

SENATE BILL NO. 150—SENATORS BUCK; KRASNER AND STONE

FEBRUARY 14, 2023

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to psychological assistants, psychological interns and psychological trainees. (BDR 54-648)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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

AN ACT relating to psychologists; providing for the issuance of a provisional license to psychological assistants, psychological interns and psychological trainees; revising certain fees charged to psychological assistants, psychological interns and psychological trainees; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law: (1) requires a person who wishes to obtain certain postdoctoral
2 experience in psychology to register with the Board of Psychological Examiners as
3 a psychological assistant; and (2) authorizes a person who is in a doctoral training
4 program or certain doctorate-level training and who wishes to engage in a
5 predoctoral internship or to perform professional activities under the supervision of
6 a psychologist outside of a formal internship to register with the Board as a
7 psychological intern or psychological trainee, respectively. (NRS 641.226) **Section**
8 **13** of this bill provides for such persons to instead obtain a provisional license as a
9 psychological assistant, psychological intern or psychological trainee, as applicable.
10 **Section 13** provides that a person seeking a provisional license as a psychological
11 intern or psychological trainee must have completed any courses required for his or
12 her doctoral training program or doctorate-level training. **Section 13** further
13 provides that the holder of a provisional license as a psychological assistant,
14 psychological intern or psychological trainee may take the national exam and any
15 other examination required by the Board for full licensure as a psychologist.

16 Existing law authorizes the Board to charge and collect a fee of not more than
17 \$250 for the initial registration of a psychological assistant, psychological intern or
18 psychological trainee and a fee of not more than \$150 for the renewal of such a
19 registration. (NRS 641.228) **Section 14** of this bill reduces the fee that the Board is
20 authorized to charge and collect for an initial provisional license as a psychological
21 intern or psychological trainee and the fee for the renewal of such a provisional
22 license to not more than \$25.



23 **Sections 1-12 and 15-28** of this bill make conforming changes to replace
24 references to registration as a psychological assistant, psychological intern and
25 psychological trainee with references to a provisional license.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 641.0263 is hereby amended to read as
2 follows:

3 641.0263 “Psychological assistant” means a person ~~registered~~
4 ~~with the Board~~ *holding a provisional license* as a psychological
5 assistant *issued by the Board* pursuant to ~~subsection 1 of NRS~~
6 ~~641.226.~~ *NRS 641.110.*

7 **Sec. 2.** NRS 641.0265 is hereby amended to read as follows:

8 641.0265 “Psychological intern” means a person ~~registered~~
9 ~~with the Board~~ *holding a provisional license* as a psychological
10 intern *issued by the Board* pursuant to ~~subsection 2 of NRS~~
11 ~~641.226.~~ *NRS 641.110.*

12 **Sec. 3.** NRS 641.0267 is hereby amended to read as follows:

13 641.0267 “Psychological trainee” means a person ~~registered~~
14 ~~with the Board~~ *holding a provisional license* as a psychological
15 trainee *issued by the Board* pursuant to ~~subsection 3 of NRS~~
16 ~~641.226.~~ *NRS 641.110.*

17 **Sec. 4.** NRS 641.090 is hereby amended to read as follows:

18 641.090 1. The Secretary-Treasurer shall make and keep on
19 behalf of the Board:

20 (a) A record of all its meetings and proceedings.

21 (b) A record of all violations and prosecutions under the
22 provisions of this chapter.

23 (c) A record of all examinations of applicants.

24 (d) A register of all licenses and ~~registrations.~~ *provisional*
25 *licenses.*

26 (e) A register of all holders of licenses and ~~registrations.~~
27 *provisional licenses.*

28 (f) An inventory of the property of the Board and of the State in
29 the Board’s possession.

30 2. These records must be kept in the office of the Board and,
31 except as otherwise provided in this section, are subject to public
32 inspection during normal working hours upon reasonable notice.

33 3. Except as otherwise provided in NRS 239.0115, the Board
34 may keep the personnel records of applicants confidential.

35 4. Except as otherwise provided in this section and NRS
36 239.0115, a complaint filed with the Board, all documents and other
37 information filed with the complaint and all documents and other
38 information compiled as a result of an investigation conducted to



1 determine whether to initiate disciplinary action against a person are
2 confidential, unless the person submits a written statement to the
3 Board requesting that such documents and information be made
4 public records.

5 5. The charging documents filed with the Board to initiate
6 disciplinary action pursuant to chapter 622A of NRS and all other
7 documents and information considered by the Board when
8 determining whether to impose discipline are public records.

9 6. The provisions of this section do not prohibit the Board from
10 communicating or cooperating with or providing any documents or
11 other information to any other licensing board or any other agency
12 that is investigating a person, including, without limitation, a law
13 enforcement agency.

14 **Sec. 5.** NRS 641.100 is hereby amended to read as follows:

15 641.100 1. The Board shall adopt regulations:

16 (a) Prescribing uniform standards concerning the locations at
17 which persons obtaining supervised experience that is required for
18 licensure by the Board provide services;

19 (b) Authorizing the remote supervision, including, without
20 limitation, electronic supervision, of persons obtaining supervised
21 experience that is required for licensure by the Board who are
22 working at remote sites and prescribing standards concerning such
23 remote supervision; and

24 (c) Prescribing a manner by which the qualifications for the
25 issuance or renewal of a license under the provisions of this chapter
26 will be made available to the public such that those qualifications
27 are clearly defined and easily understood.

