

LCB File No. R209-09

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

(Note that the renumbering of the NAC sections in this regulation is requested by the agency and is not indicative of the actual numbers assigned to the sections)

CHAPTER 641 - PSYCHOLOGISTS

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GENERAL PROVISIONS

NAC 641.001 Definitions. (NRS 641.100) As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 641.002 to 641.016, inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Bd. of Psychological Exam'rs by R089-03, eff. 1-18-2005)

NAC 641.002 "Board" defined. (NRS 641.100) "Board" means the Board of Psychological Examiners.

(Added to NAC by Bd. of Psychological Exam'rs by R089-03, eff. 1-18-2005)

NAC 641.003 “Psychological assistant” defined. (NRS 641.100) “Psychological assistant” means a person registered with the Board pursuant to NAC 641.151.

(Added to NAC by Bd. of Psychological Exam’rs by R089-03, eff. 1-18-2005)

NAC 641.004 “Psychologist” defined. (NRS 641.100) “Psychologist” has the meaning ascribed to it in NRS 641.027.

(Added to NAC by Bd. of Psychological Exam’rs, eff. 8-24-90; A by R089-03, 1-18-2005)

NAC 641.005 “Licensed behavior analyst” defined. “Licensed behavior analyst” means a person who holds current certification or meets the standards to be certified as a board certified behavior analyst or a board certified assistant behavior analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, and who is licensed as a behavior analyst by the Board of Psychological Examiners.

NAC 641.006 “Licensed assistant behavior analyst” “Licensed assistant behavior analyst” means a person who holds current certification or meets the standards to be certified as a board certified assistant behavior analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the Board of Psychological Examiners and who provides behavior therapy under the supervision of a licensed behavior analyst or psychologist.

NAC 641.007 “Certified autism behavior interventionist” defined.. “Certified autism behavior interventionist” means a person who is certified as an autism behavior interventionist by the Board of Psychological Examiners and who provides behavior therapy under the supervision of:

- (1) A licensed psychologist;*
- (2) A licensed behavior analyst; or*
- (3) A licensed assistant behavior analyst.*

NAC 641.008 “Applied Behavior analysis” defined. “Applied behavior analysis” means the design, implementation and evaluation of environmental modifications using behavior stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

NAC 641.009 “Behavior Therapy” defined. “Behavior therapy” means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavior intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist.

NAC 641.010 “Supervisor” defined. (NRS 641.100) “Supervisor” means a psychologist who supervises a psychological assistant pursuant to this chapter.

(Added to NAC by Bd. of Psychological Exam’rs by R089-03, eff. 1-18-2005)

NAC 641.011 “Habilitation or rehabilitative care” defined. “Habilitation or rehabilitative care” means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

NAC 641.012 “Autism spectrum disorders” defined. “Autism spectrum disorders” means a neurobiological medical condition including, without limitation, autistic disorder, Asperger’s Disorder and Pervasive Developmental Disorder Not Otherwise Specified.

NAC 641.013 “Psychological care” defined. “Psychological care” means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

NAC 641.014 “Screening for autism spectrum disorders” defined. “Screening for autism spectrum disorders” means medically necessary assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder.

NAC 641.015 “Therapeutic care” defined. “Therapeutic care” means services provided by licensed or certified speech pathologists, occupational therapists and physical therapists.

NAC 641.016 “Treatment plan” defined. “Treatment plan” means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

NAC 641.018 Submission of standards by accredited educational institution or public agency that employs psychological scientist. (NRS 641.100, 641.390) Each accredited educational institution or public agency that employs a person pursuant to subsection 1 of NRS 641.390 shall submit a copy of the explicit standards to the Board as soon as practicable. If the accredited educational institution or public agency revises the standards, it shall submit a copy of the revision to the Board within 30 days after the revision becomes effective.

(Added to NAC by Bd. of Psychological Exam’rs by R078-99, eff. 3-13-2000)

LICENSING

NAC 641.020 Certification in another state not accepted when acquired through “grandfather” clause. (NRS 641.100, 641.190) It is the policy of the Board not to accept certification in another state for endorsement in Nevada if that certification was acquired through a “grandfather” clause.

[Bd. of Psychological Exam’rs, Policy No. 3, eff. 6-28-65]

NAC 641.025 Issuance of license to psychologist licensed not less than 20 years in another state or Canada. (NRS 641.100, 641.190)

1. The Board may issue a license 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 relates primarily to psychology;

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

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

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

(e) Has passed an oral examination conducted by the Board; and

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

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

(a) Moral character;

(b) Current fitness to practice psychology; or

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

(Added to NAC by Bd. of Psychological Exam'rs, eff. 1-24-94; A by R153-97, 12-19-97; R090-01, 2-7-2002)

NAC 641.028 Issuance of license to psychologist licensed not less than 5 years in another jurisdiction. (NRS 641.100, 641.190)

1. The Board will issue a license 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) 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;

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

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

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

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

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

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

(a) His moral character;

(b) His current fitness to practice psychology; and

(c) His intent to practice psychology in a manner consistent with his education, training and experience.

(Added to NAC by Bd. of Psychological Exam'rs by R153-97, eff. 12-19-97)

NAC 641.030 Issuance of license to Behavior Analyst

1. The Board will issue a license to an applicant if the applicant:

(a) Is at least 21 years of age;

- (b) Has been certified as a Board Certified Behavior Analyst by the Behavior Analyst Certification Board; and if applying after 2013 applicant must also have completed a doctoral or masters degree from an Association for Behavior Analysis International Accredited program or its equivalent as determined by the Board.*
 - (c) Is a citizen of the United states, or is lawfully entitled to remain and work in the United States;*
 - (d) 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 Behavior Analysis and all other relevant statutes;*
 - (e) Has not previously been convicted of a felony;*
 - (f) Has not been subject to disciplinary action in another jurisdiction;*
 - (g) Does not have any outstanding complaints or charges pending against him in another jurisdiction;*
 - (h) Has not previously been denied licensure by the Board; and*
 - (i) Submits to the Board the appropriate application and fees and three letters of professional reference that attest without reservation to the professional competence, moral character and current fitness to practice of the applicant.*
- 2. The Board may require the applicant to appear before the Board to demonstrate:*
- (a) His moral character;*
 - (b) His current fitness to practice as a Behavior Analyst; and*
 - (c) His intent to practice as a Behavior Analyst in a manner consistent with his education, training and experience.*
- 3. The Board may provide a provisional license for a period of one year to a Board Certified Behavior Analyst who has completed all requirements for licensure for a licensed Behavior Analyst in the State of Nevada and is waiting to take and pass the Nevada licensing exam until such time as the exam is offered on a monthly basis. The fee for this licensure shall be consistent with the licensing scheme and adjusted for the term of the license.*

NAC 641.031 Issuance of license to an Assistant Behavior Analyst

- 1. The Board will issue a license to an applicant if the applicant:*
- (a) Is at least 21 years of age*
 - (b) Has been certified as a Board Certified assistant Behavior Analyst by the Behavior Analyst Certification Board; and if applying after 2013 applicant must also have completed a bachelors degree from an Association for Behavior Analysis International Accredited program or its equivalent as determined by the Board.*
 - (c) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;*
 - (d) 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 Behavior Analysis and all other relevant statutes and regulations;*
 - (e) Has not previously been convicted of a felony;*
 - (f) Has not been subject to disciplinary action in another jurisdiction;*
 - (g) Does not have any outstanding complaints or charges pending against him in another jurisdiction;*
 - (h) Has not previously been denied licensure by the Board; and*

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

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

(a) His moral character;

(b) His current fitness to practice as a Behavior Analyst; and

(c) His intent to practice as a Behavior Analyst in a manner consistent with his education, training and experience.

3. The Board may provide a provisional license for a period of one year to a Board Certified assistant Behavior Analyst who has completed all requirements for licensure for a licensed assistant behavior analyst in Nevada and is waiting to take and pass the Nevada licensing exam until such time as the exam is offered on a monthly basis.

NAC 641.032 Supervision by licensed psychologist or behavior analysts over licensed assistant behavior analysts and certified autism behavior interventionist

1. No more than thirty percent (30%) or twelve (12) hours per week can be spent on direct supervision of licensed assistant behavior analysts or certified autism behavior analysts.

(a) Direct supervision can involve group meetings or individual one on one supervision.

2. No more than fifty percent (50%) of supervision can involve synchronous video conferencing equivalent to a face to face meeting.

3. A group meeting can not consist of more than ten (10) licensed psychologists, behavior analysts, assistant behavior analysts or certified autism behavior interventionists.

NAC 641.033 Supervision of licensed assistant behavior analysts

1. At least five percent (5%) of monthly hours must be supervised by a licensed psychologist or behavior analyst

(a) A minimum of four (4) hours per month must directly supervised with;

(b) One (1) hour involving individual, one to one supervision

2. No more than Fifty percent (50%) of supervision can involve synchronous video conferencing

3. Direct supervision can involve group meetings or individual one to one supervision

4. Group meetings can consist of no more than ten (10) licensed psychologists, behavior analysts, assistant behavior analysts or certified autism behavior interventionists.

NAC 641.050 Education: Adoption of list of accredited programs; accredited educational institutions. (NRS 641.100, 641.170)

1. For the purposes of paragraph (d) of subsection 1 of NRS 641.170, the Board adopts the current list of programs holding accreditation status from the American Psychological Association. These programs are listed in the publication *American Psychologist*. This publication may be obtained for the price of \$12 a copy from the book order department of the American Psychological Association, P.O. Box 2710, Hyattsville, Maryland 20784-0710, and telephone: (202) 336-5500.

2. For the purposes of paragraph (d) of subsection 1, **2 and 3** of NRS 641.170, the Board considers the following to be accredited educational institutions:

(a) In the United States, all institutions which are regionally accredited by regulatory bodies approved by the Council on Recognition of Postsecondary Accreditation and the United States Office of Education;

(b) In Canada, all institutions holding membership in the Association of Universities and Colleges of Canada; or

(c) In any other country, all institutions accredited by the respective official organization having such authority.

[Bd. of Psychological Exam'rs, § 641.040, eff. 12-14-78]—(NAC A 7-7-82; 8-3-88; 1-24-94; 12-28-95)

3. For the purposes of paragraph (d) of subsection 2 and 3 of NRS 641.170, the Board adopts the current list of programs holding accreditation stats from the Association for Behavior Analysis International. These programs are listed online at www.ABAInternational.org.

NAC 641.061 Education: Submission of proof that unaccredited program is equivalent to accredited program. (NRS 641.100, 641.170)

1. An applicant for licensure who has completed a training program not accredited by the American Psychological Association must establish to the satisfaction of the Board that the program is equivalent to a program accredited by the association.

2. The applicant must present to the Board:

(a) Transcripts, a description of the training program, letters from the directors of the departments of the institution where the program is conducted or other suitable documents showing that the program substantially complies with the standards of the American Psychological Association.

(b) Proof of doctoral training at an institution which is considered by the Board to be an accredited educational institution pursuant to subsection 2 of NAC 641.050.

(c) Proof that the primary purpose of the training program is the professional training of psychologists. Catalogs and brochures advertising the program must indicate that the program is intended to educate and train professional psychologists.

(d) Proof that the program:

(1) Is a recognizable, coherent organizational entity within the institution where the program is conducted.

(2) Is an integrated, organized sequence of study.

(3) Has an identifiable faculty composed primarily of psychologists and a psychologist who is responsible for the program.

(4) Has an identifiable body of students who are matriculated in the program for a degree.

(5) Includes supervised practical, internship, field or laboratory training appropriate to the practice of psychology.

(e) Proof that the curriculum encompasses at least 3 academic years of full-time graduate study, not including any internships. The Board will count only 12 semester hours or 18 quarter hours of preparation of a dissertation toward the 3 academic years of full-time graduate study.

(f) Proof that the program requires at least 60 semester hours or 90 quarter hours of credit in courses in substantive psychology. Dissertation hours may be counted toward the minimum hours required.

(g) Proof that the applicant, while in the program, completed the equivalent of courses consisting of 3 semester hours in the following areas:

(1) Scientific and professional ethics and standards.

(2) Research design and methodology.

(3) Statistics.

(4) Psychometrics.

(5) Biological bases of behavior, which may be satisfied by at least one of the following courses:

(I) Physiological psychology;

(II) Comparative psychology;

(III) Neuropsychology;

(IV) Psychopharmacology; or

(V) Human sexuality.

