

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

LCB FILE NO. R057-22I

**The following document is the initial draft regulation proposed
by the agency submitted on 04/25/2022**

PROPOSED LANGUAGE
NAC 641A.146 #5, subsection 2 & 5

5. To obtain the hours of supervised experience required pursuant to NRS 641A.220 or 641A.231, an intern must complete:

(a) At least 1,500 hours of direct contact with clients in the practice of marriage and family therapy or the practice of clinical professional counseling, as applicable;

(b) At least 300 hours of marriage and family therapy or clinical professional counseling, as applicable, that is supervised by the primary approved supervisor or secondary approved supervisor or supervisors of the intern, including:

(1) At least 160 hours supervised by the primary approved supervisor of the intern; and

(2) At least 40 hours supervised by the secondary approved supervisor or supervisors of the intern; and

(c) **[At least]** *In addition to the hours required pursuant to paragraph 5, subsections (a) and (b), the remaining* 1,200 hours of work related to the practice of marriage and family therapy or the practice of clinical professional counseling, as applicable, including:

(1) Not more than 500 hours which consist of direct contact with clients in the practice of marriage and family therapy or the practice of clinical professional counseling, as applicable, that is performed in conjunction with a graduate program of study;

(2) Not more than ~~300~~ 600 hours of leading group *psychotherapy* ~~[therapy]~~ or ~~[counseling sessions]~~ *process groups*;

(3) Not more than 200 hours of teaching, including, but not limited to, leading sessions for parent or family education, leading workshops or participating in other teaching activities, which are:

(I) Approved by the primary approved supervisor of the intern; ~~[and]~~

(II) Documented; *and*

(III) May include psychoeducation groups

(4) Not more than 150 hours of individual counseling or therapy which the intern personally receives from a licensed mental health professional who is not the approved supervisor of the intern; and

(5) Not more than ~~50~~ 200 hours of training approved by the primary approved supervisor of the intern, including, but not limited to:

(I) Graduate course work at a university; or

(II) Attendance at a workshop related to the practice of marriage and family therapy or the practice of clinical professional counseling.

PROPOSED LANGUAGE
NAC 641A.146 #6

6. ~~[Except for] the hours of experience required by subparagraph (1) of paragraph (c) of subsection 5,~~ *The Board may approve credit [must not given] for experience gained by a person [before the person was licensed] prior to application for a license* as an intern pursuant to the provisions of NAC 641A.156.

(a) The Board may approve transfer of:

- (i) A maximum of 750 hours credit for direct contact with clients pursuant to paragraph 5 (a);*
- (ii) A maximum of 150 hours credit for supervision pursuant to paragraph 5 (b); and*
- (iii) A maximum of 100% of hours credit pursuant to paragraph 5 (c);*

(b) A request for approval of prior experience must be submitted at time of application and be documented by submittal of:

- (i) verification of hours of experience from the state of licensure, where applicable; and*
- (ii) a letter from the state Board approved supervisor, or its equivalent.*

(c) If an applicant is an active member of, or the spouse of an active member of, the Armed Forces of the United States, they may petition the Board for a waiver to consider additional hours pursuant to paragraph 6 (a) of this section.

PROPOSED LANGUAGE
NAC 641A.252

1. The Board hereby adopts by reference:

(a) The most recent edition of the *AAMFT Code of Ethics* of the American Association for Marriage and Family Therapy *or successor organization* 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 most recent edition of the *Code of Ethics* of the National Board for Certified Counselors *or successor organization* 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.

c) The most recent edition of the Code of Ethics of the American Counseling Association or successor organization 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 American Counseling Association.

2. A copy of The AAMFT Code of Ethics, *Code of Ethics of the National Board for Certified Counselors and the Code of Ethics of the American Counseling Association* is available free of charge, from the *Board upon request or may be obtained directly from the organizations*. [~~American Association for Marriage and Family Therapy by mail at 112 South Alfred Street, Alexandria, Virginia 22314-3061, by telephone at (703) 838-9808 or on the Internet at <http://www.aamft.org>.~~]

~~[3. The Code of Ethics of the National Board for Certified Counselors is available, free of charge, from the Board upon request or directly from the organization. [National Board for Certified Counselors by mail at 3 Terrace Way, Greensboro, North Carolina 27403-3660, by telephone at (336) 547-0607 or on the Internet at <http://www.nbcc.org/ethics>.]~~

~~4. The Code of Ethics of the American Counseling Association is available, free of charge, Board upon request or directly from the organization.]~~