28 2. The Board may make and promulgate any other rules and
29 regulations not inconsistent with the provisions of this chapter
30 governing its procedure, the examination and licensure of
31 applicants, the granting, refusal, revocation or suspension of
32 licenses, the ~~registration of persons~~ *issuance of provisional*
33 *licenses* as psychological assistants, psychological interns or
34 psychological trainees and the practice of psychology.

35 3. On the date that the Board gives notice pursuant to NRS
36 233B.060 of its intent to adopt, amend or repeal a regulation, the
37 Board shall submit the regulation to the Commission on Behavioral
38 Health for review. The Commission shall review the regulation and
39 make recommendations to the Board concerning the advisability of
40 adopting, amending or repealing the regulation and any changes that
41 the Commission deems advisable.

42 **Sec. 6.** NRS 641.110 is hereby amended to read as follows:

43 641.110 1. The Board may, under the provisions of this
44 chapter:



1 (a) Examine and pass upon the qualifications of the applicants
2 for licensure.

3 (b) License qualified applicants.

4 (c) ~~[Register a person]~~ *Issue provisional licenses* as a
5 psychological assistant, psychological intern or psychological
6 trainee ~~[]~~ *to qualified applicants.*

7 (d) Revoke or suspend licenses , *provisional licenses* and
8 registrations.

9 (e) Collect all fees and make disbursements pursuant to this
10 chapter.

11 2. The member of the Board who is a representative of the
12 general public shall not participate in preparing, conducting or
13 grading any examination required by the Board.

14 **Sec. 7.** NRS 641.1105 is hereby amended to read as follows:

15 641.1105 The Board may enter into an agreement with the
16 Department of Health and Human Services or a division thereof to
17 provide services to carry out or improve any function of the Board.
18 Such services may include, without limitation:

19 1. Assistance in processing applications for the issuance or
20 renewal of licenses and ~~[registrations;]~~ *provisional licenses;*

21 2. Technical assistance;

22 3. Facilitating cooperation with other boards and licensing
23 entities in this State or any other jurisdiction;

24 4. Recommendations to improve and standardize procedures
25 used by the Board; and

26 5. Assistance in identifying resources for improving the
27 operations of the Board.

28 **Sec. 8.** NRS 641.117 is hereby amended to read as follows:

29 641.117 The Board shall prescribe forms for applying for the
30 issuance or renewal of a license ~~[]~~ *or provisional license.* The
31 forms must:

32 1. Be available to be completed on the Internet website
33 maintained by the Board;

34 2. Provide immediate, automatic feedback to the applicant
35 concerning whether the applicant has submitted all required
36 information; and

37 3. Automatically store the data submitted by the applicant upon
38 completion of the application.

39 **Sec. 9.** NRS 641.145 is hereby amended to read as follows:

40 641.145 1. On or before February 1 of each year, the Board
41 shall submit to the Joint Interim Standing Committee on Health and
42 Human Services and to the Chair of each regional behavioral health
43 policy board created by NRS 433.429 a report which must include:



1 (a) The number of complaints received, investigations
2 completed, cases dismissed, cases settled and cases for which
3 hearings were held within the immediately preceding calendar year;

4 (b) The number of applications for the issuance or renewal of a
5 license or ~~registration~~ *provisional license* received by the Board
6 during the immediately preceding calendar year and the number of
7 those applications for which the Board conducted additional review
8 beyond the standard review regularly conducted by the Board; and

9 (c) The number of applications for the issuance of a license by
10 endorsement received by the Board pursuant to NRS 641.196 during
11 the immediately preceding calendar year, the number of those
12 applications that were denied and the reasons for denial.

13 2. The report submitted pursuant to this section to the Chair of
14 each regional behavioral health policy board created by NRS
15 433.429 may be submitted in a written format.

16 **Sec. 10.** NRS 641.173 is hereby amended to read as follows:

17 641.173 If the Board requires an applicant for a license or
18 ~~registration~~ *provisional license* pursuant to this chapter to submit
19 official transcripts as proof of his or her educational qualifications,
20 the Board must provide an alternate means for the applicant to
21 submit official transcripts if:

22 1. The college or university from which the applicant
23 graduated has closed or has merged with another institution; and

24 2. The provision of official transcripts by ordinary means is not
25 available or possible.

26 **Sec. 11.** NRS 641.175 is hereby amended to read as follows:

27 641.175 1. In addition to any other requirements set forth in
28 this chapter:

29 (a) An applicant for the issuance of a license or ~~registration~~
30 *provisional license* shall include the social security number of the
31 applicant in the application submitted to the Board.

32 (b) An applicant for the issuance or renewal of a license or
33 ~~registration~~ *provisional license* shall submit to the Board the
34 statement prescribed by the Division of Welfare and Supportive
35 Services of the Department of Health and Human Services pursuant
36 to NRS 425.520. The statement must be completed and signed by
37 the applicant.