(6) Cognitive-affective bases of behavior, which may be satisfied by at least one of the following courses:

(I) Learning;

(II) Memory;

(III) Perception;

(IV) Cognition;

(V) Thinking;

(VI) Motivation; or

(VII) Emotion.

(7) Social bases of behavior, which may be satisfied by at least one of the following courses:

(I) Social psychology;

(II) Cultural, ethnic and group processes;

(III) Sex roles; or

(IV) Organizational and systems theory.

(8) Individual differences, which may be satisfied by at least one of the following courses:

(I) Personality theory;

(II) Human development;

(III) Abnormal psychology; or

(IV) Psychology of the handicapped.

(h) A description of each course completed pursuant to paragraph (g), accompanied by a statement which attests that the course is equivalent in content, focus and all other relevant standards to a similar course offered by a program accredited by the American Psychological Association. The statement must be submitted by the instructor of a substantially similar course or the chairman of the department or program accredited by the American Psychological Association. If there is a program accredited by the American Psychological Association at the institution where the applicant's course is taken, the statements must come from appropriate members of the faculty of that institution. If there is no such program, the applicant must establish for the Board the basis upon which the attesting member of the faculty has knowledge upon which to judge the equivalency of the programs.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 8-3-88; A 8-24-90; 1-24-94)

NAC 641.062 Education: Submission of proof that unaccredited program is equivalent to an accredited program for Behavior Analysts.

1. An applicant for licensure who has completed a training program not accredited by the Association for Behavior Analysis International must establish to the satisfaction of the Board that the program is equivalent to a program accredited by the association.

2. The applicant must present to the Board:

(a) Transcripts, a description of the training program, letters from the directors of the departments of the institution where the program is conducted or other suitable documents showing that the program substantially complies with the standards of the Association for Behavior Analysis International.

3. An applicant for licensure as a behavior analyst must present proof that the program includes:

(a) At least 315 classroom hours of graduate level instruction in behavior analysis;

(b) 45 hours of Principle of Behavior

(c) 45 hours of Research Methods

(d) 45 hours of Conceptual Issues

(e) 90 hours of Applied Behavior Analysis

(f) 45 hours of Ethics

(g) 45 hours of Experimental Analysis of Behavior

4. An applicant for licensure as an assistant behavior analyst must submit proof that the program completed required:

(a) at least 240 classroom hours of undergraduate level instruction in behavior analysis, including;

(b) 15 hours of Ethics

(c) 45 hours of Principles of Behavior

(d) 90 hours of Applied Behavior Analysis

(e) 45 hours of Research Methods

(f) 45 hours of Conceptual Issues

NAC 641.080 Supervised experience. (NRS 641.100, 641.170)

1. Before an applicant is eligible for licensure as a psychologist, he must complete 2 years of supervised and documented experience that is the equivalent of full-time experience.

2. Except as otherwise provided in subsection 3, the 2 years of experience required pursuant to paragraph (e) of subsection 1 of NRS 641.170 must be supervised experience and must comply with the following requirements:

(a) Each year must consist of not less than 1,750 hours;

(b) The first year must satisfy the requirements of subsection 4; and

(c) The second year must be postdoctoral and must:

(1) Meet the guidelines established by the Association of State and Provincial Psychology Boards; or

(2) Satisfy the requirements of subsection 5.

3. If an applicant has been licensed for at least 5 years in another state and has had no disciplinary action or other adverse action taken against him by the regulatory body, the 2 years of experience required pursuant to paragraph (e) of subsection 1 of NRS 641.170 must be supervised experience and must comply with the following requirements:

(a) Each year must consist of not less than 1,500 hours;

(b) One year must satisfy the requirements of subsection 4; and

(c) One year must be postdoctoral and must satisfy the requirements of subsection 5.

4. For the purposes of paragraph (b) of subsection 2 and paragraph (b) of subsection 3, 1 year of supervised experience must be satisfactorily completed in:

(a) A predoctoral internship program approved by the American Psychological Association;
or

(b) A predoctoral internship that:

(1) Is completed in an interdisciplinary setting that is appropriate for the training of a psychological intern;

(2) Serves a group of persons which is sufficient in number and variability to provide a broad range of training experiences, including, without limitation, work with culturally diverse or underserved populations;

(3) Includes supervision that addresses intercultural issues in diagnosis;

(4) Is completed in not less than 10 months but not more than 24 months, unless otherwise approved by the Board;

(5) Operates pursuant to nondiscriminatory policies and under nondiscriminatory conditions;

(6) Operates pursuant to training objectives which are based on:

(I) The science and practice of psychology; and

(II) A model that is sequential, cumulative and graded in complexity;

(7) Includes experiential training with regularly scheduled supervision by at least two psychologists, at least one of whom is always physically present on the premises where the experiential training occurs, unless otherwise approved by the Board, and both of whom are licensed in the jurisdiction in which the internship occurs and whose primary responsibility is the provision of services;

(8) Requires a minimum of 2 of the internship hours per week to be spent receiving individual supervision;

(9) Requires at least 3 hours of individual supervision to be spent focused on cultural, ethnic and group processes as social bases of behavior;

(10) Requires at least 40 hours of the supervised experience to be spent receiving training in cultural, ethnic and group processes as social bases of behavior or providing treatment to culturally diverse or underserved populations;

(11) Has training program which:

(I) Includes theories and methods of assessment, diagnosis and intervention;

(II) Includes discussions concerning the practice of psychology in a legal and ethical manner;

(III) Includes theories and methods of consultation and evaluation; and

(IV) Encourages the use of professional literature to provide guidance for treatment activities;

(12) Is provided in a setting in which training takes precedence over raising revenue;

(13) Includes exposure to a sufficient number of professionals to ensure meaningful peer interactions, support and socialization;

(14) Provides each intern, at least semiannually, with a written performance evaluation of his:

(I) Professional conduct;

(II) Psychological knowledge and skills; and

(III) Competence in psychological assessment, intervention and consultation; and

(15) Provides for written documentation of completion of the program.

5. For the purposes of subparagraph (2) of paragraph (c) of subsection 2 and of paragraph (c) of subsection 3, supervised experience is credited only for:

(a) Professional work in a setting that provides an opportunity for interaction with colleagues and an opportunity for work with a broad range of clients, including, without limitation, a private practice and a public or private agency, institution or organization; and

(b) Work experience that is other than experience which is acquired in connection with a practicum for which graduate credits are granted and which complies with the following requirements:

(1) The number of hours required pursuant to paragraph (a) of subsection 2 or paragraph (a) of subsection 3 must be completed in not less than 10 months and not more than 3 years unless otherwise approved by the Board;

(2) Unless otherwise approved by the Board, at least 50 percent of the hours per week of the supervised experience must be spent providing clinical services, including, without limitation, psychological services rendered directly to an individual, couple, family or group, psychological testing, and individual or group supervision relating to those services;

(3) The hours per week of the supervised experience that are not spent in the manner set forth in subparagraph (2) must be spent engaging in an activity related to psychology, including, without limitation, teaching psychology, researching psychology and engaging in administrative activities related to psychology or in any other activity related to psychology; and

(4) At least 40 hours of the supervised experience must be spent receiving training in cultural, ethnic and group processes as social bases of behavior and at least 3 hours of individual supervision must be spent focused on that area of psychology. Such hours may be obtained by, without limitation:

(I) Conducting clinical work directly with culturally diverse or underserved populations;

(II) Reading materials related to culturally diverse populations;

(III) Researching an issue related to culturally diverse populations;

(IV) Attending a workshop, conference or seminar concerning working with culturally diverse populations;

(V) Giving a presentation related to culturally diverse populations at a workshop, conference or seminar; and

(VI) Authoring a publication related to culturally diverse populations.

[Bd. of Psychological Exam'rs, § 641.100, eff. 12-14-78]—(NAC A 7-7-82; 8-24-90; 1-24-94; 12-28-95; R077-02, 7-25-2002; R089-03, 1-18-2005)

NAC 641.112 State examination: Format; scoring; administration; review; reevaluation; fee; prohibited acts. (NRS 641.100, 641.180)

1. The Board will administer a *state* examination to each applicant for a license as a psychologist, *behavior analyst or, assistant behavior analyst, and each applicant for certification as an autism behavior interventionist.*

2. The *state* examination will consist of *questions addressing the practice of professional psychology or behavior analysis, including, without limitation, federal and state laws, ethical principles and codes of professional conduct relevant to practice in the State of Nevada. At least 30 days before the examination, the Board will furnish a description of the content to be covered in the examination to each applicant.*

3. An applicant who fails the *state* examination may review his examination upon written request submitted to the Board. The written request must be submitted within 10 days after receiving written notice of the failure.

4. An applicant who fails the *state* examination may submit a written request to the Board for one reevaluation of his *state* examination within 10 days after receiving written notice of the failure. The Board may grant or deny an applicant's request for reevaluation. The Board will give written notice of its decision within 20 days after receiving the written request for reevaluation. If the request for reevaluation is granted, the Board will issue a final evaluation of the applicant's *state* examination within 60 days after notifying the applicant of its decision to undertake the reevaluation.

5. The fee for the *state* examination must be paid before the examination is administered. A fee must be paid each time the applicant takes the *state* examination.

6. An applicant shall not:

- (a) Remove any notes taken during the *state* examination;
- (b) Record the *state* examination by electronic or other means; or
- (c) Engage in any other conduct that results in the disclosure of the contents of the examination.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 7-11-94; A by R078-99, 3-13-2000)

Chapter 641 of NAC is hereby amended by adding thereto a new section to read as follows: "National examination" means the Examination for professional practice in Psychology which is sponsored by the Association of State and Provincial Psychology Boards and is created and distributed by the Professional Examination Service.

NAC 641.120 Written examination. (NRS 641.100, 641.180)

1. The Examination *national examination* constitutes the *one* portion of the examination for licensure as a psychologist.

2. An applicant for a license may take *national examination* after the applicant has graduated with a doctoral degree from:

- (a) A training program which is accredited by the American Psychological Association or a program which meets the requirements of NAC 641.061; or
- (b) An institution which meets the requirements of subsection 2 of NAC 641.050.

[Bd. of Psychological Exam'rs, § 641.070, eff. 12-14-78]—(NAC A 7-7-82; 8-24-90; R089-03, 1-18-2005)

NAC 641.130 Waiver of written examination. (NRS 641.100, 641.180) The Board may waive the written examination of:

1. A diplomate of the American Board of Professional Psychology who became a diplomate through examination; or

2. An applicant who meets all of the requirements for licensure with respect to education and experience and who achieved a score on the Examination for Professional Practice in Psychology of the Association of State and Provincial Psychology Boards equal to or surpassing the criterion in Nevada for passage of that examination.

↪ An oral examination is required even if the written examination is waived.

[Bd. of Psychological Exam'rs, § 641.060, eff. 12-14-78]—(NAC A 7-7-82; 8-24-90; R089-03, 1-18-2005)

NAC 641.132 Renewal of license. (NRS 641.100, 641.220)

1. To renew his license, a psychologist, *Licensed behavior analyst, or Licensed assistant behavior analyst* must submit to the Board an application for renewal, the required fees and the form for the biennial report of continuing education required pursuant to subsection 2. The licensee shall retain evidence of the completion of the continuing education required by NAC 641.136 for at least 5 years after the completion of that continuing education. Evidence of completion of continuing education includes, without limitation, a letter signed by the instructor of the course or program or the agent of the sponsoring agency or organization, and a certificate of completion approved by the Board pursuant to NAC 641.138. Upon the request of the Board, the licensee must provide evidence of completion of the continuing education.

2. The Board will mail to each licensee, before the expiration of his license, a form for the biennial report of continuing education. Each applicant for renewal must sign the form certifying that:

(a) He has completed the continuing education required by NAC 641.136; and

(b) The evidence of completion of continuing education required pursuant to subsection 1 is true and accurate.

3. If a licensee misrepresents the completion of continuing education, he will be subject to disciplinary action, including, without limitation, suspension, revocation or nonrenewal of his license. A licensee whose license has been suspended or not renewed must complete the continuing education required by NAC 641.136 before the Board will consider whether to reinstate his license.