PROPOSED LANGUAGE
NAC 641A.182

1. Except as otherwise provided in subsection 2, an approved supervisor of an intern must be a marriage and family therapist or clinical professional counselor. Each potential supervisor must offer evidence satisfactory to the Board of his or her training or experience, or both, which qualifies him or her to supervise.
2. In extenuating circumstances or upon the recommendation of the primary supervisor, the Board will approve as a secondary supervisor a person who is a licensed psychologist, psychiatrist or clinical social worker who has received training in supervision.
3. Each supervisor must:
 - (a) *Hold a current license in good standing in the state of Nevada.*
 - (b) *Have held a license in Nevada or* in the District of Columbia or any state or territory of the United States for at least 3 years.
 - (c) Not be related to the intern by closer than the fourth degree of consanguinity.
 - (d) Have never professionally provided mental health therapy to the intern.
 - (e) Maintain liability insurance covering the supervision.
 - (f) Be approved by the Board.
 - (g) [~~Agree to be available to~~] Consult with the Board, *upon request*, concerning the professional record, competence in practice, and emotional and mental stability or professional and ethical conduct of the intern.

4. Except as otherwise provided in subsection 5, each potential primary supervisor must provide evidence satisfactory to the Board of completion of ***training or current professional qualification as a supervisor:***

(a) Supervisory training that, ***at a minimum,*** consists of:

(1) At least one graduate-level course taught by an instructor deemed appropriate by the Board, which includes at least 45 clock hours on the supervision of the practice of marriage and family therapy or the practice of clinical professional counseling, as applicable; or

(2) A professional training program on supervision taught by an instructor deemed appropriate by the Board, which is provided by the American Association for Marriage and Family Therapy or the National Board for Certified Counselors, as applicable; and

(3) At least 25 hours of mentored supervision.

(b) Professional qualifications consist of obtaining and maintaining current status, as applicable:

~~[5.—In lieu of providing evidence satisfactory to the Board of the completion of supervisory training and supervisory experience as required pursuant to subsection 4, a potential supervisor may provide evidence satisfactory to the Board that he or she has obtained and maintained, as applicable:]~~

(a) A designation as an “Approved Supervisor” or “Supervisor Candidate” from the American Association for Marriage and Family Therapy; or

(b) A credential as an “Approved Clinical Supervisor” from the National Board for Certified Counselors.

6. The Board may, ***periodically review the qualifications or performance, of an approved supervisor for compliance with the provisions of this section and the standards of supervision set forth by the American Association of Marriage and Family Therapy, National Board of Certified Counselors and the American Counseling Association Code of Ethics as adopted by NAC 641A.252*** ~~[for good cause shown, revoke the approval of an approved supervisor of any intern.]~~

7. The Board may rescind the approved supervisor status of a licensee upon a determination the licensee no longer meets the requirements as an approved supervisor or for non-compliance with the of standards of supervision as established by the American Association of Marriage and Family Therapy, National Board of Certified Counselors and American Counseling Association.

1. Except as otherwise provided in NRS 641A.290, the Board will charge and collect the following fees, respectively:

(a) For a Marriage and Family Therapist or Clinical Professional Counselor:

Application for an initial license	\$150
<i>Application for an initial license by endorsement</i>	<i>\$75</i>
Initial issuance of a license	\$60
<i>Initial issuance of a license by endorsement</i>	<i>\$30</i>
Biennial renewal of a license [to practice as a marriage and family therapist or clinical professional counselor]	\$450
Fee for late payment of the biennial renewal	\$125
<i>Biennial</i> placement of a license to practice [as a marriage and family therapist or clinical professional counselor] on inactive status	\$200
Renewal of an intern's license	\$150

(b) General:

Issuance of a duplicate <i>official</i> license <i>certificate</i>	\$10
Reevaluation of an applicant's coursework	\$50
Application for approval as a supervisor	\$75
Approval of a course or program of continuing education	\$25
<i>Annual</i> approval of a provider of continuing education	\$150

2. ***If an applicant for an initial license as a marriage family therapist, marriage family therapist intern, clinical professional counselor, or clinical professional counselor intern 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, the Board will charge one-half the fee for the processing of an initial license application and one-half of the fee for the initial issuance of a license.***