38 2. The Board shall include the statement required pursuant to
39 subsection 1 in:

40 (a) The application or any other forms that must be submitted
41 for the issuance or renewal of the license or ~~registration;~~
42 *provisional license;* or

43 (b) A separate form prescribed by the Board.

44 3. A license or ~~registration~~ *provisional license* may not be
45 issued or renewed by the Board if the applicant:



1 (a) Fails to submit the statement required pursuant to subsection
2 1; or

3 (b) Indicates on the statement submitted pursuant to subsection
4 1 that the applicant is subject to a court order for the support of a
5 child and is not in compliance with the order or a plan approved by
6 the district attorney or other public agency enforcing the order for
7 the repayment of the amount owed pursuant to the order.

8 4. If an applicant indicates on the statement submitted pursuant
9 to subsection 1 that the applicant is subject to a court order for the
10 support of a child and is not in compliance with the order or a plan
11 approved by the district attorney or other public agency enforcing
12 the order for the repayment of the amount owed pursuant to the
13 order, the Board shall advise the applicant to contact the district
14 attorney or other public agency enforcing the order to determine the
15 actions that the applicant may take to satisfy the arrearage.

16 **Sec. 12.** NRS 641.2215 is hereby amended to read as follows:
17 641.2215 1. The Board shall:

18 (a) Make the data request developed by the Director of the
19 Department of Health and Human Services pursuant to NRS
20 439A.116 available to applicants for the renewal of a license or
21 ~~[registration]~~ *provisional license* pursuant to this chapter through a
22 link on the electronic application for the renewal of a license or
23 ~~[registration:]~~ *provisional license*; and

24 (b) Request each applicant to complete and electronically submit
25 the data request to the Director.

26 2. The information provided by an applicant for the renewal of
27 a license or ~~[registration]~~ *provisional license* pursuant to subsection
28 1 is confidential and, except as required by subsection 1, must not
29 be disclosed to any person or entity.

30 3. An applicant for the renewal of a license or ~~[registration]~~
31 *provisional license* is not required to complete a data request
32 pursuant to subsection 1 and is not subject to disciplinary action,
33 including, without limitation, refusal to renew the license or
34 ~~[registration:]~~ *provisional license*, for failure to do so.

35 **Sec. 13.** NRS 641.226 is hereby amended to read as follows:

36 641.226 1. A person who wishes to obtain any postdoctoral
37 supervised experience that is required for licensure as a psychologist
38 pursuant to paragraph (d) of subsection 1 of NRS 641.170 must
39 ~~[register with]~~ *submit an application* to the Board *for a provisional*
40 *license* as a psychological assistant.

41 2. A person who:

42 (a) Is in a doctoral training program in psychology at an
43 accredited educational institution approved by the Board or in
44 doctorate-level training from an accredited educational institution



1 deemed equivalent by the Board in both subject matter and extent of
2 training; ~~and~~

3 (b) *Has completed the courses required for his or her doctoral*
4 *training program or doctorate-level training; and*

5 (c) Wishes to engage in a predoctoral internship pursuant to the
6 requirements of the training program,

7 ↪ may ~~register with~~ *submit an application to* the Board *for a*
8 *provisional license* as a psychological intern.

9 3. A person who:

10 (a) Is in a doctoral training program in psychology at an
11 accredited educational institution approved by the Board or in
12 doctorate-level training from an accredited educational institution
13 deemed equivalent by the Board in both subject matter and extent of
14 training; ~~and~~

15 (b) *Has completed the courses required for his or her doctoral*
16 *training program or doctorate-level training; and*

17 (c) Wishes to perform professional activities or services under
18 the supervision of a psychologist,

19 ↪ may ~~register with~~ *submit an application to* the Board *for a*
20 *provisional license* as a psychological trainee.

21 4. A person desiring to ~~register~~ *obtain a provisional license*
22 as a psychological assistant, psychological intern or psychological
23 trainee must:

24 (a) Make application to the Board on a form, and in a manner,
25 prescribed by the Board. The application must be accompanied by
26 the application fee prescribed by the Board and include all
27 information required to complete the application.

28 (b) As part of the application and at his or her own expense:

29 (1) Arrange to have a complete set of fingerprints taken by a
30 law enforcement agency or other authorized entity acceptable to the
31 Board; and

32 (2) Submit to the Board:

33 (I) A complete set of fingerprints, a fee for the processing
34 of fingerprints established by the Board and written permission
35 authorizing the Board to forward the fingerprints to the Central
36 Repository for Nevada Records of Criminal History for submission
37 to the Federal Bureau of Investigation for a report on the applicant's
38 background, and to such other law enforcement agencies as the
39 Board deems necessary for a report on the applicant's background;
40 or

41 (II) Written verification, on a form prescribed by the
42 Board, stating that the set of fingerprints of the applicant was taken
43 and directly forwarded electronically or by other means to the
44 Central Repository for Nevada Records of Criminal History and that
45 the applicant provided written permission authorizing the law



1 enforcement agency or other authorized entity taking the
2 fingerprints to submit the fingerprints to the Central Repository for
3 Nevada Records of Criminal History for submission to the Federal
4 Bureau of Investigation for a report on the applicant's background,
5 and to such other law enforcement agencies as the Board deems
6 necessary for a report on the applicant's background.