4. If a licensee does not satisfy the continuing education requirement, his license will not be renewed and he will be subject to disciplinary action. The Board may grant a licensee a 60-day extension if he submits to the Board, on or before December 1 immediately preceding the expiration of his license, a written request for an extension which includes a compelling explanation for his inability to complete the continuing education requirement during the immediately preceding 2 years.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 12-28-95; A by R090-01, 2-7-2002)

NAC 641.133 Placement of license on inactive status; renewal or restoration to active status. (NRS 641.100)

1. Upon written request to the Board and payment of the fee prescribed by the Board, a person who is licensed to engage in the practice of psychology *or behavior analysis* in this State may have his license placed on inactive status.

2. A person whose license is placed on inactive status shall not engage in the practice of psychology *or behavior analysis* during the period in which the license is on inactive status.

3. A person who wishes to renew a license that is placed on inactive status must submit to the Board:

(a) An application for the renewal of the license; and

(b) The fee for the biennial renewal of a license on inactive status.

4. A person whose license is placed on inactive status may apply to the Board to have his license restored to active status. The Board will restore the license to active status upon:

(a) The submission of an application for the restoration of the license;

(b) The payment of the appropriate fee as set forth in NAC 641.135 for the restoration to active status of a license on inactive status;

(c) The submission of proof of completion of the requirements for continuing education for the 2 years immediately preceding the date of the application;

(d) If the applicant has engaged in the practice of psychology in another jurisdiction during the period his license was on inactive status, the submission of proof that he is in good standing and that there are no disciplinary proceedings pending against him in that jurisdiction;

(e) Submission of any other proof the Board may require to determine whether the applicant is qualified and competent to engage in the practice of psychology; and

(f) If the Board considers it necessary, the successful completion of a written or oral examination.

(Added to NAC by Bd. of Psychological Exam'rs by R078-99, eff. 3-13-2000; A by R090-01, 2-7-2002)

NAC 641.135 Fees. (NRS 641.100, 641.370) The Board will charge and collect the following fees:

For an application for licensure.....	\$100
For the written examination for licensure.....	500
For the <i>state</i> examination for licensure.....	240
For the issuance of an initial license <i>or certificate</i>	25
For the biennial renewal of a license <i>of a psychologist</i>	500
<i>For the biennial renewal of a license of a License Behavior Analyst</i>	400
<i>For the biennial renewal of a license of a licensed assistant behavior analyst</i>	275
<i>For the biennial renewal of a certificate of a certified autism behavior</i>	
<i>interventionist</i>	175
For the registration of a firm, partnership or corporation.....	300
For the placement of a license on inactive status.....	100
<i>For the placement of a certificate on inactive status</i>	75
For the biennial renewal of a license on inactive status.....	100
<i>For the biennial renewal of a certificate on inactive status</i>	75
For the restoration to active status of a <i>psychology</i> license on inactive status if the restoration occurs during the first year of the biennium in which the license was issued or renewed.....	400
<i>For the restoration to active status of a behavior analyst license on inactive status if the restoration occurs during the first year of the biennium in which the license was issued or renewed</i>	300
<i>For the restoration to active status of an assistant behavior analyst license on inactive status if the restoration occurs during the first year of the biennium in which the license was issued or renewed</i>	175
<i>For the restoration to active status of a certified autism behavior interventionist on inactive status if the restoration occurs during the first year of the biennium in which the license was issued or renewed</i>	100
For the restoration to active status of a <i>psychology</i> license on inactive status if the restoration occurs during the second year of the biennium in which the license was issued or renewed.....	150
<i>For the restoration to active status of a behavior analyst license on inactive status if the restoration occurs during the second year of the biennium in which the license was issued or renewed</i>	100
<i>For the restoration to active status of an assistant behavior analyst license on inactive status if the restoration occurs during the second year of the</i>	

<i>biennium in which the license was issued or renewed.....</i>	<i>40</i>
<i>For the restoration to active status of a certified autism behavior interventionist on inactive status if the restoration occurs during the second year of the biennium in which the license was issued or renewed....</i>	<i>15</i>
For the registration of a nonresident consultant.....	100
For reproduction and mailing of material for an application.....	25
For a set of mailing labels.....	15
For a dishonored check.....	15
For the review of a failed examination.....	175
For a change of name on a license <i>or certificate</i>	25
For a duplicate license <i>or certificate</i>	25
For a list of practicing psychologists, <i>Behavior Analysts, Assistant Behavior Analysts or Certified Autism Behavior Interventionist</i>	10 <i>each</i>
For a list of persons granted a license <i>or certificate</i> in any year.....	10
For copies of the provisions of NRS relating to the practice of psychology <i>and Behavior Analysts</i> and the rules and regulations adopted by the Board.....	25
For a letter of good standing.....	15
For the review and approval of a course or program of continuing education.....	25

(Added to NAC by Bd. of Psychological Exam'rs, eff. 7-7-82; A 8-24-90; 7-11-94; 12-28-95; R153-97, 12-19-97; R078-99, 3-13-2000; R090-01, 2-7-2002; R077-02, 7-25-2002)

NAC 641.136 Continuing education: Requirement for renewal of license *as a psychologist*; acceptance of courses and programs by Board. (NRS 641.100, 641.220)

1. To renew his license, a psychologist must certify to the Board that during the 2 years immediately preceding the date he submit his application for renewal he has completed 30 hours of continuing education in courses approved by the Board pursuant to subsection 2 or NAC 641.138. At least 6 hours must include instruction in scientific and professional ethics and standards, and common areas of professional misconduct. Not more than 15 hours may be obtained from an approved distance education course. A licensee may not receive credit for continuing education for a course in which he is the instructor.

2. The Board will accept the following types of continuing education courses or programs:

(a) Formally organized workshops, seminars or classes which maintain an attendance roster and are conducted by or under the auspices of an accredited institution of higher education offering graduate instruction.

(b) Workshops, seminars or classes which maintain an attendance roster and are certified or recognized by a state, national or international accrediting agency, including, but not limited to:

- (1) The American Psychological Association;
- (2) The American Psychiatric Association;
- (3) The American Medical Association;
- (4) The American Association for Marriage and Family Therapy;
- (5) The American Counseling Association;
- (6) The International Congress of Psychology; or
- (7) The National Association of Social Workers.

(c) Other workshops, classes, seminars and training sessions in psychology, or a closely related discipline which have a formal curriculum and attendance roster and receive approval by the Board.

(d) Distance education courses in psychology or a closely related discipline that are approved by the Board.

3. As used in this section, “distance education course” means a course of instruction in which the student receives instruction at a location at which the instructor is not physically present. The term includes, without limitation, a course designed for home study and a course in which instruction is provided via CD-ROM, the Internet or videoconference.

(Added to NAC by Bd. of Psychological Exam’rs, eff. 12-28-95; A by R090-01, 2-7-2002)

NAC 641.1361 Continuing education: Requirement for renewal of license as a behavior analyst and assistant behavior analyst; acceptance of courses and programs by Board.

1. To renew his license, a behavior analyst, or assistant behavior analyst must certify to the Board that during the 2 years immediately preceding the date he submits an application for renewal he has completed 30 hours of continuing education in courses approved by the Board in human development and behavior therapy. At least 6 hours must include instruction in scientific and professional ethics and standards, and common areas of professional misconduct. Not more than 15 hours may be obtained from an approved distance education course. A licensee may not receive credit for continuing education for a course in which he is the instructor.

2. The Board will accept the following types of continuing education courses or programs:

(a) Formally organized workshops, seminars or classes which maintain an attendance roster and are conducted by or under the auspices of an accredited institution of higher education offering graduate instruction.

(b) Workshops, seminars or classes which maintain an attendance roster and are certified or recognized by a state, national or international accrediting agency, including, but not limited to:

(1) The American Psychological Association;

(2) The American Psychiatric Association;

(3) The American Medical Association;

(4) The American Association for Marriage and Family Therapy;

(5) The American Counseling Association;

(6) The International Congress of Psychology; or

(7) The National Association of Social Workers

(8) Association for Behavior Analysis International.

(c) Other workshops, classes, seminars and training sessions in psychology, behavior analysis or a closely related discipline which have a formal curriculum and attendance roster and receive approval by the Board.

(d) Distance education courses in psychology, behavior analysis or a closely related discipline that are approved by the Board.

3. As used in this section, “distance education course” means a course of instruction in which the student receives instruction at a location at which the instructor is not physically present. The term includes, without limitation, a course designed for home study and a course in which instruction is provided via CD-ROM, the Internet or videoconference.

NAC 641.1362 Continuing education: Requirement for renewal of certification; acceptance of courses and programs by Board. (NRS 641.100, 641.220)

1. *To renew his certificate, an autism behavior interventionist must certify to the Board that during the 2 years immediately preceding the date he submits an application for renewal he has completed*

- (a) 24 hours of continuing education approved by the Board;*
- (b) At least six (6) hours must include instruction in scientific, professional ethics and standards, and common area of professional misconduct.*
- (c) If enrolled in Bachelor's level classes continuing education is requirements are waived.*
- (d) Not more than 12 hours may be obtained from an approved distance education course. A certificate holder may not receive credit for continuing education for a course in which he is the instructor.*

2. *In order to maintain certification, an autism behavior interventionist must participate in four (4) hours of direct service to clients per week, on average.*

3. *In order to maintain certification, autism behavior interventionist must pass a practice-based examination as approved by the Board on an annual basis. This practiced-based exam will be administered by the autism behavior interventionist's supervising behavior analysis or assistant or assistant behavior analysis. The practice based exam will be video taped and the Board may review the video taped exams to determine eligibility for certification renewal.*

The Board will accept the following types of continuing education ~~[courses or programs]~~:

4. (a) *Formally organized workshops, seminars or classes which maintain an attendance roster and are conducted by or under the auspices of an accredited institution of higher education offering graduate instruction.*

(b) *Workshops, seminars or classes which maintain an attendance roster and are certified or recognized by a state, national or international accrediting agency, including, but not limited to:*

- (1) The American Psychological Association;*
- (2) The American Psychiatric Association;*
- (3) The American Medical Association;*
- (4) The American Association for Marriage and Family Therapy;*
- (5) The American Counseling Association;*
- (6) The International Congress of Psychology; or*
- (7) The National Association of Social Workers*
- (8) The Association for Behavior Analysis International.*

(c) *Other workshops, classes, seminars and training sessions in psychology, behavior analysis or a closely related discipline which have a formal curriculum and attendance roster and receive approval by the Board.*

(d) *Distance education courses in psychology, behavior analysis or a closely related discipline that are approved by the Board.*

5. *As used in this section, "distance education course" means a course of instruction in which the student receives instruction at a location at which the instructor is not physically present. The term includes, without limitation, a course designed for home study and a course in which instruction is provided via CD-ROM, the Internet or videoconference.*

NAC 641.1365 Continuing education: Hours awarded for certain activities. (NRS 641.100, 641.220) The Board will award not more than 8 hours of continuing education within a 2-year period to any person licensed by the Board who is appointed by the Board to:

- 1. Conduct or develop an oral examination; or

2. Serve on a committee approved by the Board.

(Added to NAC by Bd. of Psychological Exam'rs by R078-99, eff. 3-13-2000)

NAC 641.137 Continuing education: Requirement for approval of *psychology* course or program by Board. (NRS 641.100, 641.220)

1. A continuing education course or program must be approved by the Board pursuant to NAC 641.136 or 641.138 and:

(a) Be presented in accordance with accepted educational principles at a doctoral or postdoctoral level which is appropriate for professional psychologists;

(b) Be at least 1 hour in length, not including breaks; and

(c) Be primarily related to the study of psychology or have a potential application to the practice of psychology.

2. The subjects acceptable for a continuing education course or program include, but are not limited to:

(a) Scientific and professional ethics and standards;

(b) Forensic issues;

(c) Research design and methodology;

(d) Tests and measurements;

(e) Psychotherapeutic techniques;

(f) Biological bases of behavior, including physiological psychology, comparative psychology, neuropsychology, human sexuality and psychopharmacology;

(g) Cognitive and emotional bases of behavior, including learning, memory, perception, cognition, thinking, motivation and emotion;

(h) Social bases of behavior, including social, group, cultural and ethnic processes, sex roles, and organization and systems therapy; and

(i) Differences in persons, including personality therapy, human development, abnormal psychology, psychopathology and the psychology of handicapped persons.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 12-28-95; A by R090-01, 2-7-2002)

NAC 641.138 Continuing education: Request for approval of course or program. (NRS 641.100, 641.220)

1. The Board will evaluate a written request for the approval of a continuing education course or program which is submitted by the sponsoring organization or agency on a form provided by the Board at least 30 days before the first day of the course or program. If the Board does not approve a course or program, the sponsoring organization or agency may, within 30 days after it receives notice of the Board's disapproval, submit to the Board a written request for reconsideration. A request for reconsideration will be considered by the Board at its next regularly scheduled meeting.

