

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

LCB File No. R121-21

March 22, 2022

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

AUTHORITY: § 1, NRS 641.100, as amended by section 2.5 of Senate Bill No. 44, chapter 522, Statutes of Nevada 2021, at page 3484, NRS 641.110 and 641.228, as amended by section 4.5 of Senate Bill No. 44, chapter 522, Statutes of Nevada 2021, at page 3487; § 2, NRS 641.100, as amended by section 2.5 of Senate Bill No. 44, chapter 522, Statutes of Nevada 2021, at page 3484.

A REGULATION relating to psychology; prescribing a fee for the initial issuance of a license by endorsement as a psychologist for certain applicants; authorizing the remote supervision of psychological assistants, psychological interns and psychological trainees; prescribing standards for such remote supervision; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) authorizes the issuance of a license by endorsement as a psychologist to a person who is licensed in another jurisdiction of the United States and who meets certain other requirements; and (2) prohibits the Board of Psychological Examiners from collecting more than one-half of the maximum fee that the Board charges for the initial issuance of such a license from an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran. (NRS 641.196, as amended by section 3.6 of Senate Bill No. 44, chapter 522, Statutes of Nevada 2021, at page 3486, NRS 641.228, as amended by section 4.5 of Senate Bill No. 44, chapter 522, Statutes of Nevada 2021, at page 3487) Existing regulations establish the fees for various services provided by the Board. (NAC 641.019) **Section 1** of this regulation prescribes the fee for the initial issuance of a license by endorsement as a psychologist for an applicant who is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran in accordance with statutory requirements.

Senate Bill No. 44 of the 81st Session of the Nevada Legislature requires the Board to adopt regulations: (1) authorizing the remote supervision of persons obtaining supervised experience for licensure as a psychologist, including psychological assistants, psychological interns and psychological trainees; and (2) prescribing standards for such remote supervision. (NRS 641.100, as amended by section 2.5 of Senate Bill No. 44, chapter 522, Statutes of Nevada 2021, at page 3484) Existing regulations set forth requirements, conditions and limitations relating to the supervision of psychological assistants, psychological interns and psychological

trainees. (NAC 641.151-641.161; Section 8 of LCB File No. R074-18) **Section 2** of this regulation revises these requirements by authorizing remote supervision as a mode or method of supervision of a psychological assistant, psychological intern or psychological trainee. **Section 2** also prescribes standards for such remote supervision by applying existing requirements relating to the proper and diligent oversight of a psychological assistant, psychological intern or psychological trainee to the remote supervision of such persons.

Section 1. NAC 641.019 is hereby amended to read as follows:

641.019 1. Except as otherwise provided in NRS 641.228 ~~†~~ *and subsection 3*, the Board will charge and collect the following fees:

For an application for licensure	\$150
For an application for registration as a psychological assistant, psychological intern or psychological trainee	150
For the state examination for licensure administered by the Board pursuant to NAC 641.112	Actual costs to the Board plus \$100
For the issuance of an initial license	25
For the biennial renewal or reinstatement of a license as a psychologist	600
For the registration of a firm, partnership or corporation	300
For the placement of a license on inactive status.....	100
For the biennial renewal of a license on inactive status.....	100
For the initial registration of a psychological assistant.....	150
For the initial registration of a psychological intern.....	75
For the initial registration of a psychological trainee	30

For the renewal of a registration of a psychological assistant	150
For the renewal of a registration of a psychological intern	75
For the renewal of a registration of a psychological trainee	30
For the restoration to active status of a license as a psychologist on inactive status	250
For the registration of a nonresident consultant.....	100
For reproduction and mailing of material for an application.....	30
For a change of name on a license	30
For a duplicate license	30
For copies of the provisions of NRS relating to the practice of psychology and the rules and regulations adopted by the Board	30
For a letter of good standing	20
For the review and approval of a course or program of continuing education	30

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

3. *If an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran submits an application for a license by endorsement pursuant to NRS 641.196, as amended by section 3.6 of Senate Bill No. 44, chapter 522, Statutes of Nevada 2021, at page 3486, the Board will charge and collect a fee of \$62.50 for the issuance of an initial license.*

4. In accordance with NRS 353C.115 and NAC 353C.400, the Board will charge and collect from any person whose check or other method of payment is returned to the Board or otherwise

dishonored because the person had insufficient money or credit with the drawee or financial institution to pay the check or other method of payment or because the person stopped payment on the check or other method of payment a fee of \$25 or such other amount as may subsequently be required by NRS 353C.115 and NAC 353C.400.

5. As used in this section, “veteran” has the meaning ascribed to it in NRS 417.005.

Sec. 2. Section 8 of LCB File No. R074-18 is hereby amended to read as follows:

1. A supervisor shall employ methods of proper and diligent oversight of a psychological assistant, psychological intern or psychological trainee who is under his or her supervision to meet his or her ethical and legal responsibilities set forth in subsection 2 of NAC 641.161. Such methods must include the implementation of policies and procedures that ensure the accessibility of the supervisor to the psychological assistant, psychological intern or psychological trainee commensurate with the professional developmental level of the psychological assistant, psychological intern or psychological trainee as required by the agreement submitted to the Board pursuant to NAC 641.1517 or 641.153, as applicable. Such methods may include:

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

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

- (a) Individual supervision;

- (b) Group supervision;
- (c) Tracking the progress of clients and patients treated or assessed by the psychological assistant, psychological intern or psychological trainee;
- (d) Conducting therapy or an assessment with the psychological assistant, psychological intern or psychological trainee;
- (e) Discussing the cases of clients and patients with the psychological assistant, psychological intern or psychological trainee; ~~or~~
- (f) Directly observing *the delivery of services by the psychological assistant, psychological intern or psychological trainee, either in-person or through the use of a remote technology system which uses electronic, digital or other similar technology*; or ~~reviewing~~
- (g) *Reviewing* audio or video recordings of the delivery of services by the psychological assistant, psychological intern or psychological trainee.

3. A supervisor shall:

- (a) Maintain primary responsibility for the care plan of each client and patient treated or assessed by a psychological assistant, psychological intern or psychological trainee under his or her supervision; and
- (b) Review and sign all clinical documentation, including, without limitation, reports, treatment plans and progress notes, for all services provided by a psychological assistant, psychological intern or psychological trainee under his or her supervision, including, without limitation, those services for which he or she is seeking reimbursement under the State Plan for Medicaid that were rendered under the authorized scope of practice of the psychological assistant, psychological intern or psychological trainee pursuant to NRS 422.27239, as applicable.

4. Except as otherwise provided in this subsection, a supervisor shall be available to a psychological assistant, psychological intern or psychological trainee whom he or she supervises while the psychological assistant, psychological intern or psychological trainee is providing services to a client or patient. A supervisor shall arrange for the availability of another appropriate licensed medical or behavioral health provider to be on site in the case of the absence of the supervisor.

5. A supervisor shall provide to the Board:

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

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