7 5. The Board may:

8 (a) Unless the applicant's fingerprints are directly forwarded
9 pursuant to sub-subparagraph (II) of subparagraph (2) of paragraph
10 (b) of subsection 4, submit those fingerprints to the Central
11 Repository for Nevada Records of Criminal History for submission
12 to the Federal Bureau of Investigation and to such other law
13 enforcement agencies as the Board deems necessary; and

14 (b) Request from each agency to which the Board submits the
15 fingerprints any information regarding the applicant's background
16 as the Board deems necessary.

17 6. An application for *an* initial ~~[registration]~~ *provisional*
18 *license* as a psychological assistant, psychological intern or
19 psychological trainee is not considered complete and received until
20 the Board receives:

21 (a) A complete set of fingerprints or verification that the
22 fingerprints have been forwarded electronically or by other means to
23 the Central Repository for Nevada Records of Criminal History, and
24 written authorization from the applicant pursuant to this section; and

25 (b) The fee for the initial ~~[registration-of]~~ *issuance of a*
26 *provisional license as* a psychological assistant, psychological
27 intern or psychological trainee that is prescribed by the Board
28 pursuant to NRS 641.228.

29 7. *A person who is issued a provisional license as a*
30 *psychological assistant, psychological intern or psychological*
31 *trainee may take the national examination and any other*
32 *examination required pursuant to the provisions of subsection 1 of*
33 *NRS 641.180.*

34 8. A ~~[registration]~~ *provisional license* as a:

35 (a) Psychological assistant expires 1 year after the date of
36 ~~[registration]~~ *licensure* unless the ~~[registration]~~ *provisional license*
37 is renewed pursuant to subsection ~~[8.]~~ 9. A ~~[registration]~~ *provisional*
38 *license* as a psychological assistant may not be renewed if the
39 renewal would cause the psychological assistant to be ~~[registered]~~
40 *provisionally licensed* as a psychological assistant for more than 3
41 years unless otherwise approved by the Board.

42 (b) Psychological intern expires ~~[2-years]~~ *1 year* after the date of
43 ~~[registration and may not be]~~ *licensure unless the provisional*
44 *license is* renewed ~~[unless otherwise approved by the Board.]~~
45 *pursuant to subsection 9.*



(c) Psychological trainee expires ~~{2-years}~~ *1 year* after the date of ~~{registration}~~ *licensure* unless the ~~{registration}~~ *provisional license* is renewed pursuant to subsection ~~{8.}~~ *9*. A ~~{registration}~~ *provisional license* as a psychological trainee may not be renewed if the renewal would cause the psychological trainee to be ~~{registered}~~ *provisionally licensed* as a psychological trainee for more than 5 years unless otherwise approved by the Board.

~~{8.}~~ *9*. To renew a ~~{registration}~~ *provisional license* as a psychological assistant, psychological intern or psychological trainee, the ~~{registrant}~~ *provisional licensee* must, on or before the expiration of the ~~{registration:}~~ *provisional license*:

(a) Apply to the Board for renewal;

(b) Pay the fee prescribed by the Board pursuant to NRS 641.228 for the renewal of a ~~{registration}~~ *provisional license* as a psychological assistant, psychological intern or psychological trainee; and

(c) Submit all information required to complete the renewal.

~~{9.}~~ *10*. Any activity or service performed by a psychological assistant, psychological intern or psychological trainee must be performed under the supervision of a psychologist in accordance with regulations adopted by the Board.

Sec. 14. NRS 641.228 is hereby amended to read as follows:

641.228 1. The Board shall charge and collect not more than the following fees respectively:

For the national examination, in addition to the actual cost to the Board of the examination	\$100
For any other examination required pursuant to the provisions of subsection 1 of NRS 641.180, in addition to the actual costs to the Board of the examination	100
For the issuance of an initial license.....	25
For the issuance of an initial license by endorsement	125
For the biennial renewal of a license of a psychologist.....	850
For the restoration of a license suspended for the nonpayment of the biennial fee for the renewal of a license	200
For the restoration of a license suspended for the nonsubmission of evidence to the Board of completion of the requirements for continuing education as required for the renewal of the license	200



1 For the registration of a firm, partnership or
2 corporation which engages in or offers to
3 engage in the practice of psychology \$300
4 For the registration of a nonresident to practice
5 as a consultant 100
6 For the initial ~~registration of~~ *issuance of a*
7 *provisional license as* a psychological
8 assistant ~~[, — psychological intern or~~
9 ~~psychological trainee]~~ 250
10 For the renewal of a ~~registration of~~ *provisional*
11 *license as* a psychological assistant ~~;~~
12 ~~psychological intern or psychological trainee]~~..... 150
13 *For the initial issuance of a provisional license*
14 *as a psychological intern or psychological*
15 *trainee* 25
16 *For the renewal of a provisional license as a*
17 *psychological intern or psychological*
18 *trainee* 25
19

20 2. An applicant who passes the national examination and any
21 other examination required pursuant to the provisions of subsection
22 1 of NRS 641.180 and who is eligible for a license as a psychologist
23 shall pay the biennial fee for the renewal of a license, which must be
24 prorated for the period from the date the license is issued to the end
25 of the biennium.