2. A written request for approval must include, without limitation:

(a) The name, address and telephone number of the person submitting the application;

(b) The name of the sponsoring organization or agency;

(c) The title of the continuing education course or program;

(d) The date, time and location of the course or program;

(e) The number and type of persons expected to attend the course or program and the maximum enrollment, if any;

(f) The number of hours of instruction, excluding breaks;

(g) The subjects that the course or program will cover;

- (h) For each instructor:
 - (1) His name, address and daytime telephone number; and
 - (2) His professional affiliations, educational background and work history which is relevant to the course or program;
 - (i) A description of:
 - (1) The goal or purpose of the course or program;
 - (2) The content of the course or program;
 - (3) The objectives of the course or program;
 - (4) The amount of time which will be allotted for each objective of the course or program;
 - (5) The instructor who will teach each objective of the course or program;
 - (6) The method of teaching each objective of the course or program; and
 - (7) The evaluation process which will be used to determine whether the participants achieved the objectives of the course or program;
 - (j) A copy of the refund form for the course or program which includes a statement of the refund policy;
 - (k) A copy of the certificate of completion for the course or program which must include space for:
 - (1) The name of the sponsoring organization;
 - (2) The name and signature of each instructor;
 - (3) The name of the person who completed the course or program and his license number;
 - (4) The title of the course or program;
 - (5) The number of hours of the course or program;
 - (6) The date and location of the course or program; and
 - (7) The signature of a person who represents the sponsoring organization; and
 - (l) A copy of the brochure or advertising material, if any, for the course or program.
- (Added to NAC by Bd. of Psychological Exam'rs, eff. 12-28-95)

NAC 641.139 Continuing education: Responsibilities of sponsor of course or program. (NRS 641.100, 641.220) A sponsoring agency or organization of a continuing education course or program shall provide to the Board:

1. The attendance roster for the course or program; and
2. Written documentation for each licensee who successfully completed the objectives of the course or program.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 12-28-95)

NAC 641.1395 Continuing education: Investigation of complaint regarding course or program. (NRS 641.100, 641.220) If the Board receives a written complaint concerning an instructor of a continuing education course or program, a sponsoring agency or organization, or both, the Board may investigate the complaint. The investigation may include a determination of the relevant facts and an investigation of the materials and records of the instructor for the course or program.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 12-28-95)

NAC 641.140 Areas of acceptable *psychological* practice and specialization. (NRS 641.100, 641.112)

1. The Board will specify in writing at the time of granting a license, or at other times, if circumstances dictate, the areas of acceptable practice of each holder of a *psychologist's* license,

and may require, at intervals, evidence that *his* practice is confined to the areas of his competence.

2. Areas of specialization recognized by the Board include, but are not limited to:

- (a) Clinical psychology.
- (b) Counseling psychology.
- (c) Educational psychology.
- (d) Industrial psychology.

~~[Bd. of Psychological Exam'rs, § 641.090, eff. 12-14-78]~~—(NAC A 8-24-90)

NAC 641.150 Genuine collaboration. (NRS 641.100) A psychologist who practices psychotherapy shall be deemed to have engaged in “genuine collaboration” if:

1. The client has not had a recent physical examination and the psychologist refers the client to a qualified physician for such evaluation.

2. The patient’s symptoms or complaints may have a physical basis and the psychologist refers the client to a qualified physician for consultation and evaluation.

3. Medication or hospitalization are considered as possibilities for treatment of the client and the psychologist refers the client to a qualified physician for a decision and possible treatment.

[Bd. of Psychological Exam’rs, Policy No. 4, eff. 6-28-65]

Certification

NAC 641.1501 Issuance of Certificate to a Certified Autism Behavior Interventionist.

1. The Board will issue a certificate to an applicant if the applicant:

- (a) At least 18 years of age;*
- (b) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States*
- (c) Has completed 40 hours of didactic training in Applied Behavior Analysis techniques in accordance with the BACB guidelines for Responsible Conduct for Behavior Analysts*
- (d) Has submitted to and passed a criminal background check.*
- (e) Has passed a standardized practical exam as developed and approved by the Board. This exam shall be conducted by the applicant’s supervisor and videotaped. The Board, at its discretion, may review this videotape when the applicant applies for certification.*
- (f) 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 Behavior Analysis all other relevant statutes and regulations;*
- (g) Successfully completes an examination prescribed by the Board to test the applicant’s knowledge of the Behavior analysis field;*
- (h) Has not been subject to disciplinary action in another jurisdiction;*
- (i) Does not have any outstanding complaints or charges pending against him in another jurisdiction;*
- (j) Has not previously been denied certification by the Board; and*
- (k) Submits to the Board the appropriate application and fees and three letters of professional reference that attest without reservation to the professional competence, moral character and current fitness to practice of the applicant.*

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

- (a) His moral character;*
 - (b) His current fitness to practice as a certified autism behavior interventionist;*
 - (c) His intent to practice as a certified autism behavior interventionist in a manner consistent with his education, training and experience.*
- 3. The Board may provide a provisional certificate for a period of one year to an applicant for certification as a certified autism behavior interventionist who has completed all requirements for certification as a certified autism behavioral interventionist in the State of Nevada and is waiting to take and pass the Nevada Certification Examination, until such time as the exam is offered on a monthly basis.*

NAC 641.1502 Certified Autism Behavior Interventionist: Supervision.

- 1. 10% of monthly hours must be directly supervised by a licensed psychologist, behavior or assistant behavior analyst.*
 - (a) a minimum of four(4) hours per month of direct supervision;*
 - (b) one (1) of those hours involving individual, one to one supervision;*
 - (c) And one to one supervision with a licensed psychologist, behavior or assistant behavior analyst.*
- 2. 50% of supervision can involve synchronous video conferencing equivalent to a face to face meeting.*
 - (a) Group meetings can consist of no more than ten (10) licensed psychologists, behavior analyst, assistant behavior analyst or certified autism behavior interventionists.*

NAC 641.1503 Renewal of Certification.

1. To renew his certification a certified autism behavior interventionist must submit to the Board an application for renewal, the required fees and the form for the biennial report of continuing education required pursuant to subsection 2. The certificate holder shall retain evidence of the completion of the continuing education and direct service required by NAC 641.1361 for at least 5 years after the completion. Evidence of completion of continuing education includes, without limitation, a letter signed by the instructor of the course or program or the agent of the sponsoring agency or organization, and a certificate of completion approved by the Board pursuant to NAC 641.138. Upon the request of the Board, the licensee must provide evidence of completion of the continuing education.

2. The Board will mail to each certificate holder, before the expiration of his certificate, a form for the biennial report of continuing education. Each applicant for renewal must sign the form certifying that:

- (a) He has completed the continuing education required by NAC 641.1361;*
- (b) The evidence of completion of continuing education required pursuant to subsection 1 is true and accurate; and*
- (c) Proof of direct service provided.*

3. If a certificate holder misrepresents the completion of continuing education or direct service, he will be subject to disciplinary action, including, without limitation, suspension, revocation or nonrenewal of his certificate. A certificate holder whose certificate has been suspended or not renewed must complete the continuing education required by NAC 641.1361 before the Board will consider whether to reinstate his certificate.

4. If a certificate holder does not satisfy the continuing education requirement, his certificate will not be renewed and he will be subject to disciplinary action. The Board may grant a certificate holder a 60-day extension if he submits to the Board, on or before December 1 immediately preceding the expiration of his certificate, a written request for an extension which includes a compelling explanation for his inability to complete the continuing education requirement during the immediately preceding 2 years.

FIRMS, PARTNERSHIPS AND CORPORATIONS

NAC 641.1505 Registration; notification of certain changes; exemption from requirements. (NRS 641.100, 641.113)

1. Except as otherwise provided in subsection 3, a firm, partnership or corporation that engages in or offers to engage in the practice of psychology must register with the Board and pay the fee for registration before it commences to engage in or offer to engage in the practice of psychology.

2. A firm, partnership or corporation shall notify the Board of any change in ownership or of the addition or departure of any psychologist associated with the firm, partnership or corporation within 30 days after the change. The firm, partnership or corporation must complete a new registration for any change in ownership.

3. The following entities are exempt from the requirements of this section:

(a) A federal, state or local governmental agency or institution.

(b) A firm or corporation that bears the name of a psychologist who is the only person practicing under the name of the firm or corporation.

(c) A firm, partnership or corporation that is formed for the sole purpose of sharing administrative expenses, including, without limitation, rent, services for billing patients and clerical support, if:

(1) The place of business of the firm, partnership or corporation is not identified by the name of the firm, partnership or corporation;

(2) Records of patients, correspondence concerning patients and materials for billing patients do not display the name of the firm, partnership or corporation;

(3) The name of the firm, partnership or corporation is not used in any advertising by the firm, partnership or corporation;

(4) The firm, partnership or corporation does not hold a business license issued by a county, city or town to engage in the practice of psychology; and

(5) Professional liability insurance is not held in the name of the firm, partnership or corporation.

(Added to NAC by Bd. of Psychological Exam'rs by R153-97, eff. 12-19-97; A by R077-02, 7-25-2002; R089-03, 1-18-2005)

PSYCHOLOGICAL ASSISTANTS, INTERNS AND UNLICENSED PERSONNEL

NAC 641.151 Psychological assistants: Registration. (NRS 641.100, 641.170)

1. A person must register with the Board as a psychological assistant if the person wishes to obtain any postdoctoral supervised experience that is required pursuant to paragraph (c) of subsection 2 of NAC 641.080 or paragraph (c) of subsection 3 of NAC 641.080 for licensure as a psychologist.

2. Unless otherwise approved by the Board, a person may apply to the Board for registration as a psychological assistant only after he graduates with a doctoral degree from:

(a) A training program which is accredited by the American Psychological Association or a program which meets the requirements of NAC 641.061; or

(b) An institution which meets the requirements of subsection 2 of NAC 641.050.

3. Registration as a psychological assistant is for 3 years unless otherwise approved by the Board.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 8-3-88; A 8-24-90; 1-24-94; 12-28-95; R089-03, 1-18-2005)

REVISER'S NOTE.

The regulation of the Board of Psychological Examiners filed with the Secretary of State on January 18, 2005 (LCB File No. R089-03), which amended this section, contains the following provision not included in NAC:

"A person who engages in activities as a psychological assistant in this State on January 18, 2005, or has engaged in such activities before January 18, 2005, is exempt from the amendatory requirements of NAC 641.151, 641.152 and 641.157 until his supervised experience is completed or terminated."

NAC 641.152 Psychological assistants: Supervision; assignment to specialist. (NRS 641.100, 641.170)

1. A psychological assistant may work only under the supervision and control of a psychologist who satisfies the requirements of NAC 641.1563.

2. The supervisor of a psychological assistant is responsible for the adequate supervision of the psychological assistant. For specific skill training, the supervisor may assign the psychological assistant to a specialist, including, without limitation, a person who is licensed in this State as a psychiatrist, social worker or marriage and family therapist or a person who is licensed or certified in this State as an alcohol and drug abuse counselor. The specialist must have clearly established practice and teaching skills that are demonstrable to the satisfaction of the Board. Not more than one-quarter of the number of supervised hours needed to fulfill the required year of postdoctoral experience may be accrued under the direction of specialists.

3. A psychological assistant must be:

(a) An employee of the supervisor; or

(b) Subject to the control and direction of a supervisor who is affiliated with the same agency or institution at which the psychological assistant works.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 8-3-88; A 8-24-90; R089-03, 1-18-2005)

REVISER'S NOTE.

The regulation of the Board of Psychological Examiners filed with the Secretary of State on January 18, 2005 (LCB File No. R089-03), which amended this section, contains the following provisions not included in NAC:

"1. A person who engages in activities as a psychological assistant in this State on January 18, 2005, or has engaged in such activities before January 18, 2005, is exempt from the amendatory requirements of NAC 641.151, 641.152 and 641.157 until his supervised experience is completed or terminated.

