

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

LCB FILE NO. R128-211

**The following document is the initial draft regulation proposed
by the agency submitted on 12/20/2021**

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

LCB File No.

AUTHORITY: §§1-, NRS 641.

A REGULATION relating to mental health; exempting recordings of certain training activities from requirements concerning the retention, maintenance and disclosure of health care records under certain circumstances; requiring the destruction of such a recording after a certain period of time; prescribing certain additional requirements governing such a recording; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1. Chapter 641 of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

Sec. 2. 1. *"Recording" is defined as an audio or video taped accounting of the practice of psychology as defined by NRS 641.025 for the purpose of a training activity, including education, consultation and/or supervision of psychologists, psychological trainees, psychological interns, and psychological assistants.*

2. "Training activity" is defined as a supervised activity conducted by a student in the context of a formal professional training program for the purposes of professional competency development including psychotherapy, consultation, psychological assessment, and psychological evaluation of an individual, family, couple, or group. This may include licensed psychologists

engaging in re-specialization, ongoing professional consultation, and/or supervision mandated by the Board.

Sec. 3. 1. *When obtaining informed consent for the recording of psychological services, psychologists must inform their patients of the limits to confidentiality when consenting to use of audio or video recording. The informed consent must contain the following:*

- a) how the psychological service will be recorded;*
- b) who will have access to the recording, including the supervisor(s) name(s);*
- c) how the recording will be confidentially stored; and*
- d) when and how the recording will be destroyed*

2. *The informed consent for recordings must be maintained in accordance with NAC 641.219(2).*

Sec. 4. 1. *Audio and video recordings must be kept in accordance with NAC 641.224.*

2. *Upon completion of review of the recording by the supervisor, or 30 days following the delivery of the psychological services by a psychological trainee, psychological intern, or psychological assistant, whichever comes first, the recording shall be destroyed.*