26 3. In addition to the fees set forth in subsection 1, the Board
27 may charge and collect a fee for the expedited processing of a
28 request or for any other incidental service it provides. The fee must
29 not exceed the cost to provide the service.

30 4. Except as otherwise provided in subsection 5, if an applicant
31 submits an application for a license by endorsement pursuant to
32 NRS 641.196, the Board shall charge and collect:

33 (a) Not more than the fee specified in subsection 1 for the
34 issuance of an initial license by endorsement; and

35 (b) The biennial fee for the renewal of a license, which must be
36 prorated for the period from the date the license is issued to the end
37 of the biennium.

38 5. If an active member of, or the spouse of an active member
39 of, the Armed Forces of the United States, a veteran or the surviving
40 spouse of a veteran submits an application for a license by
41 endorsement pursuant to NRS 641.196, the Board shall collect not
42 more than one-half of the fee set forth in subsection 1 for the initial
43 issuance of the license by endorsement.

44 6. If an applicant submits an application for *an* initial
45 ~~registration~~ *provisional license* as a psychological assistant,



1 psychological intern or psychological trainee pursuant to NRS
2 641.226 and the applicant has previously been ~~registered~~
3 *provisionally licensed* as a psychological assistant, psychological
4 intern or psychological trainee, the Board must waive the fee set
5 forth in subsection 1 for the initial ~~registration~~ *provisional*
6 *license*.

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

9 **Sec. 15.** NRS 641.230 is hereby amended to read as follows:

10 641.230 1. The Board may suspend or revoke a person’s
11 license as a psychologist or ~~registered~~ *provisional license* as a
12 psychological assistant, psychological intern or psychological
13 trainee, place the person on probation, require remediation for the
14 person or take any other action specified by regulation if the Board
15 finds by a preponderance of the evidence that the person has:

16 (a) Been convicted of a felony relating to the practice of
17 psychology or to practicing as a psychological assistant,
18 psychological intern or psychological trainee.

19 (b) Been convicted of any crime or offense that reflects the
20 inability of the person to practice psychology or to practice as a
21 psychological assistant, psychological intern or psychological
22 trainee with due regard for the health and safety of others.

23 (c) Been convicted of violating any of the provisions of NRS
24 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
25 inclusive.

26 (d) Engaged in gross malpractice or repeated malpractice or
27 gross negligence in the practice of psychology or the practice as a
28 psychological assistant, psychological intern or psychological
29 trainee.

30 (e) Aided or abetted the practice of psychology or the practice as
31 a psychological assistant, psychological intern or psychological
32 trainee by a person not licensed or ~~registered~~ *provisionally*
33 *licensed* by the Board.

34 (f) Made any fraudulent or untrue statement to the Board.

35 (g) Violated a regulation adopted by the Board.

36 (h) Had a license to practice psychology or ~~registered~~ *a*
37 *provisional license* to practice as a psychological assistant,
38 psychological intern or psychological trainee suspended or revoked
39 or has had any other disciplinary action taken against the person by
40 another state or territory of the United States, the District of
41 Columbia or a foreign country, if at least one of the grounds for
42 discipline is the same or substantially equivalent to any ground
43 contained in this chapter.

44 (i) Failed to report to the Board within 30 days the revocation,
45 suspension or surrender of, or any other disciplinary action taken



1 against, a license or certificate to practice psychology or
2 ~~[registration]~~ *a provisional license* to practice as a psychological
3 assistant, psychological intern or psychological trainee issued to the
4 person by another state or territory of the United States, the District
5 of Columbia or a foreign country.

6 (j) Violated or attempted to violate, directly or indirectly, or
7 assisted in or abetted the violation of or conspired to violate a
8 provision of this chapter.

9 (k) Performed or attempted to perform any professional service
10 while impaired by alcohol, drugs or by a mental or physical illness,
11 disorder or disease.

12 (l) Engaged in sexual activity with a patient or client.

13 (m) Been convicted of abuse or fraud in connection with any
14 state or federal program which provides medical assistance.

15 (n) Been convicted of submitting a false claim for payment to
16 the insurer of a patient or client.

17 (o) Operated a medical facility, as defined in NRS 449.0151, at
18 any time during which:

19 (1) The license of the facility was suspended or revoked; or

20 (2) An act or omission occurred which resulted in the
21 suspension or revocation of the license pursuant to NRS 449.160.

22 ➤ This paragraph applies to an owner or other principal responsible
23 for the operation of the facility.

24 2. As used in this section, "preponderance of the evidence" has
25 the meaning ascribed to it in NRS 233B.0375.

26 **Sec. 16.** NRS 641.240 is hereby amended to read as follows:

27 641.240 1. If the Board, a panel of its members or a hearing
28 officer appointed by the Board finds a person guilty in a disciplinary
29 proceeding, it may:

30 (a) Administer a public reprimand.

31 (b) Limit the person's practice.

32 (c) Suspend the person's license or ~~[registration]~~ *provisional*
33 *license* for a period of not more than 1 year.

34 (d) Revoke the person's license or ~~[registration.]~~ *provisional*
35 *license*.