2. A person who engages in activities as a psychological intern in this State on January 18, 2005, or has engaged in such activities before January 18, 2005, is exempt from the amendatory requirements of NAC 641.152, 641.157 and 641.165 until his internship is completed or terminated.

3. A psychologist who supervises a psychological assistant or a psychological intern in this State on January 18, 2005, is exempt from the amendatory requirements of NAC 641.152, 641.157 and 641.165 and sections 6, 7 and 8 of this regulation [NAC 641.1563, 641.1565 and 641.1567] until his supervision of the psychological assistant or psychological intern is completed or terminated."

NAC 641.153 Psychological assistants: Agreement regarding employment. (NRS 641.100, 641.170) An employment agreement entered into by a psychological assistant and his employing supervisor or agency must be in writing and is subject to approval by the Board.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 8-3-88)

NAC 641.154 Psychological assistants: Wages; compensation of supervisor; emphasis of supervision. (NRS 641.100, 641.170)

1. A psychological assistant is entitled to be paid a fixed wage on a periodic basis, and may not be paid based on a percentage of the fees received.

2. A psychological assistant may not receive fees for professional services except as the agent of his employing supervisor or agency.

3. Except as otherwise provided in this subsection, a supervisor may not accept compensation from a psychological assistant for his supervision. In extenuating circumstances, the Board may approve the acceptance of such compensation by a supervisor. Any agreement concerning compensation of a supervisor by a psychological assistant for his supervision must be approved by the Board before it becomes effective.

4. A supervisor shall ensure that the emphasis of the supervised experience of a psychological assistant whom he supervises is on training the psychological assistant rather than on the raising of revenue by the psychological assistant.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 8-3-88; A by R089-03, 1-18-2005)

NAC 641.156 Psychological assistants: Presence of supervisor. (NRS 641.100, 641.170) Unless otherwise approved by the Board, a supervisor shall be physically present on the premises where qualifying professional activities are undertaken by a psychological assistant at least one-half of the time during which the activities are performed.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 8-3-88; A by R089-03, 1-18-2005)

NAC 641.1563 Psychological assistants: Qualifications of supervisor. (NRS 641.100, 641.170)

1. A psychologist who wishes to serve as a supervisor must:

(a) Except as otherwise approved by the Board, be licensed by the Board to practice psychology;

(b) Except as otherwise approved by the Board, have been licensed by the Board to practice psychology for 3 years or more; and

(c) Have had training or experience in clinical supervision, including, without limitation, the completion of continuing education courses, other courses or courses of independent study relating to clinical supervision.

2. A supervisor shall maintain, and provide to the Board upon request, documentation substantiating that he satisfies the requirements set forth in subsection 1.

(Added to NAC by Bd. of Psychological Exam'rs by R089-03, eff. 1-18-2005)

REVISER'S NOTE.

The regulation of the Board of Psychological Examiners filed with the Secretary of State on January 18, 2005 (LCB File No. R089-03), the source of this section, contains the following provision not included in NAC:

"A psychologist who supervises a psychological assistant or a psychological intern in this State on January 18, 2005, is exempt from the amendatory requirements of NAC 641.152, 641.157 and 641.165 and sections 6, 7 and 8 of this regulation [NAC 641.1563, 641.1565 and 641.1567] until his supervision of the psychological assistant or psychological intern is completed or terminated."

NAC 641.1565 Psychological assistants: Supervision involving potential conflict of interest prohibited. (NRS 641.100, 641.170)

1. A supervisor shall not supervise a psychological assistant if that supervision involves a potential conflict of interest, including, without limitation, supervision of a psychological assistant:

- (a) Who is a member of his household;
- (b) Who is related to him by blood, adoption or marriage, within the third degree of consanguinity or affinity;
- (c) With whom he has had or is having a dating relationship;
- (d) With whom the supervisor has a financial or business relationship, including, without limitation, an agreement concerning compensation of the supervisor by the psychological assistant for his supervision, unless the financial or business relationship is approved by the Board or authorized by NAC 641.154; and
- (e) With whom the supervisor has a psychologist-patient relationship.

2. As used in this section, “dating relationship” means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

(Added to NAC by Bd. of Psychological Exam’rs by R089-03, eff. 1-18-2005)

REVISER’S NOTE.

The regulation of the Board of Psychological Examiners filed with the Secretary of State on January 18, 2005 (LCB File No. R089-03), the source of this section, contains the following provision not included in NAC:

“A psychologist who supervises a psychological assistant or a psychological intern in this State on January 18, 2005, is exempt from the amendatory requirements of NAC 641.152, 641.157 and 641.165 and sections 6, 7 and 8 of this regulation [NAC 641.1563, 641.1565 and 641.1567] until his supervision of the psychological assistant or psychological intern is completed or terminated.”

NAC 641.1567 Psychological assistants: Duties of supervisor regarding preparation and maintenance of records and notification of Board. (NRS 641.100, 641.170)

1. A supervisor shall prepare records that will enable him to:
- (a) Effectively train and evaluate each psychological assistant whom he supervises; and
 - (b) Accurately determine the number of hours of supervised experience obtained by each psychological assistant whom he supervises.
2. A supervisor shall maintain all records relating to the supervision of a psychological assistant, including, without limitation, the records required to be maintained pursuant to NAC 641.157, 641.159 and 641.219, for not less than 5 years after the last date of supervision. Upon request, such records must be available for inspection by the Board.
3. A supervisor shall notify the Board within 10 days after his supervision of a psychological assistant is completed or terminated.
4. A supervisor shall notify the Board of any change in his residential address or business address within 30 days after the change.

(Added to NAC by Bd. of Psychological Exam’rs by R089-03, eff. 1-18-2005)

REVISER’S NOTE.

The regulation of the Board of Psychological Examiners filed with the Secretary of State on January 18, 2005 (LCB File No. R089-03), the source of this section, contains the following provision not included in NAC:

“A psychologist who supervises a psychological assistant or a psychological intern in this State on January 18, 2005, is exempt from the amendatory requirements of NAC 641.152, 641.157 and 641.165 and sections 6, 7 and 8 of this regulation

[NAC 641.1563, 641.1565 and 641.1567] until his supervision of the psychological assistant or psychological intern is completed or terminated.”

NAC 641.157 Psychological assistants: Duties of supervisor regarding weekly meetings and individual supervision; grounds for discipline of supervisor. (NRS 641.100, 641.170)

1. A supervisor shall meet with the psychological assistant whom he supervises at least once each week to discuss and critique the performance of the psychological assistant.

2. A supervisor shall provide a psychological assistant whom he supervises with at least 4 hours of individual supervision each month.

3. The supervisor shall document the hours of individual supervision provided pursuant to subsection 2.

4. A psychologist who does not adequately supervise his psychological assistant is subject to disciplinary action by the Board for committing an unethical practice contrary to the interest of the public.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 7-7-82; A 8-3-88; R089-03, 1-18-2005)

REVISER'S NOTE.

The regulation of the Board of Psychological Examiners filed with the Secretary of State on January 18, 2005 (LCB File No. R089-03), which amended this section, contains the following provisions not included in NAC:

“1. A person who engages in activities as a psychological assistant in this State on January 18, 2005, or has engaged in such activities before January 18, 2005, is exempt from the amendatory requirements of NAC 641.151, 641.152 and 641.157 until his supervised experience is completed or terminated.

2. A person who engages in activities as a psychological intern in this State on January 18, 2005, or has engaged in such activities before January 18, 2005, is exempt from the amendatory requirements of NAC 641.152, 641.157 and 641.165 until his internship is completed or terminated.

3. A psychologist who supervises a psychological assistant or a psychological intern in this State on January 18, 2005, is exempt from the amendatory requirements of NAC 641.152, 641.157 and 641.165 and sections 6, 7 and 8 of this regulation [NAC 641.1563, 641.1565 and 641.1567] until his supervision of the psychological assistant or psychological intern is completed or terminated.”

NAC 641.158 Psychological assistants: Limitations on number of assistants and supervisors. (NRS 641.100, 641.170) A psychologist may not serve as a supervisor to more than three psychological assistants at the same time. A psychological assistant may not be employed by more than two supervisors at the same time.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 8-3-88; A by R089-03, 1-18-2005)

NAC 641.159 Psychological assistants: Log of experience. (NRS 641.100, 641.170)

1. A supervisor and his psychological assistant shall keep a regular log of supervised professional experience intended to meet the requirements of paragraph (e) of subsection 1 of NRS 641.170.

2. The log must show:

(a) The nature of the professional activities and services rendered by the psychological assistant;

(b) The population or clients served; and

(c) Any supervisory contacts.

3. Entries to the log must be verified by the supervisor and the psychological assistant.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 8-3-88; A by R089-03, 1-18-2005)

NAC 641.161 Psychological assistants: Responsibilities of supervisor and assistant; advertising. (NRS 641.100, 641.170)

1. A supervisor and his psychological assistant are responsible for informing clients of the assistant's status.

2. The supervisor is ethically and legally responsible for all professional activities undertaken by the assistant.

3. A psychological assistant may not advertise or be listed on any roster, panel or directory of psychologists other than that published by the Board.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 8-3-88)

NAC 641.165 Psychological interns. (NRS 641.100, 641.390)

1. A psychological intern who is in a doctoral training program in psychology at an educational institution accredited by the Northwest Association of Accredited Schools, or an equivalent regional accrediting organization, and engaged in a predoctoral internship pursuant to the requirements of the training program may, in the context of that internship, be identified as a "psychological intern."

2. Except as otherwise provided in this section, a psychological intern is subject to the provisions of NAC 641.151 to 641.161, inclusive.

3. A psychological intern is not required to register with the Board.

4. A psychologist supervising a psychological intern is subject to the provisions of:

(a) Subparagraph (7) of paragraph (b) of subsection 4 of NAC 641.080 concerning his physical presence on the premises where the predoctoral internship occurs; and

(b) NAC 641.1563 to 641.157, inclusive.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 8-3-88; A by R089-03, 1-18-2005)

REVISER'S NOTE.

The regulation of the Board of Psychological Examiners filed with the Secretary of State on January 18, 2005 (LCB File No. R089-03), which amended this section, contains the following provisions not included in NAC:

"1. * * *

2. A person who engages in activities as a psychological intern in this State on January 18, 2005, or has engaged in such activities before January 18, 2005, is exempt from the amendatory requirements of NAC 641.152, 641.157 and 641.165 until his internship is completed or terminated.

3. A psychologist who supervises a psychological assistant or a psychological intern in this State on January 18, 2005, is exempt from the amendatory requirements of NAC 641.152, 641.157 and 641.165 and sections 6, 7 and 8 of this regulation [NAC 641.1563, 641.1565 and 641.1567] until his supervision of the psychological assistant or psychological intern is completed or terminated."

NAC 641.168 Psychological unlicensed personnel. (NRS 641.100)

1. A licensed psychologist may have personnel who are not licensed pursuant to chapter 641 of NRS perform the following types of psychological testing under the psychologist's direct supervision and periodic observation:

(a) Objective written psychological tests may be administered and scored only by a person who has successfully completed training to administer and score such tests.

(b) Objective tests that require a response other than in writing may be administered and scored only by a school psychologist or a person who has completed the training in psychometrics that is required for a master's degree.

(c) Projective tests may be administered and scored only by a psychological assistant or a psychological intern who has successfully completed training to administer and score such tests.

2. The results of a psychological test may be interpreted only by a psychological assistant or a psychological intern who has successfully completed training to interpret such a test.

3. The supervising psychologist is responsible at all times for the actions of the personnel who administer, score and interpret such psychological tests.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 7-11-94)

PRACTICE BEFORE THE BOARD OF PSYCHOLOGICAL EXAMINERS

NAC 641.170 Requests for Board to adopt, file, amend or repeal regulations. (NRS 641.100) Any interested person or agency may request that the Board adopt, file, amend or repeal any of these regulations by letter addressed to the President or Secretary-Treasurer of the Board.

