

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

LCB File No. R125-10

Explanation- Matter that is *italicized* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: NRS 641A.160

A REGULATION relating to the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors; adding the provisions governing licensing, continuing education, interns, professional conduct and administrative proceedings related to clinical professional counselors; amending the provisions governing licensing, continuing education, interns, professional conduct and administrative proceedings related to marriage and family therapists; and providing other matters properly related thereto.

Section 1. Chapter 641A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive of this regulation.

Sec. 2. “Licensing of a marriage and family therapist or clinical professional counselor licensed in another state.”

The Board may:

1. *Issue a license to any applicant who is currently licensed to practice marriage and family therapy or clinical professional counseling independently in another jurisdiction if the board determines the following:*
 - (a) *The standards for licensure to practice marriage and family therapy or clinical professional counseling in the jurisdiction where the applicant is currently licensed are substantially equivalent to the requirements of those of the State of Nevada;*
 - (b) *The applicant has demonstrated continuous licensure to practice marriage and family therapy or clinical professional counseling independently during the five years immediately preceding the application;*
 - (c) *The absence of disciplinary penalties, such as revocation or suspension of a license or membership, imposed by a professional or licensing board or agency.*
 - (d) *The applicant has demonstrated the minimum supervised clinical experience as required by this State*
 - (e) *The applicant has documented completion of a graduate degree from a regionally accredited university in marriage and family therapy, clinical professional counseling, or in a comparable mental-health related field as determined by the board.*
 - (f) *The applicant has passed the exam as required by this State.*
2. *Issue a temporary license to any applicant who meets all the requirements in the above section except for passing the requisite exam. The temporary license authorizes the applicant to practice marriage and family therapy or clinical*

professional counseling until the results of the examination required by the State are received.

~~[Note for LCB: “Independently” (in 1 and 1(a)) is important in the language because there are some states, including Nevada, that license interns. Interns (who are required to practice under a supervisor) are not the equivalent of someone who is licensed to practice independently (without supervision).]~~

Sec. 3. NAC 641A.065 is hereby amended to read as follows:

641A.065 1. Any person desiring licensure by the Board must submit or have submitted to the Board:

- (a) An application completed on the forms provided by the Board;
- (b) Official transcripts from each institution of higher education he attended which are sent directly to the Board from the institution;
- (c) A total of three letters of personal or professional reference, or both, written by persons not related to the applicant which are addressed and sent directly to the Board;
- (d) A copy of the applicant’s valid driver’s license, passport or other government-issued identification card;
- (e) A written summary by the applicant of his experiences and qualifications for licensing, including documentation of his internship and recommendations from supervisors or any person approved by the Board ;
- (f) If the person is licensed as a marriage and family therapist or clinical professional counselor in another state, evidence satisfactory to the Board of such licensure and of good standing as a marriage and family therapist or clinical professional counselor in that state;and
- (g) A complete set of fingerprints and written permission authorizing the Board to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The Board may exchange with the Federal Bureau of Investigation any information relating to the fingerprints of an applicant pursuant to this section.

2. To have the Board act upon his application for a license at a scheduled meeting, the applicant must have filed his completed application with the Board at least 10 working days before that meeting. For good cause, the Board may allow an applicant to present material at its meeting in addition to the materials which he has previously submitted to the Board.

3. By submitting his application, an applicant grants the Board full authority to make any investigation or personal contact necessary to verify the authenticity of the matters and information stated within his application. If the Board so requests, the applicant must supply such a verification.

4. The Board may appoint a subcommittee to examine an application, *conduct academic reviews of transcripts*, and conduct interviews before the Board’s meeting and to make recommendations for its action.

5. The Board may require the personal appearance of the applicant at the meeting.

6. The same application which is filed for licensure as an intern will be used by the Board for application for licensure as a marriage and family therapist or clinical professional counselor upon completion of the internship.