36 (e) Impose a fine of not more than \$5,000.

37 (f) Revoke or suspend the person's license or ~~[registration]~~
38 *provisional license* and impose a monetary penalty.

39 (g) Suspend the enforcement of any penalty by placing the
40 person on probation. The Board may revoke the probation if the
41 person does not follow any conditions imposed.

42 (h) Require the person to submit to the supervision of or
43 counseling or treatment by a person designated by the Board. The
44 person named in the complaint is responsible for any expense
45 incurred.



1 (i) Impose and modify any conditions of probation for the
2 protection of the public or the rehabilitation of the probationer.

3 (j) Require the person to pay for the costs of remediation or
4 restitution.

5 2. The Board shall not administer a private reprimand.

6 3. The order that imposes discipline and the findings of fact and
7 conclusions of law supporting that order are public records.

8 **Sec. 17.** NRS 641.242 is hereby amended to read as follows:

9 641.242 1. If the Board receives a copy of a court order
10 issued pursuant to NRS 425.540 that provides for the suspension of
11 all professional, occupational and recreational licenses, certificates
12 and permits issued to a person who is the holder of a license or
13 ~~registration~~ *provisional license* issued pursuant to this chapter, the
14 Board shall deem the license or ~~registration~~ *provisional license*
15 issued to that person to be suspended at the end of the 30th day after
16 the date on which the court order was issued unless the Board
17 receives a letter issued to the holder of the license or ~~registration~~
18 *provisional license* by the district attorney or other public agency
19 pursuant to NRS 425.550 stating that the holder of the license or
20 ~~registration~~ *provisional license* has complied with the subpoena or
21 warrant or has satisfied the arrearage pursuant to NRS 425.560.

22 2. The Board shall reinstate a license or ~~registration~~
23 *provisional license* issued pursuant to this chapter that has been
24 suspended by a district court pursuant to NRS 425.540 if the Board
25 receives a letter issued by the district attorney or other public agency
26 pursuant to NRS 425.550 to the person whose license or
27 ~~registration~~ *provisional license* was suspended stating that the
28 person whose license or ~~registration~~ *provisional license* was
29 suspended has complied with the subpoena or warrant or has
30 satisfied the arrearage pursuant to NRS 425.560.

31 **Sec. 18.** NRS 641.2705 is hereby amended to read as follows:

32 641.2705 1. The Board, through the President of the Board
33 and the investigator designated by the Board, shall conduct an
34 investigation of each complaint filed pursuant to NRS 641.250
35 which sets forth reason to believe that a person has violated
36 NRS 641.390.

37 2. If, after an investigation, the Board determines that a person
38 has violated NRS 641.390, the Board:

39 (a) May issue and serve on the person an order to cease and
40 desist from engaging in any activity prohibited by NRS 641.390
41 until the person obtains the proper license or ~~registration~~
42 *provisional license* from the Board;

43 (b) May issue a citation to the person; and

44 (c) Unless the Board determines that extenuating circumstances
45 exist, shall forward to the appropriate law enforcement agency any



1 substantiated information that has been submitted to the Board
2 regarding a person who practices or offers to practice:

3 (1) Psychology in this State without the proper license issued
4 by the Board pursuant to this chapter; or

5 (2) As a psychological assistant, psychological intern or
6 psychological trainee in this State without the proper ~~registration~~
7 *provisional license* issued by the Board pursuant to this chapter.

8 3. A citation issued pursuant to subsection 2 must be in writing
9 and describe with particularity the nature of the violation. The
10 citation also must inform the person of the provisions of subsection
11 5. Each violation of NRS 641.390 constitutes a separate offense for
12 which a separate citation may be issued.

13 4. For any person who violates the provisions of NRS 641.390,
14 the Board shall assess an administrative fine of:

15 (a) For a first violation, \$500.

16 (b) For a second violation, \$1,000.

17 (c) For a third or subsequent violation, \$1,500.

18 5. To appeal a citation issued pursuant to subsection 2, a
19 person must submit a written request for a hearing to the Board
20 within 30 days after the date of issuance of the citation.

21 **Sec. 19.** NRS 641.272 is hereby amended to read as follows:

22 641.272 1. Notwithstanding the provisions of chapter 622A
23 of NRS, the Board may require the person named in a complaint to
24 submit to a mental examination conducted by a panel of three
25 psychologists designated by the Board or a physical examination
26 conducted by a physician designated by the Board.

27 2. Every psychologist licensed under this chapter and every
28 psychological assistant, psychological intern or psychological
29 trainee ~~registered~~ *provisionally licensed* under this chapter who
30 accepts the privilege of practicing psychology or practicing as a
31 psychological assistant, psychological intern or psychological
32 trainee in this State shall be deemed to have given consent to submit
33 to a mental or physical examination when directed to do so in
34 writing by the Board. The testimony or reports of the examining
35 psychologists or physician are privileged communications, except as
36 to proceedings conducted pursuant to this chapter.