[Bd. of Psychological Exam'rs, § 641.020, eff. 12-14-78]

NAC 641.172 Informal disposition of complaints. (NRS 641.100) If, after investigating a complaint, the Attorney General determines that the complaint does not justify or require formal disciplinary proceedings, the President or a person designated by the President may consider and resolve the complaint through informal conferences, meetings, agreements or other informal action as may be appropriate under the circumstances. Such informal action is held without prejudice to the Board, and formal proceedings may be instituted subsequently by the Board, the President or a person designated by the President for the same or related matters. If new evidence is discovered, the matter may, at any time, be reopened and investigated further if the circumstances so warrant.

(Added to NAC by Bd. of Psychological Exam'rs by R077-02, eff. 7-25-2002)

NAC 641.173 Pleadings. (NRS 641.100)

1. Each pleading or paper filed with the Board in connection with a proceeding for a disciplinary action must be designated as an application, petition, complaint, answer or motion.

2. All pleadings, other than motions and complaints, brought by the Board on its own motion must be verified.

3. The Board may allow any pleading to be amended or corrected or any omission therein to be supplied.

4. Pleadings will be liberally construed and defects that do not affect substantial rights of the parties will be disregarded.

(Added to NAC by Bd. of Psychological Exam'rs by R077-02, eff. 7-25-2002)

NAC 641.174 Answer to formal complaint; motions. (NRS 641.100)

1. An answer to a formal complaint reported to the Board by the Attorney General must be filed with the Board and service thereof made on parties of record within 15 days after service of the complaint, unless the Board for good cause extends the time by which the answer must be filed. Any matter that is alleged as an affirmative defense must be separately stated and numbered.

2. A respondent who fails to answer a complaint in a timely manner pursuant to subsection 1 shall be deemed to have denied the allegations set forth in the complaint generally and, unless otherwise allowed by the Board, is precluded from establishing any affirmative defense at the hearing. The Board will proceed with the matter based solely upon the issues set forth in the complaint unless the matter is continued by the Board.

3. Any motion upon the complaint must be filed before the answer is due. If it is not so filed, the objection must be raised in the answer.

4. If a motion is directed toward an answer, the motion must be filed within 5 days after service of the answer.

5. All other motions must be timely filed.

(Added to NAC by Bd. of Psychological Exam'rs by R077-02, eff. 7-25-2002)

NAC 641.175 Representation by attorney; conduct at hearing. (NRS 641.100, 641.280)

1. A respondent may be represented by an attorney licensed to practice law in this State. If the attorney is not licensed to practice law in this State, he must be associated with an attorney who is so licensed. The respondent may appear on his own behalf.

2. An attorney appearing in a hearing before the Board shall ensure that his conduct complies with the Nevada Rules of Professional Conduct.

3. All persons appearing in a hearing before the Board shall conform to the standards of ethical and courteous conduct required in the courts of this State.

4. If a person fails to conform his conduct to the standards required by this section, the Board may:

(a) Limit the evidence presented by that person; or

(b) Exclude the person or his representative from the hearing.

5. Any action taken by the Board pursuant to this section and the specific reasons for that action will be stated on the record.

6. The respondent shall pay the cost for representation by his attorney at a hearing before the Board.

(Added to NAC by Bd. of Psychological Exam'rs by R077-02, eff. 7-25-2002)

NAC 641.176 Withdrawal of attorney. (NRS 641.100) An attorney may withdraw from his representation of a respondent upon notice to the respondent and the Board. The notice must include the reason for the requested withdrawal. The Board may deny permission to withdraw if the withdrawal would unreasonably delay the hearing.

(Added to NAC by Bd. of Psychological Exam'rs by R077-02, eff. 7-25-2002)

NAC 641.177 Disciplinary hearings: Procedure; continuances. (NRS 641.100, 641.280)

1. The Board will convene a disciplinary hearing at the time and place specified in the complaint and notice of hearing. The person presiding at the hearing may grant a continuance only upon:

(a) A joint stipulation of the parties;

(b) The existence of an emergency condition; or

(c) A written request by a party filed at least 5 days before the date of the hearing and a showing by the party of good cause for the continuance. For the purpose of this paragraph, "good cause" must be narrowly construed.

2. A party requesting a continuance must appear on the date of the hearing and be prepared to proceed unless the request for a continuance has been made pursuant to a joint stipulation.

3. The hearing must proceed in the following manner unless the Board for good cause or to prevent manifest injustice orders otherwise:

(a) An opening statement may be made on behalf of the Board or be waived.

(b) An opening statement on behalf of the respondent may be made, reserved until the close of the Board's case or waived.

(c) Presentation of the Board's case, followed by cross-examination.

(d) Presentation of the respondent's case, followed by cross-examination.

(e) Rebuttal, which must be limited to issues previously raised. No new matter may be presented upon rebuttal unless the Board for good cause so permits.

(f) Argument on behalf of the Board, unless waived.

(g) Argument on behalf of the respondent, unless waived.

(h) Submittal of the matter for decision.

4. After the matter is submitted, the Board will render a decision and its order.

(Added to NAC by Bd. of Psychological Exam'rs by R077-02, eff. 7-25-2002)

NONRESIDENT PSYCHOLOGICAL CONSULTANTS

NAC 641.180 Approval to practice. (NRS 641.100, 641.410)

1. A psychologist who is invited to practice in Nevada pursuant to NRS 641.410 shall submit to the Board:

(a) An application for approval to practice as a consultant in this State. The application must be submitted at least 30 days before the psychologist intends to begin practice in this State.

(b) A letter from the inviting psychologist stating that he will have primary responsibility for the professional conduct of the invited psychologist.

(c) A sworn statement by the invited psychologist that he will only practice as a consultant in this State.

2. An invited psychologist must obtain the approval of the Board before practicing as a consultant in this State.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 7-11-94)

STANDARDS OF CONDUCT

NAC 641.200 Applicability. (NRS 641.100)

1. The provisions of NAC 641.200 to 641.250, inclusive:

(a) Apply to the conduct of any licensee, *certificate holder*, ~~for~~ applicant for licensure *or certification*, including conduct during any period of education, training or employment required for licensure *or certification*.

(b) Constitute the standards of conduct which a psychologist, *behavior analysts, assistant behavior analysts or certified autism behavior interventionist* shall follow in the provision of services.

2. A violation of the provisions of NAC 641.200 to 641.250, inclusive, constitutes unprofessional conduct and is a ground for disciplinary action or the denial of an application for an initial license or the renewal of a license.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 8-24-90; A 12-28-95; R090-01, 2-7-2002)

NAC 641.204 Determination of organization as patient. (NRS 641.100) An organization is a patient of a psychologist, *behavior analyst, assistant behavior analyst or certified autism behavior interventionist* if the professional contract between the organization and the ~~psychologist~~ *licensee or certificate holder* requires the *licensee or certificate holder* ~~psychologist~~ to provide services primarily to the organization rather than to the persons in the organization.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 12-28-95)

NAC 641.206 Authority of parent or legal guardian to make decisions concerning treatment; issues for which child or ward is patient. (NRS 641.100) If a ~~psychologist~~ *licensee or certificate holder* is treating a child or ward, the parent or legal guardian of the child or ward is the patient for the purpose of making decisions concerning treatment. The child or ward who is receiving services from the psychologist is also the patient for:

1. Issues directly affecting the physical or emotional safety of the child or ward, including, without limitation, sexual relationships or other exploitive dual relationships.
2. Issues which the parent or legal guardian has specifically agreed, before the child or ward receives ~~psychological~~ *professional* services, must be reserved to the child or ward, including, without limitation, confidential communications between the ~~psychologist~~ *licensee or certificate holder* and child or ward during the course of the professional relationship.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 12-28-95; A by R153-97, 12-19-97)

NAC 641.207 Child custody evaluation. (NRS 641.100)

1. A psychologist who performs a child custody evaluation shall:
 - (a) Ensure that his primary concerns in completing the child custody evaluation are the psychological interests and well-being of the child;
 - (b) Remain impartial and objective throughout the child custody evaluation;
 - (c) Not have or have had a relationship with the child, surrogate, parent or other legal guardian of the child other than as a psychologist performing the child custody evaluation unless ordered to perform such an evaluation by a court of competent jurisdiction that has knowledge that such a relationship exists or existed;
 - (d) Provide a child custody evaluation that is fair and unbiased;
 - (e) Gather and maintain the information necessary to complete the child custody evaluation, including, without limitation, information relating to:
 - (1) Each significant setting in which the child spends time;
 - (2) The recency and nature of the interactions of the child with each parental figure and other significant person in the child's life; and
 - (3) The developmental needs of the child;
 - (f) Provide an opportunity for the child to meet privately with the psychologist and express any concerns he may have;
 - (g) Determine whether other psychologists are evaluating the child and, if so, coordinate, to the extent possible, with those psychologists to minimize the possibility of conducting redundant child custody evaluations;
 - (h) Base his determination of the scope of the child custody evaluation on the best interests of the child, regardless of whether a request was made to evaluate only one aspect of the custody of the child;
 - (i) Before performing the child custody evaluation:
 - (1) Obtain the informed written consent of each adult being assessed who is participating in the child custody evaluation and, to the extent practicable, of the child who is the subject of the child custody evaluation;
 - (2) Inform each participant in the child custody evaluation, including, to the extent practicable, the child who is the subject of the child custody evaluation, of the conditions set forth in subsections 2, 3 and 4 of NAC 641.224 pursuant to which the psychologist will disclose confidential information relating to the child custody evaluation;
 - (3) Inform each participant in the child custody evaluation, including, to the extent practicable, the child who is the subject of the child custody evaluation, of the limitations on the

confidentiality of communications with the psychologist as required pursuant to subsections 5 and 6 of NAC 641.224; and

(4) Clarify the cost of the child custody evaluation and obtain an agreement concerning the payment of fees;

(j) Base an opinion relating to child custody on the integration of all the information obtained as part of the child custody evaluation without placing an inappropriate emphasis on data relating to clinical assessment and after taking into consideration any limitations in the information obtained or the methods used to obtain the information; and

(k) Complete the child custody evaluation in a timely manner.

2. Except as otherwise provided in this subsection, a psychologist shall not render any opinion concerning the psychological functioning of any person who has not been personally evaluated by the psychologist for a child custody evaluation. A psychologist may report what a person personally evaluated by the psychologist in a child custody evaluation has stated about a person who has not been so evaluated or may address theoretical or hypothetical questions concerning such a person so long as the limited basis of the information is noted.

3. As used in this section:

(a) "Child custody evaluation" means any evaluation which is performed by a psychologist and which is intended to affect the legal relationship between a child and:

- (1) The biological parent, adoptive parent or foster parent of the child;
- (2) A surrogate; or
- (3) Any other legal guardian of the child.

(b) "Surrogate" has the meaning ascribed to it in NRS 126.045.

(Added to NAC by Bd. of Psychological Exam'rs by R090-01, eff. 2-7-2002; A by R077-02, 7-25-2002)

NAC 641.208 Scope of practice *for psychologists*; competency required; acquisition and use of new service or technique; unnecessary treatment; referral of certain patients; basis for rendering formal professional opinion. (NRS 641.100, 641.112) A psychologist:

1. Shall limit his practice and supervision to the areas in which he 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 license, or accept or perform any professional service which he knows, or has reason to know, he 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 practices through continuing education, consultation or other methods, in conformance with current standards of scientific and professional knowledge.

5. Shall, if he is 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 he is 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 patients of the innovative nature and known risks of the new service or technique to provide his 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.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 12-28-95)

NAC 641.209 Scope of practice for behavior analysts and assistant behavior analysts; competency required; acquisition and use of new service or technique; unnecessary treatment; referral of certain clients; basis for rendering formal professional opinion. (NRS 641.100, 641.112) A behavior analyst or assistant behavior analyst:

1. Shall limit his practice and supervision to the areas in which he 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 license, or accept or perform any professional service which he knows, or has reason to know, he is not competent to perform.

3. Shall not engage in conduct in the practice of behavior analysis which evidences moral unfitness to practice the profession.

4. Shall maintain competence in the areas in which he practices through continuing education, consultation or other methods, in conformance with current standards of scientific and professional knowledge.

5. Shall, if he is employed by an agency, organization or institution, use every reasonable effort to assure that all services provided for clients are adequate in degree and scope, and conform to the highest professional standards.

