

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the adoption of Regulations of the State of Nevada Board of Psychological Examiners

The State of Nevada Board of Psychological Examiners will hold a public hearing at 8:40 a.m., on February 12, 2021. Due to COVID-19 and Governor Sisolak's Emergency Mandate to Stay at Home for Nevada and Directive 006, this meeting will only take place via Zoom. Individuals are invited to participate in the meeting remotely. On the scheduled day and time, enter the meeting from the Zoom website at: <https://zoom.us/j/98305171747>. The meeting ID is **983 0517 1747**. To access the meeting via audio only, dial 1-669-900-6833 and enter the meeting ID.

The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulations that pertain to Chapter 641 of the Nevada Administrative Code. The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need for and the purpose of the proposed regulation or amendment.

LCB File No. R115-19: A REGULATION relating to psychologists; clarifying certain requirements concerning the licensure by the Board of Psychological Examiners of a person who is engaged in the teaching of psychology or psychological research; requiring a psychologist to designate a custodian of health care records; requiring a psychologist who intends to cease providing services to provide certain notice to the Board and to his or her patients; requiring the custodian of the records of a psychologist who has died or discontinued practice to maintain such records for a period of time; revising provisions governing the education and experience required to be completed by an applicant for licensure as a psychologist; and providing other matters properly relating thereto.

LCB File No. R173-20 (Previously known as R131-15): A REGULATION relating to psychologists; clarifying certain requirements concerning the licensure by the Board of Psychological Examiners of a person who is engaged in the teaching of psychology or in psychological research; and providing other matters properly relating thereto.

LCB File No. R114-19. A REGULATION relating to psychology; establishing requirements for applications for licensure as a psychologist submitted by an applicant who has completed a training program outside the United States that is not accredited by the American Psychological Association; and providing other matters properly relating thereto.

2. A statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063.

A copy of the proposed regulations can be obtained at the Board's website by going to <http://psyexam.nv.gov/About/Amendments/>, or by contacting the Board of Psychological Examiners at 775-688-1268 or 4600 Kietzke Lane, Bldg B-116, Reno, NV 89502. A reasonable fee for copying may be charged.

3. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include:

(a) Both adverse and beneficial effects; and

There should be no increased cost to Psychologists in Nevada as a result of adoption of any of the proposed regulations and, therefore, no adverse or beneficial effects.

(b) Both immediate and long-term effects.

There should be no increased cost to Psychologists in Nevada as a result of adoption of any of the proposed regulations and, therefore, no immediate or long-term effects.

4. A statement identifying the methods used by the agency in determining the impact on a small business prepared pursuant to subsection 3 of NRS 233B.0608.

The request for input regarding impact was sent to all licensees of the Board of Psychological Examiners. A workshop to hear public input was held on November 13, 2020 for LCB File Nos. R173-20, R114-19, and R115-19. An additional workshop to hear public input on LCB File No. R115-19 was held on December 11, 2020.

5. The estimated cost to the agency for enforcement of the proposed regulation.

The Board believes that the cost of enforcement of the proposed regulations will be minimal.

6. A description of the citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

The Board is not aware of any overlapping or duplicating of federal or state regulations.

7. If the regulation is required pursuant to federal law, a citation and description of the federal law.

The Board is not aware of any requirement to federal law.

8. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

There should be no duplication of a federal regulation.

9. Whether the proposed regulation establishes a new fee or increases an existing fee.

There are no new fees or increases to an existing fee in any of the proposed regulations.

Persons wishing to comment upon the proposed action of the State of Nevada Board of Psychological Examiners may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to State of Nevada Board of Psychological Examiners, 4600 Kietzke Lane, Bldg B-116, Reno, NV 89502. Written submissions must be received by the State of Nevada Board of Psychological Examiners on or before February 11, 2021 at 5:00 p.m. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the State of Nevada Board of Psychological Examiners may proceed immediately to act upon any written submissions.

A copy of this notice and the regulations to be adopted will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be adopted will be available at State of Nevada Board of Psychological Examiners and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been sent to persons on the agenda's mailing list, all licensed psychologists, all Nevada County Public Libraries, posted at the Board's website at <http://psyexam.nv.gov> and the State of Nevada website at <https://notice.nv.gov/> and the follow locations (if currently open and accessible to the public):

Carson City Hall, 201 N. Carson Street, Carson City, NV
Office of the Attorney General, 100 N. Carson Street, Carson City, NV
Office of the Attorney General, Grant Sawyer Building, 555 E. Washington Avenue, Las Vegas, NV
Board of Psychological Examiners, 4600 Kietzke Lane, Bldg B-116, Reno, NV

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

LCB File No. R114-19

February 26, 2020

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

AUTHORITY: §§1-8, NRS 641.100, 641.110 and 641.170.