37 3. Except in extraordinary circumstances, as determined by the
38 Board, the failure of a psychologist, psychological assistant,
39 psychological intern or psychological trainee to submit to an
40 examination as provided in this section constitutes grounds for the
41 immediate suspension of the psychologist's license or the
42 psychological assistant's, psychological intern's or psychological
43 trainee's ~~registration.~~ *provisional license.*



1 **Sec. 20.** NRS 641.274 is hereby amended to read as follows:

2 641.274 Notwithstanding the provisions of chapter 622A of
3 NRS, if the Board, a panel of its members or a hearing officer issues
4 an order suspending the license of a psychologist or the
5 ~~registration~~ *provisional license* of a psychological assistant,
6 psychological intern or psychological trainee pending proceedings
7 for disciplinary action and requires the psychologist, psychological
8 assistant, psychological intern or psychological trainee to submit to
9 a mental or physical examination or an examination of his or her
10 competency to practice psychology or to practice as a psychological
11 assistant, psychological intern or psychological trainee, the
12 examination must be conducted and the results obtained within 60
13 days after the Board, panel of its members or hearing officer issues
14 the order.

15 **Sec. 21.** NRS 641.285 is hereby amended to read as follows:

16 641.285 Notwithstanding the provisions of chapter 622A of
17 NRS, in any disciplinary proceeding before the Board, a panel of its
18 members or a hearing officer:

19 1. Proof of actual injury need not be established where the
20 complaint charges deceptive or unethical professional conduct,
21 practice of psychology, or practice as a psychological assistant,
22 psychological intern or psychological trainee harmful to the public.

23 2. A certified copy of the record of a court or a licensing
24 agency showing a conviction or the suspension or revocation of a
25 license to practice psychology or ~~registration~~ *provisional license*
26 to practice as a psychological assistant, psychological intern or
27 psychological trainee or an order containing any other disciplinary
28 action entered by a court in the District of Columbia or any state or
29 territory of the United States is conclusive evidence of its
30 occurrence.

31 3. The entering of a plea of nolo contendere in a court of
32 competent jurisdiction shall be deemed a conviction of the offense
33 charged.

34 **Sec. 22.** NRS 641.312 is hereby amended to read as follows:

35 641.312 1. Any person who has been placed on probation or
36 whose license or ~~registration~~ *provisional license* has been limited,
37 suspended or revoked is entitled to judicial review of the order.

38 2. Every order which limits the practice of psychology or the
39 practice as a psychological assistant, psychological intern or
40 psychological trainee or suspends or revokes a license or
41 ~~registration~~ *provisional license* is effective from the date the
42 Board certifies the order until the date the order is modified or
43 reversed by a final judgment of the court.



1 3. The district court shall give a petition for judicial review of
2 the order priority over other civil matters which are not expressly
3 given priority by law.

4 **Sec. 23.** NRS 641.314 is hereby amended to read as follows:

5 641.314 Notwithstanding the provisions of chapter 622A of
6 NRS:

7 1. Pending disciplinary proceedings before the Board, a panel
8 of its members or a hearing officer, the court may, upon application
9 by the Board or the Attorney General, issue a temporary restraining
10 order or a preliminary injunction to enjoin any unprofessional
11 conduct of a psychologist, psychological assistant, psychological
12 intern or psychological trainee which is harmful to the public, to
13 limit the psychologist's, psychological assistant's, psychological
14 intern's or psychological trainee's practice or to suspend the license
15 to practice psychology or ~~registration~~ *provisional license* to
16 practice as a psychological assistant, psychological intern or
17 psychological trainee, without proof of actual damage sustained by
18 any person, this provision being a preventive as well as a punitive
19 measure.

20 2. The disciplinary proceedings before the Board, a panel of its
21 members or a hearing officer must be instituted and determined as
22 promptly as the requirements for investigation of the case
23 reasonably allow.

24 **Sec. 24.** NRS 641.316 is hereby amended to read as follows:

25 641.316 1. The Board through its President or Secretary-
26 Treasurer or the Attorney General may maintain in any court of
27 competent jurisdiction a suit for an injunction against any person
28 practicing:

29 (a) Psychology without a license or authorization to practice
30 psychology in this State pursuant to the Psychology
31 Interjurisdictional Compact enacted in NRS 641.227; or

32 (b) As a psychological assistant, psychological intern or
33 psychological trainee without a ~~registration~~ *provisional license*.

34 2. Such an injunction:

35 (a) May be issued without proof of actual damage sustained by
36 any person, this provision being a preventive as well as a punitive
37 measure.

38 (b) Does not relieve any person from criminal prosecution for
39 practicing without a license or ~~registration~~ *provisional license*.

40 **Sec. 25.** NRS 641.318 is hereby amended to read as follows:

41 641.318 In addition to any other immunity provided by the
42 provisions of chapter 622A of NRS, the Board, a review panel of a
43 hospital, an association of psychologists or any other person who or
44 organization which initiates a complaint or assists in any lawful
45 investigation or proceeding concerning the licensing of a



1 psychologist or the ~~registering~~ *provisional licensing* of a
2 psychological assistant, psychological intern or psychological
3 trainee or the discipline of a psychologist, psychological assistant,
4 psychological intern or psychological trainee for gross malpractice,
5 repeated malpractice, professional incompetence or unprofessional
6 conduct is immune from any civil action for that initiation or
7 assistance or any consequential damages, if the person or
8 organization acted without malicious intent.