Sec. 4. NAC 641A.075 is hereby amended to read as follows:

641A.075 For the purposes of qualifying for licensure, each applicant’s graduate degree must be from an institution which has been accredited by a recognized regional accrediting organization *or recognized by an institution deemed as equivalent by the Board.*

Sec. 5. NAC 641A.085 is hereby amended to read as follows:

641A.085 1. To qualify for licensure as a marriage and family therapist or marriage and family therapist intern, an applicant’s graduate education in marriage and family therapy must include the following areas of study:

Area of Study	Minimum Number of Courses	Minimum Number of Semester Hours of Credit	Minimum Number of Quarter Hours of Credit
Human Development, including Issues of Sexuality	2	6	8
Marital and Family Systems	2	6	8
Marital and Family Therapy	3	9	12
Ethical and Legal Issues in Marriage and Family Therapy	1	3	4
Supervised Practice of Marriage and Family Therapy	3	9	12
Diagnosis and Assessment (including the use of the Diagnostic and Statistical Manual of Mental Disorders)	1	3	4
Research	1	3	4
Abuse of Alcohol or Controlled Substances	1	3	4

2. To qualify for licensure as a clinical professional counselor or clinical professional counselor intern, an applicant’s graduate education in clinical professional counseling must include the following areas of study:

Area of Study	Minimum Number of Courses	Minimum Number of Semester Hours of Credit	Minimum Number of Quarter Hours of Credit
Human Growth and Development	1	3	4

Individual Counseling Theories	1	3	4
Individual Counseling Techniques and Practice	1	3	4
Lifestyle and Career Development	1	3	4
Group Dynamics, Counseling and Consulting	1	3	4
Ethics and Professional Studies	1	3	4
Supervised Practice of Clinical Professional Counseling	3	9	12
Diagnosis and Assessment (including the use of the Diagnostic and Statistical Manual of Mental Disorders)	1	3	4
Social and Cultural Foundations	1	3	4
Research and Evaluation	1	3	4
Abuse of Alcohol or Controlled Substances	1	3	4

3. The courses in the supervised practice of marriage and family therapy and clinical professional counseling required pursuant to subsection 1 or 2 must include three courses taken during three semesters or four courses taken during four quarters over a minimum of 1 year.
4. For a graduate degree to fulfill the educational requirements for licensure as a marriage and family therapist, clinical professional counselor or intern pursuant to this section, the degree must require at least 48 semester hours or 72 quarter hours.
5. The Board will consider only courses completed at the graduate level for fulfillment of the educational requirements for licensure as a marriage and family therapist, clinical professional counselor or intern.
6. A course may not be used to satisfy the requirements for more than one area of study set forth in subsection 1 or 2.

7. The Board may consider:

(a) Graduate degrees in fields related to mental health which are comparable to degrees in marriage and family therapy, counseling or mental health counseling and which meet the requirements for course content listed in subsection 1 **or 2**, regardless of the terminology used in the degree granted by the educational institution, as fulfilling the educational requirements for licensure as a marriage and family therapist, clinical professional counselor or intern.

(b) Years of clinical experience as a marriage and family therapist or clinical professional counselor in lieu of specific academic courses ~~[in the supervised practice of marriage and family therapy or clinical professional counseling, in diagnosis and assessment, or in the abuse of alcohol or controlled substances].~~

Sec. 6. NAC 641A.105 is hereby amended to read as follows:

641A.105 The Board will charge and collect the following fees, respectively:

For application for a license.....	\$75
For examination of an applicant for a license.....	200
For issuance of a license.....	50
For annual renewal of a license.....	150
[For reinstatement of a license revoked for nonpayment of the fee for renewal.....	100]
For an inactive license.....	150

2. If a license is delinquent, an additional annual fee for delinquency equal to 50 percent of the annual renewal fee must be paid before the license will be reinstated.

Sec. 7. NAC 641A.111 is hereby amended to read as follows:

641A.111 1. The Board will, after verifying that an applicant for licensure meets the requirements of NRS 641A.220 or 641A.231 and holds an active, equivalent license in good standing from another jurisdiction, issue an interim permit authorizing the applicant to practice as a marriage and family therapist or clinical professional counselor, under the supervision of a person approved by the Board **for a period of 12 months or** until the **passing** results of the examination required by NRS 641A.230 or 641A.231 are received.