6. Shall, if he is acquiring experience in a service or technique that is either new to the behavior analyst or new to the profession:

(a) Engage in continuing consultation with other behavior analysts or relevant professionals;

(b) Seek appropriate education and training in the new area; and

(c) Inform his clients of the innovative nature and known risks of the new service or technique to provide his clients with the freedom of choice concerning behavior analytic 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 refer or recommend referral of a client to:

- (a) Another professional; or*
 - (b) Technical or administrative resources,*
- if a referral is clearly in the best interests of the client.*
- 10. Shall, upon the request of a client, refer the client to another professional.*
 - 11. Shall not render a formal professional opinion about a person without having had direct and substantial professional contact with the person or without having made a formal assessment of the person.*

NAC 641.209(1) Scope of practice for certified autism behavior interventionists; competency required; acquisition and use of new service or technique; unnecessary treatment; referral of certain clients; basis for rendering formal professional opinion. (NRS 641.100, 641.112) certified autism behavior interventionist:

- 1. Shall limit his practice to what is specifically designed and instructed by his supervising behavior analyst or assistant behavior analyst.*
- 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 certification, or accept or perform any professional service which he knows, or has reason to know, he is not competent to perform.*
- 3. Shall not engage in conduct in the practice of behavior analysis which evidences moral unfitness to practice the profession.*
- 4. Shall maintain competence in the areas in which he practices through continuing education and on-going supervision and training by his supervising behavior analyst or assistant behavior analyst.*
- 5. Shall use every reasonable effort to assure that all services provided for clients are implemented in accordance with the specifications established by his supervising behavior analyst or assistant behavior analyst, and conform to the highest professional standards.*
- 6. Shall not implement any service or technique without the approval of his supervising behavior analyst or assistant behavior analyst.*
- 7. Shall only practice behavior analysis under the direct supervision of a behavior analyst or assistant behavior analyst.*
- 8. Shall not render formal professional opinions about clients or represent himself as a behavior analyst or assistant behavior analyst.*
- 9. Shall only refer client to supervising behavior analyst or assistant behavior analyst upon the request of the client, and not refer client to any other professional, even upon request of the client to do so.*

NAC 641.210 Display of license *or certification*; communications with Board; professional fees; supervision of certain persons. (NRS 641.100) A psychologist, *Licensed behavior analyst, or Licensed assistant behavior analyst or Certified autism behavior interventionist:*

- 1. Shall display his license *or certificate* in a conspicuous place on the premises of his office or place of employment. *If a licensee or certificate holder is practicing outside of his office premise, he must have his wallet card available for production on request.**
- 2. Shall, except as otherwise provided in this subsection, respond within 30 days after his receipt of the communication to any written communication from the Board and shall make available any relevant record with respect to an inquiry or complaint about his professional*

conduct. If a communication is mailed to a psychologist, *Licensed behavior analyst, Licensed assistant behavior analyst or Certified autism behavior interventionist* by the Board, he shall respond to the communication within 30 days after it is mailed to him at the address shown on the records of the Board.

3. Shall not mislead or withhold from a patient, prospective patient or other person who will be responsible for payment of the psychologist's , *Licensed behavior analyst, Licensed assistant behavior analyst or Certified autism behavior interventionist's* services, information concerning the fee for the professional services of the psychologist, *Licensed behavior analyst, Licensed assistant behavior analyst or Certified autism behavior interventionist*.

4. Shall not directly or indirectly offer, give, solicit, receive or agree to receive any fee or other consideration for the referral of a patient.

5. Shall not permit any person, other than:

(a) A partner, employee or associate in his professional firm or corporation;

(b) A psychologist, *Licensed behavior analyst, Licensed assistant behavior analyst* retained as a subcontractor or consultant; or

(c) A properly registered psychological assistant *or Certified autism behavior interventionist* practicing under his supervision,

↳ to share in a fee for professional services. The prohibition of this subsection includes any arrangement or agreement whereby the amount paid for office space, facilities, equipment or personal services used by the psychologist is based upon the income or receipts of his practice.

6. Shall exercise appropriate supervision over any person who is authorized to practice psychological *or behavior analysis* services under his supervision.

7. Shall not exploit a person who is authorized to practice psychological *or Behavior analysis* services under his supervision.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 8-24-90; A 12-28-95)

NAC 641.215 Disclosure to patient or legal representative; termination of services; care of patients and research subjects. (NRS 641.100) A psychologist:

1. Shall, in an appropriate manner, explain a patient's condition clearly and truthfully to the patient or the person responsible for the care of the patient.

2. Shall keep each patient fully informed of the purpose and nature of any evaluation, treatment or other procedure and the patient's right to choose the services provided.

3. Shall not perform any professional service that has not been authorized by the patient or his legal representative.

4. Shall explain clearly to a patient:

(a) The basis and extent of all contemplated services, fees and charges;

(b) The extent of the patient's personal responsibility for those fees; and

(c) The prospective benefits to be derived from and the known risks of such services.

5. Shall, upon termination of services to a patient, offer to make reasonable arrangements for the continuation of care, if such care is necessary.

6. Shall, if it is reasonably clear that a patient is not benefiting from the professional services provided by the psychologist, terminate the professional relationship with the patient after adequately preparing the patient for the termination.

7. Shall, during foreseeable periods of absence, make arrangements for another competent professional to provide emergency care for the patients under the care of the psychologist.

8. Shall not abandon or neglect a patient under and in need of immediate professional care without making reasonable arrangements for the continuation of care.

9. Shall not abandon a professional employment by a group practice, hospital, clinic or other health care facility without reasonable notice.

10. Shall not impose on a patient any stereotypes of behavior, values or roles related to age, gender, religion, race, disability, nationality or sexual preference which would interfere with the objective provision of psychological services to the patient.

11. Shall not willfully harass, abuse or intimidate any patient or other person to whom he has a professional responsibility. The use of any lawful procedure or process for the collection of an unpaid fee is not a violation of this subsection.

12. Shall not exercise undue influence upon any patient or promote the sale to a patient of any service, good, appliance or drug in such a way as to exploit the patient for the financial gain of the psychologist or another person.

13. Shall, in the conduct of psychological research:

(a) Respect the dignity and protect the welfare of his research subjects;

(b) Comply with all relevant laws and regulations concerning the treatment of research subjects;

(c) Fully inform each person who is a prospective subject of research, or his authorized representative, of any danger of serious aftereffects before the person is used as a subject; and

(d) Use reasonable efforts to remove any possible harmful aftereffects of emotional stress as soon as the design of the research permits.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 12-28-95)

NAC 641.219 Maintenance and availability of records. (NRS 641.100)

1. A psychologist, *Licensed behavior analyst, Licensed assistant behavior analyst or Certified autism behavior interventionist*, shall maintain a record for each patient that includes:

(a) The presenting problem or purpose or diagnosis;

(b) The fee arrangement;

(c) The date and type of evaluation or treatment provided to the patient;

(d) The results of tests or other evaluations and the data from which the results were derived;

(e) A description of any consultations with other professionals regarding the patient and the results of such consultations; and

(f) A copy of all tests and other evaluative reports which were prepared in the course of the professional relationship.

2. A psychologist, *Licensed behavior analyst, Licensed assistant behavior analyst or Certified autism behavior interventionist* shall maintain the record of each patient for not less than 5 years after the last date that service was rendered to the patient, except that the record of a patient who is a minor must be maintained for not less than 5 years after the last date that service was rendered or 1 year after the patient reaches 21 years of age, whichever is longer. A psychologist, *Licensed behavior analyst, Licensed assistant behavior analyst or Certified autism behavior interventionist* shall comply with all other state and federal laws and regulations concerning the maintenance of records, including a law or regulation which requires him to maintain records for a longer period than required by this subsection.

3. A *psychologist, Licensed behavior analyst, Licensed assistant behavior analyst or Certified autism behavior interventionist* shall comply with all state and federal laws governing a patient's right to have access to his records.

4. A psychologist, *Licensed behavior analyst, Licensed assistant behavior analyst or Certified autism behavior interventionist* who provides clinical supervision shall maintain for not less than 5 years after the last date of supervision, a record of the supervisory session,

including, but not limited to, information regarding the type, place and general content of the session.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 12-28-95; A by R089-03, 1-18-2005)

NAC 641.224 Confidential information. (NRS 641.100)

1. If a psychologist, *Licensed behavior analyst, Licensed assistant behavior analyst or Certified autism behavior interventionist* provides services to an organization, information he obtains in the course of providing the services is confidential, including any personal information concerning a person in the organization if the information was properly obtained within the scope of his professional contract with the organization. Personal information concerning a person in the organization is subject to the confidential control of the organization unless the person who disclosed the information had a reasonable expectation that the information was disclosed pursuant to a separate professional relationship with the psychologist and would not be disclosed to the organization.

2. During the course of a professional relationship with a patient and after the relationship is terminated, a psychologist, *Licensed behavior analyst, Licensed assistant behavior analyst or Certified autism behavior interventionist* shall protect all confidential information obtained in the course of his practice, teaching or research, or in the performance of any other services related to his profession. Except as otherwise provided in this section, a psychologist, *Licensed behavior analyst, Licensed assistant behavior analyst or Certified autism behavior interventionist* may disclose confidential information only if he obtains the informed written consent of the patient.

3. A psychologist, *Licensed behavior analyst, Licensed assistant behavior analyst or Certified autism behavior interventionist* may disclose confidential information without the informed written consent of a patient if the psychologist, *Licensed behavior analyst, Licensed assistant behavior analyst or Certified autism behavior interventionist* believes that disclosure of the information is necessary to protect against a clear and substantial risk of imminent serious harm by the patient to the patient or another person and:

(a) The disclosure is limited to such persons and information as are consistent with the standards of the profession of psychology *or behavior analysis* in addressing such problems.

(b) If the patient is an organization, the psychologist, *Licensed behavior analyst, Licensed assistant behavior analyst or Certified autism behavior interventionist* has made a reasonable but unsuccessful attempt to correct the problems within the organization.

4. A psychologist, *Licensed behavior analyst, Licensed assistant behavior analyst or Certified autism behavior interventionist* may disclose confidential information without the informed written consent of a patient if:

(a) A member of the judiciary, or a court magistrate or administrator to whom authority has been lawfully delegated, orders the disclosure; or

(b) Disclosure is required by a state or federal law or regulation, including a law or regulation that requires a psychologist, *Licensed behavior analyst, Licensed assistant behavior analyst or Certified autism behavior interventionist* to report the abuse of a child or elderly person.

5. If a psychologist, *Licensed behavior analyst, Licensed assistant behavior analyst or Certified autism behavior interventionist* renders services to more than one person, including services rendered to an organization, family, couple, group, or a child and a parent, the psychologist shall, before he begins to render the services, explain to each person the relevant limitations on confidentiality during the course of the professional relationship. If appropriate, the psychologist, *Licensed behavior analyst, Licensed assistant behavior analyst or Certified*

autism behavior interventionist shall grant to each person an opportunity to discuss and accept the limitations on confidentiality that will apply.

6. If a patient is a child or has a legal guardian, a psychologist, *Licensed behavior analyst, Licensed assistant behavior analyst or Certified autism behavior interventionist* shall, before he renders services, inform the patient to the extent that the patient can understand, of any legal limitations on the confidentiality of communications with the psychologist, *Licensed behavior analyst, Licensed assistant behavior analyst or Certified autism behavior interventionist*.

7. With the written consent of a patient, a psychologist, *Licensed behavior analyst, Licensed assistant behavior analyst or Certified autism behavior interventionist* shall provide in a timely manner to another responsible professional who is treating the patient any information which is important for the professional to know in making decisions concerning the ongoing diagnosis and treatment of the patient.

8. If a psychologist, *Licensed behavior analyst, Licensed assistant behavior analyst or Certified autism behavior interventionist* uses the case history of a patient in his teaching, research or published reports, he shall exercise reasonable care to ensure that all confidential information is appropriately disguised to prevent the identification of the patient.

9. A psychologist, *Licensed behavior analyst, Licensed assistant behavior analyst or Certified autism behavior interventionist* shall:

(a) Store and dispose of any written, electronic or other records in a manner which ensures the confidentiality of the content of the records;

(b) Limit access to the records of his patients to protect the confidentiality of the information contained in the records;

(c) Ensure that all persons working under his authority comply with the requirements of this section to protect the confidentiality of each patient; and

(d) Obtain the informed written consent of a patient before the psychologist, *Licensed behavior analyst, Licensed assistant behavior analyst or Certified autism behavior interventionist* electronically records or allows another person to observe a diagnostic interview or therapeutic session with the patient.