9 **Sec. 26.** NRS 641.320 is hereby amended to read as follows:

10 641.320 1. Any person:

11 (a) Whose practice of psychology or practice as a psychological
12 assistant, psychological intern or psychological trainee has been
13 limited;

14 (b) Whose license or ~~registration~~ *provisional license* has been
15 revoked; or

16 (c) Who has been placed on probation,

17 ↪ by an order of the Board, a panel of its members or a hearing
18 officer may apply to the Board after 1 year for removal of the
19 limitation or termination of the probation or may apply to the Board
20 pursuant to the provisions of chapter 622A of NRS for reinstatement
21 of the revoked license or ~~registration~~ *provisional license*.

22 2. In hearing the application, the Board:

23 (a) May require the person to submit to a mental or physical
24 examination conducted by psychologists or by physicians whom it
25 designates and submit such other evidence of changed conditions
26 and of fitness as it considers proper.

27 (b) Shall determine whether under all the circumstances the time
28 of the application is reasonable.

29 (c) May deny the application or modify or rescind its order as it
30 considers the evidence and the public safety warrants.

31 **Sec. 27.** NRS 641.440 is hereby amended to read as follows:

32 641.440 Any person who:

33 1. Presents as his or her own the diploma, license, ~~registration~~
34 *provisional license* or credentials of another;

35 2. Gives either false or forged evidence of any kind to the
36 Board or any member thereof, in connection with an application for
37 a license or ~~registration~~ *provisional license*;

38 3. Practices psychology or practices as a psychological
39 assistant, psychological intern or psychological trainee under a false
40 or assumed name or falsely personates another psychologist,
41 psychological assistant, psychological intern or psychological
42 trainee of a like or different name;

43 4. Except as provided in NRS ~~641.2295,~~ *641.0295*, 641.390
44 and 641A.410, represents himself or herself as a psychologist, or
45 uses any title or description which incorporates the word



1 “psychology,” “psychological,” “psychologist,” “psychometry,”
2 “psychometrics,” “psychometrist” or any other term indicating or
3 implying that he or she is a psychologist, unless he or she has been
4 issued a license;

5 5. Except as otherwise provided in NRS 641.390, represents
6 himself or herself as a psychological assistant, psychological intern
7 or psychological trainee, or uses any title or description which
8 incorporates the words “psychological assistant,” “psychological
9 intern” or “psychological trainee” or any other term indicating or
10 implying that he or she is a psychological assistant, psychological
11 intern or psychological trainee, unless he or she has been issued a
12 ~~registration;~~ *provisional license*;

13 6. Practices psychology unless he or she has been issued a
14 license; or

15 7. Practices as a psychological assistant, psychological intern
16 or psychological trainee unless he or she has been issued a
17 ~~registration;~~ *provisional license*,

18 ↪ is guilty of a gross misdemeanor.

19 **Sec. 28.** NRS 458A.057 is hereby amended to read as follows:

20 458A.057 1. “Qualified mental health professional” means
21 any of the following persons:

22 (a) A person who is certified as a problem gambling counselor
23 pursuant to the provisions of chapter 641C of NRS.

24 (b) A person who is certified as a problem gambling counselor
25 intern pursuant to the provisions of chapter 641C of NRS.

26 (c) A physician who is licensed pursuant to the provisions of
27 chapter 630 or 633 of NRS.

28 (d) A nurse who is licensed pursuant to the provisions of chapter
29 632 of NRS and is authorized by the State Board of Nursing to
30 engage in the practice of counseling problem gamblers.

31 (e) A psychologist who is licensed pursuant to the provisions of
32 chapter 641 of NRS or authorized to practice psychology in this
33 State pursuant to the Psychology Interjurisdictional Compact
34 enacted in NRS 641.227, or a psychological assistant who is
35 ~~registered;~~ *provisionally licensed* with the Board of Psychological
36 Examiners pursuant to the provisions of chapter 641 of NRS and the
37 regulations adopted pursuant thereto.

38 (f) A clinical professional counselor or clinical professional
39 counselor intern who is licensed pursuant to chapter 641A of NRS.

40 (g) A marriage and family therapist or marriage and family
41 therapist intern who is licensed pursuant to the provisions of chapter
42 641A of NRS and is authorized by the Board of Examiners for
43 Marriage and Family Therapists and Clinical Professional
44 Counselors to engage in the practice of counseling persons with an
45 addictive disorder related to gambling.



1 (h) A person who is licensed as a clinical social worker pursuant
2 to the provisions of chapter 641B of NRS and is authorized by the
3 Board of Examiners for Social Workers to engage in the practice of
4 counseling persons with an addictive disorder related to gambling.

5 2. As used in this section, "practice of counseling persons with
6 an addictive disorder related to gambling" has the meaning ascribed
7 to it in NRS 641C.105.

8 **Sec. 29.** 1. This section becomes effective upon passage and
9 approval.

10 2. Sections 1 to 28, inclusive, of this act become effective:

11 (a) Upon passage and approval for the purpose of adopting
12 regulations and performing any other preparatory administrative
13 tasks that are necessary to carry out the provisions of this act; and

14 (b) January 1, 2024, for all other purposes.