2. If the applicant does not pass the examination, the interim permit expires upon notification by the Board. ~~[The interim permit is not renewable.]~~ **The Board may grant an extension of the interim permit or may impose other conditions before an extension of the interim permit is granted.**

Sec. 8. NAC 641A.131 is hereby amended to read as follows:

641A.131 1. To maintain his licensure, a marriage and family therapist or clinical professional counselor must complete at least 20 hours of continuing education each year, at least 3 hours of which must be on ethics issues specifically pertaining to the field of practice of the marriage and family therapist or clinical professional counselor. If the marriage and family therapist or clinical professional counselor is an approved supervisor, at least 1 hour of the requirements of this subsection must be on issues specifically pertaining to supervising in the

field of practice of the approved supervisor and must include education in at least one of the following:

- (a) An overview of a supervision model;
- (b) Areas of focus for a supervisor and the roles of a supervisor;
- (c) The process of supervising and the practical application of that process;
- (d) Ethical dilemmas involved in supervising;
- (e) Methods of effectively addressing and preventing ethical dilemmas in supervising; or
- (f) An overview of the supervision standards of the American Association for Marriage and Family Therapy, the National Board for Certified Counselors or the Association for Counselor Education and Supervision, or the provisions of this chapter and chapter 641A of NRS relating to the practice of marriage and family therapy or the practice of clinical professional counseling, as applicable.

Because the AAMFT Approved Supervisors or Approved Supervisor Candidate designations require a 5 hour Refresher Course every five years, MFT supervisors who hold those designations may submit verification that their AAMFT Approved Supervisor Designation has not expired in lieu of supervision CEUs each year.

2. A marriage and family therapist or clinical professional counselor shall not use more than 10 hours of distance education to satisfy the requirements of subsection 1.
3. With the approval of the Board, a marriage and family therapist or clinical professional counselor may satisfy the requirements of subsection 1 by teaching at an institution, seminar, workshop, conference or other program. The content of the teaching material must be related to the field of practice of the marriage and family therapist or clinical professional counselor and may not be part of the primary or regular employment of the marriage and family therapist or clinical professional counselor. For each such hour taught, 2 hours of continuing education may be credited pursuant to this subsection.
4. A marriage and family therapist or clinical professional counselor is subject to disciplinary action by the Board if he fails to satisfy the requirements for continuing education set forth in subsection 1.
5. To reactivate an inactive license, an inactive licensee must complete at least 20 hours of continuing education in the year immediately preceding his application for reactivation.
6. As used in this section, “distance education” means education, training, courses or programs that are delivered to a student who is geographically separate from the instructor.

Sec. 9. NAC 641A.133 is hereby amended to read as follows:

641A.133 1. An application for the renewal of a license must be accompanied by an affidavit and the form for reporting continuing education provided by the Board evidencing the completion by the marriage and family therapist or clinical professional counselor of at least 20 hours of continuing education required pursuant to NAC 641A.131 during the year immediately preceding the date of the expiration of the current license.

2. A marriage and family therapist or clinical professional counselor shall maintain

sufficient documentation verifying the information which he includes in his affidavit relating to his continuing education for at least 3 years after the date on which the affidavit is executed. A marriage and family therapist or clinical professional counselor will not be given credit for any hours of continuing education that are not supported by documentation.

3. The Board may audit such affidavits and forms as the Board deems necessary to verify the authenticity of the information set forth in the affidavit or form.

4. Beginning in the year 2011, an application for renewal of a license must be accompanied by a set of fingerprints, processing fee and written permission authorizing the Board to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation any information relating to the fingerprints of an applicant pursuant to this section.

