of professional reference that attest without reservation to the professional competence ~~and moral character~~ and current fitness to practice of the applicant; and

(g) Complies with subsection 1 of NRS 641.160 by submitting:

(1) A complete set of the applicant's fingerprints to the Board with written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation; or

(2) Verification to the Board that the applicant's fingerprints were so forwarded by the law enforcement agency or other authorized entity taking the fingerprints.

2. The Board may require the applicant to appear before the Board to demonstrate the applicant's:

(a) ~~Moral character;~~

~~(b)~~ Current fitness to practice psychology; or

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

Sec. 2. NAC 641.028 is hereby amended to read as follows:

641.028 1. The Board will issue a license to practice as a psychologist to an applicant if the applicant:

(a) Has been licensed to practice psychology based on a doctoral degree that relates primarily to psychology and has been practicing psychology continuously for 5 years in a jurisdiction whose requirements have been determined by the Board to be at least equivalent to the requirements of chapter 641 of NRS;

(b) Has been issued a Certificate of Professional Qualification in Psychology by the Association of State and Provincial Psychology Boards or holds a National Register of Health Service Psychologist credential from the National Register of Health Service Psychologists;

(c) Successfully completes an examination prescribed by the Board to test the applicant's knowledge of the statutes and regulations of the State of Nevada governing the practice of psychology;

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

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

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

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

(h) Submits to the Board the appropriate application and fees and three letters of professional reference that attest without reservation to the professional competence ~~and moral character~~ and current fitness to practice of the applicant; and

(i) Complies with subsection 1 of NRS 641.160 by submitting:

(1) A complete set of the applicant's fingerprints to the Board with written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation; or

(2) Verification to the Board that the applicant's fingerprints were so forwarded by the law enforcement agency or other authorized entity taking the fingerprints.

2. The Board may require the applicant to appear before the Board to demonstrate the applicant's:

(a) ~~Moral character;~~

~~(b)~~ Current fitness to practice psychology; and

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

Sec. 3. NAC 641.208 is hereby amended to read as follows:

641.208 A psychologist:

1. Shall limit his or her practice and supervision to the areas in which he or she has acquired competence through education, training and experience.

2. Shall not, except in an emergency in which the life or health of a person is in danger, practice or offer to practice beyond the scope of his or her license, or accept or perform any professional service which he or she knows, or has reason to know, he or she is not competent to perform.

3. Shall not engage in conduct in the practice of psychology which evidences ~~moral~~ unfitness to practice the profession.
4. Shall maintain competence in the areas in which he or she practices through continuing education, consultation or other methods, in conformance with current standards of scientific and professional knowledge.
5. Shall, if employed by an agency, organization or institution, use every reasonable effort to assure that all services provided for patients are adequate in degree and scope, and conform to the highest professional standards.
6. Shall, if acquiring experience in a service or technique that is either new to the psychologist or new to the profession:
 - (a) Engage in continuing consultation with other psychologists or relevant professionals;
 - (b) Seek appropriate education and training in the new area; and
 - (c) Inform his or her patients of the innovative nature and known risks of the new service or technique to provide his or her patients with the freedom of choice concerning psychological services.
7. Shall not claim or use any secret or special method of treatment or evaluation not previously divulged to the Board.
8. Shall not, except for the purpose of research, use any method or technique of treatment or evaluation for which there is no adequate basis in research.
9. Shall not order any test or treatment, or the use of any facility for treatment, not warranted by the condition of the patient.
10. Shall refer or recommend referral of a patient to:
 - (a) Another professional; or

(b) Technical or administrative resources,

↳ if a referral is clearly in the best interests of the patient.

11. Shall, upon the request of a patient, refer the patient to another professional.

12. Shall not render a formal professional opinion about a person, including an opinion concerning the fitness of a parent in a child custody hearing, without having had direct and substantial professional contact with the person or without having made a formal assessment of the person.

13. May, within the scope of his or her license and competence, provide a patient with:

(a) Consultation and intervention regarding behavioral health and associated factors, including, without limitation, engagement in appropriate health behaviors and compliance with recommended treatment plans; and

(b) Referrals to appropriate health care providers for patient concerns of a medical or physical nature.

14. May, within the scope of his or her license and competence, discuss medications with a patient or consult with a physician regarding medication to be prescribed for the patient.