10. As used in this section, “confidential information” means information disclosed by a patient to a psychologist, *Licensed behavior analyst, Licensed assistant behavior analyst or Certified autism behavior interventionist* during the course of a professional relationship, or otherwise obtained by the psychologist, *Licensed behavior analyst, Licensed assistant behavior analyst or Certified autism behavior interventionist* during the course of the relationship, if there is a reasonable expectation that because of the relationship between the client and the psychologist, *Licensed behavior analyst, Licensed assistant behavior analyst, Certified autism behavior interventionist* or the circumstances under which the information was obtained, the information will not be disclosed by the psychologist, *Licensed behavior analyst, Licensed assistant behavior analyst or Certified autism behavior interventionist* without the informed written consent of the patient.

(Added to NAC by Bd. of Psychological Exam’rs, eff. 12-28-95; A by R089-03, 1-18-2005)

NAC 641.229 Impairment of licensee *or certificate holder*; limitation on contact with current or former patient. (NRS 641.100)

1. A psychologist, *Licensed behavior analyst, Licensed assistant behavior analyst or Certified autism behavior interventionist* shall not begin or continue a professional relationship with a patient if the psychologist is impaired, or has received notification from the Board that another mental health professional reasonably suspects him to be impaired, because of mental,

emotional, physiological, pharmacological or substance abuse problems. If such a problem develops during the course of a professional relationship, the psychologist, *Licensed behavior analyst, Licensed assistant behavior analyst or Certified autism behavior interventionist* shall:

- (a) Terminate the relationship;
- (b) Notify the patient in writing of the termination; and
- (c) Assist the patient in obtaining services from another professional.

2. A psychologist, *Licensed behavior analyst, Licensed assistant behavior analyst or Certified autism behavior interventionist* shall not begin or continue a professional relationship with a patient if the objectivity or competency of the psychologist, *Licensed behavior analyst, Licensed assistant behavior analyst or Certified autism behavior interventionist* is impaired, or if the psychologist, *Licensed behavior analyst, Licensed assistant behavior analyst or Certified autism behavior interventionist* has received notification from the Board that another mental health professional reasonably suspects his objectivity or competency to be impaired, because the psychologist, *Licensed behavior analyst, Licensed assistant behavior analyst or Certified autism behavior interventionist* has or had a family, social, sexual, emotional, financial, supervisory, political, administrative or legal relationship with the patient or a person associated with or related to the patient.

3. If a psychologist, *Licensed behavior analyst, Licensed assistant behavior analyst or Certified autism behavior interventionist* has rendered professional services to a person, the psychologist, *Licensed behavior analyst, Licensed assistant behavior analyst or Certified autism behavior interventionist* shall not:

- (a) Engage in any verbal or physical behavior with the person which is sexually seductive, demeaning or harassing;
- (b) Engage in sexual contact with the person; or
- (c) Enter into a financial or other potentially exploitive relationship with the person, ↪ for at least 2 years after the termination of the professional relationship, or for an indefinite time if the person is clearly vulnerable to exploitive influence by the psychologist, *Licensed behavior analyst, Licensed assistant behavior analyst or Certified autism behavior interventionist* because of an emotional or cognitive disorder.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 12-28-95)

NAC 641.234 Assessment procedures: Communication of results to patient; limitations on use. (NRS 641.100)

1. If a psychologist *or Licensed behavior analyst* communicates the results of an assessment procedure to a patient, or to the legal guardian, parents or agent of a patient, he shall:

- (a) Use appropriate interpretive aids to explain the results in a manner which is understandable; and
- (b) Include in his explanation any deficiencies of the assessment procedure and factors which may affect the validity, reliability or other interpretation of the results.

2. A psychologist *or Licensed behavior analyst* shall not reproduce or describe in any popular publications, lectures or public presentations, psychological tests or other assessment procedures in a manner which may invalidate the tests or procedures.

3. If a psychologist *or Licensed behavior analyst* offers to other professionals an assessment procedure or automated interpretation service, he shall:

- (a) Provide a manual or other written material which fully describes the development of the procedure or service, the rationale therefore, evidence of the validity and reliability thereof, and characteristics of the group of persons which the procedure or service uses as a norm;

(b) Explicitly state the purpose and application for which the procedure or service is recommended;

(c) Identify special requirements which are necessary to administer and interpret the procedure or service properly; and

(d) Ensure that advertisements for the procedure or service provide an accurate description of the procedure or service.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 12-28-95)

NAC 641.239 Misrepresentation of professional qualifications, affiliations, services, products or psychological findings. (NRS 641.100)

1. A psychologist, *Licensed behavior analyst, Licensed assistant behavior analyst or Certified Autism Behavior Interventionist* shall not directly or by implication misrepresent:

(a) His professional qualifications, including the education he has received, the experience he has acquired or the areas of his professional competence.

(b) His affiliations or the purposes or characteristics of the institutions and associations with which he is associated.

2. A psychologist, *Licensed behavior analyst, Licensed assistant behavior analyst or Certified Autism Behavior Interventionist* shall correct any other person who the psychologist, *Licensed behavior analyst, Licensed assistant behavior analyst or Certified Autism Behavior Interventionist* knows has misrepresented the psychologist's, *Licensed behavior analyst, Licensed assistant behavior analyst or Certified Autism Behavior Interventionist's* professional qualifications or affiliations.

3. A psychologist, *Licensed behavior analyst, Licensed assistant behavior analyst or Certified Autism Behavior Interventionist* shall not include false or misleading information in his public statements concerning the professional services he offers.

4. A psychologist, *Licensed behavior analyst, Licensed assistant behavior analyst or Certified Autism Behavior Interventionist* shall not guarantee that satisfaction or a cure will result from the performance of his professional services.

5. A psychologist, *Licensed behavior analyst, Licensed assistant behavior analyst or Certified Autism Behavior Interventionist* shall not associate with or permit his name to be associated with any service or product in a manner which misrepresents:

(a) The service or product;

(b) The degree of the psychologist's, *Licensed behavior analyst, Licensed assistant behavior analyst or Certified Autism Behavior Interventionist's* responsibility for the service or product;
or

(c) The nature of the psychologist's, *Licensed behavior analyst, Licensed assistant behavior analyst or Certified Autism Behavior Interventionist's* association with the service or product.

6. A psychologist shall not distort, misuse or suppress any psychological finding, and shall attempt to prevent, using all reasonable means, the distortion, misuse or suppression of any psychological finding by any institution of which he is an employee.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 12-28-95)

NAC 641.241 Aiding in unlawful practice of psychology or behavior analysis; improper delegation of professional responsibilities; reporting of violation and exception. (NRS 641.100)

1. A psychologist, *Licensed behavior analyst, Licensed assistant behavior analyst or Certified Autism Behavior Interventionist* shall not aid or abet another person in

misrepresenting the person's professional credentials or illegally engaging in the practice of psychology *or behavior analysis*.

2. A psychologist, *Licensed behavior analyst, Licensed assistant behavior analyst or Certified Autism Behavior Interventionist* shall not delegate any of his professional responsibilities to a person he knows, or has reason to know, is not qualified because of a lack of adequate education, training or experience.

3. If a psychologist, *Licensed behavior analyst, Licensed assistant behavior analyst or Certified Autism Behavior Interventionist* has substantial reason to believe that another person has violated any provision of this chapter or of chapter 641 of NRS, he shall inform the Board in writing of the violation, except that if the psychologist, *Licensed behavior analyst, Licensed assistant behavior analyst or Certified Autism Behavior Interventionist* has knowledge of the violation because of his professional relationship with a patient, he may report the violation only if he has the informed written consent of the patient. The provisions of NAC 641.200 to 641.250, inclusive, do not relieve a psychologist, *Licensed behavior analyst, Licensed assistant behavior analyst or Certified Autism Behavior Interventionist* of the duty to file any report otherwise required by state or federal law or regulation.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 12-28-95)

NAC 641.245 Violation of law or regulation; use of fraud, misrepresentation or deception; improper filing of reports; violation of probation; failure to pay child support or to comply with certain warrants or subpoenas relating to determination of paternity or child support. (NRS 641.100)

1. A psychologist, *Licensed behavior analyst, Licensed assistant behavior analyst or Certified Autism Behavior Interventionist* shall not violate any law or regulation which governs the practice of psychology *or behavior analysis*.

2. A psychologist, *Licensed behavior analyst, Licensed assistant behavior analyst or Certified Autism Behavior Interventionist* shall not use fraud, misrepresentation or deception:

(a) To obtain a license or pass an examination required for licensure;

(b) To assist another person in obtaining a license or passing an examination required for licensure;

(c) In billing a patient or other person who is responsible for payment;

(d) In providing his professional services;

(e) In reporting the results of any psychological evaluation or service; or

(f) To conduct any other activity related to the practice of psychology.

3. A psychologist, *Licensed behavior analyst, Licensed assistant behavior analyst or Certified autism behavior interventionist* shall not willfully make or file any false report, fail to file any report required by law or by the Board, willfully impede or obstruct any such filing, or induce another person to engage in any act prohibited by this subsection.

4. A psychologist, *Licensed behavior analyst, Licensed assistant behavior analyst or Certified autism behavior interventionist* shall not violate any condition, limitation or term of probation imposed upon him by the Board.

5. A psychologist, *Licensed behavior analyst, Licensed assistant behavior analyst or Certified autism behavior interventionist* shall not:

(a) Fail to make timely payments for the support of one or more children pursuant to a court order; or

(b) Fail to comply with any warrant or subpoena relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of one or more children.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 12-28-95; A by R153-97, 12-19-97)

NAC 641.250 Ethical Principles of Psychologists and Code of Conduct: Adoption by reference; controlling provisions; revision. (NRS 641.100)

1. The provisions set forth in the most recent edition of the Ethical Principles of Psychologists and Code of Conduct adopted by the American Psychological Association are hereby adopted by reference and incorporated herein, unless the Board gives notice that the most recent edition is not suitable for this State pursuant to subsection 2 and except to the extent that those provisions conflict with the provisions of NAC 641.200 to 641.250, inclusive, in which case the provisions of NAC 641.200 to 641.250, inclusive, are controlling. A copy of the publication may be obtained free of charge from the American Psychological Association at 750 First Street, NE, Washington, D.C., 20002-4242, Attention: Service Center, at the Internet address <<http://www.apa.org/ethics/code.html>> or by telephone at (202) 336-5500.

2. If the publication adopted by reference pursuant to subsection 1 is revised, the Board will review the revision to ensure its suitability for this State. If the Board determines that the revision is not suitable for this State, the Board will hold a public hearing to review its determination within 6 months after the date of publication of the revision and give notice of that hearing. If, after the hearing, the Board does not revise its determination, the Board will give notice within 30 days after the hearing that the revision is not suitable for this State. If the Board does not give such notice, the revision becomes part of the publication adopted by reference pursuant to subsection 1.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 8-24-90; A 12-28-95; R089-03, 1-18-2005)

NAC 641.260 Ethical Principles for Behavior Analysts and Code of Conduct: Adoption by reference; Controlling provision;

1. The provisions set forth in the most recent edition of the Guidelines for Responsible conduct for Behavioral Analysts adopted by the Behavior Analyst Certification Board are hereby adopted by reference and incorporated herein, unless the Board gives notice that the most recent edition is not suitable for this State pursuant to subsection 2 and except to the extent that those provisions conflict with the provisions of NAC 641.200 to 641.206, 641.210, 641.219 to 641.245, 641.260 inclusive, in which case the provisions of NAC 641.200 to 641.206, 641.210, 641.219 to 641.245, 641.260 inclusive, are controlling. A copy of the publication may be obtained free of charge from Behavior Analyst Certification Board, at the Internet address <http://www.bacb.com/cues/frame_about.html> or through the Board office.

2. If the publication adopted by reference pursuant to subsection 1 is revised, the Board will review the revision to ensure its suitability for this State. If the Board determines that the revision is not suitable for this State, the Board will hold a public hearing to review its determination within 6 months after the date of publication of the revision and give notice of that hearing. If, after the hearing, the Board does not revise its determination, the Board will give notice within 30 days after the hearing that the revision is not suitable for this State. If the Board does not give such notice, the revision becomes part of the publication adopted by reference pursuant to subsection 1.