Sec. 10. NAC 641A.196 is hereby amended to read as follows:

641A.196 1. Except as otherwise provided in subsection 4, an intern may engage in private practice only at facilities which have a licensed marriage and family therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, psychologist, psychiatrist or social worker on the site ***any time that he is seeing clients.***

2. An intern shall inform each of his clients that he is not licensed to engage independently in the practice of marriage and family therapy or the practice of clinical professional counseling, as applicable.

3. An intern shall include a statement describing his status as an intern on all forms of advertising, including, but not limited to, business cards, directory listings and brochures.

4. The Board will only allow an intern to engage in private practice at facilities other than those listed in subsection 1:

(a) In extenuating circumstances; and

(b) If other arrangements approved by the Board have been established for supervision of the intern in emergency situations.

Sec.11. NAC 641A.243 is hereby amended to read as follows:

641A.243 A marriage and family therapist, clinical professional counselor or intern:

1. Shall not misrepresent, in advertising or otherwise, his education, training, type of license, qualifications, competence or service, or the results to be achieved if he provides service to a client.

2. Shall not engage in the practice of marriage and family therapy or the practice of clinical professional counseling while he is impaired by:

(a) Alcohol, drugs or any other chemical; or

(b) A mental or physical condition that prevents him from safely engaging in the practice of marriage and family therapy or the practice of clinical professional counseling.

3. Shall not use his relationship with a client to further his own personal, religious, political or business interests.
4. Shall set and maintain professional boundaries with clients, interns and persons with whom he works.
5. Shall not give or receive, directly or indirectly, a fee, commission, rebate or other compensation for professional services that he has not actually and personally provided.
6. Shall not knowingly offer service to a client who is receiving treatment from another marriage and family therapist, clinical professional counselor or intern, or a holder of a license, certificate or registration issued by any other similar board, without prior consultation between the client and the other marriage and family therapist, clinical professional counselor, intern or holder of the license, certificate or registration *to coordinate treatment*.
7. Except as otherwise provided in subsection 8, shall not disparage the qualifications of any colleague.
8. Shall report to the Board any unlicensed, unauthorized, unqualified or unethical practice of marriage and family therapy or the practice of clinical professional counseling that is occurring.
9. Shall not attempt to diagnose, prescribe for, treat or provide advice for any problem which is outside of his field of competence, the scope of the practice of marriage and family therapy or the practice of clinical professional counseling, as applicable, or the scope of his license .
10. Shall base his practice upon the recognized knowledge relevant to marriage and family therapy or clinical professional counseling, as applicable.
11. Shall critically examine and keep current with emerging knowledge relevant to the practice of marriage and family therapy or the practice of clinical professional counseling, as applicable.
12. Based upon recognized knowledge and standards for the practice of marriage and family therapy or the practice of clinical professional counseling, as applicable, shall prepare and maintain in a timely manner a record for each of his clients which:
 - (a) Sets forth his assessment of the problems of the client, plan of action for the client, course of treatment for the client and progress notes regarding the course of treatment of the client; and
 - (b) Includes copies of other relevant documentation, including, without limitation:
 - (1) All documents relating to the informed consent given by the client;
 - (2) All documents relating to the release of information regarding the client; and
 - (3) All other legal documents regarding the client.

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

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

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

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

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

- (a) An action is taken against any license, certification, registration or other credential held by the marriage and family therapist, clinical professional counselor or intern that was issued by another state or territory of the United States;
- (b) A criminal charge is filed against the marriage and family therapist, clinical professional counselor or intern;
- (c) The marriage and family therapist, clinical professional counselor or intern is convicted of a criminal offense, other than a traffic offense which is a misdemeanor that does not involve alcohol or controlled substances;
- (d) A civil action, including, without limitation, an action for malpractice, is filed against the marriage and family therapist, clinical professional counselor or intern; or
- (e) A settlement or judgment is made in any civil action, including, without limitation, an action for malpractice, in any case filed against the marriage and family therapist, clinical professional counselor or intern for any act relating to the practice of marriage and family therapy, or the practice of clinical professional counseling, as applicable.