PROPOSED LANGUAGE
NAC 641A.243

1. Shall not misrepresent, in advertising or otherwise, his or her education, training, type of license, qualifications, competence or service, or the results to be achieved if he or she provides service to a client.
2. Shall not engage in the practice of marriage and family therapy or the practice of clinical professional counseling while impaired by:
 - (a) Alcohol, drugs or any other chemical; or
 - (b) A mental or physical condition that prevents him or her from safely engaging in the practice of marriage and family therapy or the practice of clinical professional counseling.
3. Shall not use his or her relationship with a client to further his or her own personal, religious, political or business interests.
4. Shall set and maintain professional boundaries with clients, interns and persons with whom he or she works.
5. Shall not give or receive, directly or indirectly, a fee, commission, rebate or other compensation for professional services that he or she has not actually and personally provided.
6. Shall not knowingly offer service to a client who is receiving treatment from another marriage and family therapist, clinical professional counselor or intern, or a holder of a license, certificate or registration issued by any other similar board, without prior consultation between the client and the other marriage and family therapist, clinical professional counselor, intern or holder of the license, certificate or registration.
7. Except as otherwise provided in subsection 8, shall not disparage the qualifications of any colleague.
8. Shall report to the Board any unlicensed, unauthorized, unqualified or unethical practice of marriage and family therapy or the practice of clinical professional counseling that is occurring.
9. Shall not attempt to diagnose, prescribe for, treat or provide advice for any problem which is outside of his or her field of competence, the scope of the practice of marriage and family therapy or the practice of clinical professional counseling, as applicable, or the scope of his or her license.
10. Shall base his or her practice upon the recognized knowledge relevant to marriage and family therapy or clinical professional counseling, as applicable.
11. Shall critically examine and keep current with emerging knowledge relevant to the practice of marriage and family therapy or the practice of clinical professional counseling, as applicable, including, without limitation, adherence to national professional standards relating to telehealth. As used in this subsection, "telehealth" has the meaning ascribed to it in NRS 629.515.

12. Based upon recognized knowledge and standards for the practice of marriage and family therapy or the practice of clinical professional counseling, as applicable, shall prepare and maintain in a timely manner a record for each of his or her clients which:

(a) Sets forth his or her assessment of the problems of the client, plan of action for the client, course of treatment for the client and progress notes regarding the course of treatment of the client; and

(b) Includes copies of other relevant documentation, including, without limitation:

(1) All documents relating to the informed consent given by the client;

(2) All documents relating to the release of information regarding the client; and

(3) All other legal documents regarding the client.

As used in this subsection, "assessment" means an evaluation of the impairment in the functioning of a client that is based upon comprehensive information about the client.

13. Shall, with respect to a record prepared pursuant to subsection 12 for a client in the context of family, couples or group therapy or counseling:

(a) Take any precaution necessary to protect the confidentiality of other persons referenced in the record.

(b) Except as otherwise provided in this paragraph, provide a client, upon request, with access to the client's record. A licensee shall not provide a client with access to his or her record:

(1) Except as otherwise provided in subparagraph (2), unless the licensee has obtained written authorization to provide access to the record from each person involved in the therapy or counseling who is competent to execute such an authorization.

(2) In exceptional circumstances, when the licensee is concerned, based on compelling evidence, that such access could cause serious harm to the client or other persons referenced in the record.

A licensee shall document in the client's record any request by the client for access to his or her record and, if a licensee withholds all or a portion of a requested record, the rationale for the withholding.

14. Shall complete and submit any reports required by this chapter and chapter 641A of NRS, or pursuant to any rule, order or instruction of a court of competent jurisdiction, in a timely manner.

15. Shall comply with the provisions of this chapter and chapter 641A of NRS and all other applicable federal laws and regulations.

16. Shall not authorize a person under the supervision of the marriage and family therapist or clinical professional counselor to perform services that are outside of the scope of the license, training or experience of the person performing the services, or allow such a person to hold himself or herself out as having expertise in a field or activity in which that person is not qualified.

17. Shall notify the Board in writing within 10 days after:

(a) An action is taken against any license, certification, registration or other credential held by the marriage and family therapist, clinical professional counselor or intern that was issued by the District of Columbia or another state or territory of the United States;

(b) A criminal charge is filed against the marriage and family therapist, clinical professional counselor or intern;

(c) The marriage and family therapist, clinical professional counselor or intern is convicted of a criminal offense, other than a traffic offense which is a misdemeanor that does not involve alcohol or controlled substances;

(d) A civil action, including, without limitation, an action for malpractice, is filed against the marriage and family therapist, clinical professional counselor or intern; or

(e) A settlement or judgment is made in any civil action, including, without limitation, an action for malpractice, in any case filed against the marriage and family therapist, clinical professional counselor or intern for any act relating to the practice of marriage and family therapy or the practice of clinical professional counseling, as applicable.

18. Shall adhere to standards for supervision set forth by the American Association of Marriage and Family Therapists, National Board of Certified Counselors, and the American Counseling Association.

**PROPOSED LANGUAGE
NAC 641A.131**

1. To maintain licensure, a marriage and family therapist or clinical professional counselor **[must] shall** complete **[at least 40] a minimum number of** hours of continuing education **during each renewal cycle. The Board may waive or pro-rate continuing education requirements for less than a full renewal cycle.**

A Licensee:

(a) who holds a license for 18 months or more shall complete at least 40 hours of continuing education of which:

- (i) At least 6 hours in ethics specifically pertaining to the practice of marriage and family therapy or clinical professional counseling,***
- (ii) at least 4 hours pertaining to instruction on evidence-based suicide prevention and awareness; and***
- (iii) at least 4 hours pertaining to cultural competency.***

(b) who holds a license for at least one year but less than 18 months shall complete 30 hours of continuing education, of which 14 hours must be in the areas of ethics, suicide prevention and awareness and cultural competency pursuant to sub-paragraph (a);

(c) who holds a license for up to six months but less than one year shall complete 20 hours of continuing education of which 2 hours must be in the area of ethics, 2 hours in suicide prevention and awareness and 2 hours in cultural competency;

(d) who holds a license for less than six shall complete 10 hours of continuing education of which 2 hours must be in the area of ethics, 2 hours in suicide prevention and awareness and 2 hours in cultural competency.

If the marriage and family therapist or clinical professional counselor is an approved supervisor, at least 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.
- (e) A marriage and family therapist or clinical professional counselor shall not use more than 20 hours of distance education that is not interactive to satisfy the requirements of subsection 1. 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 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 4 hours of continuing

education may be credited for such meetings pursuant to this paragraph [annually.] during each licensing 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 6 hours of continuing education may be credited for such meetings and events pursuant to this paragraph during each licensing 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.

4. Except as otherwise provided in NRS 641A.265, a marriage and family therapist or clinical professional counselor is subject to disciplinary action by the Board if he or she fails to satisfy the requirements for continuing education set forth in subsection 1.

5. To reactivate an inactive license, an inactive licensee must complete at least 20 hours of continuing education in the year immediately preceding his or her application for reactivation. ***At least 14 hours must be in the areas of ethics, suicide prevention and cultural competency pursuant to paragraph 1 (a) of this section.***

6. As used in this section, "distance education" means education, training, courses or programs that are delivered to a student who is geographically separate from the instructor.

PROPOSED LANGUAGE

NAC 641A.133

- 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 provided by the Board attesting to the completion by the marriage and family therapist or clinical professional counselor of [at least 40 hours] continuing education required pursuant to NAC 641A.131 during the licensing period immediately preceding the date of the expiration of the current license.***
- 2. To ensure compliance with the provisions of this section, the Board will conduct random audits of the continuing education completed by licensees.***

PROPOSED LANGUAGE

NAC 641A.XXX NEW SECTION (AB366)

A marriage and family therapist, clinical professional counselor or intern must obtain written informed consent, using the Board approved form, from anyone with whom they are providing therapy before recording a therapy session via electro-mechanical or electronic recording. This written informed consent

must be maintained in the client record for a minimum of one year from the date of destruction of the recording.

a) All recordings must be maintained for a minimum of one year from the date they were recorded.

(b) It is not required to retain a copy of the recording as stated in subsection (a) if it is used for a training activity. A training activity, for purposes of this regulation, is limited to meetings between the supervisor and the intern where electro-mechanical or electronic recordings are reviewed or the presentation of a case by the intern and a discussion by the supervisor of the proper management and treatment of the case.

(c) A recording may be deleted prior to its scheduled deletion date as specified in (a) above only upon request of the client in the recording.

(d) The recordings of training activities, as specified in 14 (a) above, are not health care records for the purposes of chapter 629 of NRS.

DRAFT

DRAFT OF INFORMED CONSENT

Agency/Practitioner Name

Informed Consent to Record Therapy Sessions via Electro-Mechanical or Electronic Recordings

I am requesting your permission to record our therapy session(s) either by electro-mechanical or electronic recordings. The purpose of this recording is to help me serve you better and to review and evaluate my therapy techniques. No recording will be done without your prior knowledge and consent.

1. You are not required to be videotaped and are under no obligation to have sessions recorded.
2. You can request that the recorder be turned off at any time and may request that any portion or the entire recording be erased.
3. You may terminate this permission to record at any time.
4. The purpose of recording is for use in training and supervision.
5. The contents of these recorded sessions are confidential.
6. The electro-mechanical or electronic recordings will be stored in a secure location and will not be used for any other purpose without your explicit written permission.
7. The electro-mechanical or electronic recordings will be destroyed one year from the date of recording.

All viewers of the electro-mechanical or electronic recording, including myself, are bound by the ethical standards of the American Association of Marriage and Family Therapists, National Board of Certified Counselors and the American Counseling Association.

This consent expires 365 days from the date of your signature below.

The original copy of this consent form will be kept in your records with this agency.

By signing below, you are stating that you have read and understood the Informed Consent to Record Therapy Sessions via Electro-Mechanical or Electronic Recordings and that you are permitting (Agency/Practitioner Name) to audio or video record our session(s).

Name of Client (Please print)

Signature

Date