A REGULATION relating to psychology; establishing requirements for applications for licensure as a psychologist submitted by an applicant who has completed a training program outside the United States that is not accredited by the American Psychological Association; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires each application for licensure as a psychologist to be accompanied by evidence that the applicant has earned a doctorate in psychology from an accredited educational institution approved by the Board of Psychological Examiners, or has other doctorate-level training from an accredited educational institution deemed equivalent by the Board in both subject matter and extent of training. (NRS 641.170) Existing regulations require an applicant for licensure as a psychologist who has completed a training program not accredited by the American Psychological Association to establish to the satisfaction of the Board that the program is equivalent to a program accredited by the Association. (NAC 641.061, 641.062)

Section 2 of this regulation establishes the criteria to determine whether a training program is completed within the United States for the purposes of this regulation.

Section 4 of this regulation establishes a separate process for an applicant who has completed a training program outside the United States that is not accredited by the Association to establish that the program is equivalent to a program accredited by the Association. **Section 4** requires such an applicant to submit certain documentation to the Board and to obtain an evaluation of his or her academic credentials from the National Register of Health Service Psychologists, unless the evaluation requirement is waived by the Board. The Board is not bound by any recommendation resulting from the evaluation. **Sections 5-8** of this regulation make conforming changes.

Existing law requires each application for licensure as a psychologist to be accompanied by certain evidence of the applicant’s qualifications. (NRS 641.170) **Section 3** of this regulation requires an applicant for licensure who has completed a training program outside the United States that is not accredited by the Association to submit to the Board certain additional evidence of his or her qualifications, including three letters of professional reference. **Section 3** also

authorizes the Board to require such an applicant to appear before the Board to demonstrate his or her moral character, current fitness to practice psychology and intent to practice psychology in a manner consistent with his or her education, training and experience.

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

Sec. 2. *For the purposes of this chapter, a training program is completed within the United States if the program is completed within the geographic boundaries of the United States, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.*

Sec. 3. 1. *The Board may issue a license to practice as a psychologist to an applicant who has completed a training program outside the United States that is not accredited by the American Psychological Association if the applicant:*

(a) Submits to the Board with his or her application evidence satisfactory to the Board that the applicant:

- (1) Meets the requirements of subsection 1 of NRS 641.170;*
- (2) If the training program completed by the applicant was not conducted in English, has obtained a score of not less than 80 on the Test of English as a Foreign Language, internet-Based Test, administered by the Educational Testing Service;*
- (3) Has not been convicted of a felony;*
- (4) Has not been subject to disciplinary action in another jurisdiction;*
- (5) Does not have any outstanding complaints or charges pending against him or her in another jurisdiction;*
- (6) Has not previously been denied licensure by the Board;*

(7) Has passed the state examination administered by the Board pursuant to NAC 641.112; and

(8) Has passed the national examination required by NRS 641.180;

(b) Submits to the Board with his or her application three letters of professional reference that attest without reservation to the professional competence, moral character and current fitness to practice of the applicant;

(c) Submits to the Board with his or her application evidence satisfactory to the Board that the applicant has complied with section 4 of this regulation and that the Board has determined that the training program completed by the applicant is equivalent to a program accredited by the American Psychological Association; and

(d) Complies with subsection 1 of NRS 641.160 by submitting:

(1) A complete set of the applicant's fingerprints to the Board with written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation; or

(2) Verification to the Board that the applicant's fingerprints were so forwarded by the law enforcement agency or other authorized entity taking fingerprints.

2. The Board may require an applicant pursuant to this section to appear before the Board to demonstrate the applicant's:

(a) Moral character;

(b) Current fitness to practice psychology; and

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

Sec. 4. 1. An applicant for licensure as a psychologist who has completed a training program outside the United States that is 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 submit to the Board:

(a) An original diploma or other certificate of graduation from the training program, which will be returned to the applicant, and a photocopy of the document, which will be retained by the Board.

(b) A transcript or other appropriate document of all coursework completed in the training program.

(c) Satisfactory evidence of the completion of the supervised and documented experience required by NAC 641.080.

(d) A statement, based on the documents listed in this subsection, that describes the chronological sequence of studies, training and research engaged in by the applicant. This statement must be comparable to and communicate the same information as a transcript issued by a university in the United States and must highlight how the education and doctoral internship experience of the applicant conforms to the educational requirements set forth in this section.

(e) Suitable documents showing that the training program completed by the applicant substantially complies with the accreditation standards for doctoral programs in the Standards of Accreditation for Health Service Psychology of the American Psychological Association, which is available, free of charge, at the Internet address <http://www.apa.org/ed/accreditation/index.aspx>, and Section C of the Implementing

Regulations of the Commission on Accreditation of the American Psychological Association, which is available, free of charge, at the Internet address

<http://www.apa.org/ed/accreditation/index.aspx>

(f) A certified translation of any documents submitted pursuant to this subsection which is written in a language other than English.

(g) The evaluation of the academic credentials of the applicant conducted pursuant to subsection 4, except as otherwise provided in subsection 5.

3. For the purposes of paragraph (e) of subsection 2, a training program “substantially complies with the accreditation standards for doctoral programs” if the applicant submits to the Board, without limitation, proof:

(a) Of doctoral training at an institution which is considered by the Board to be an accredited educational institution pursuant to paragraph (b) or (c) of subsection 3 of NAC 641.050.

(b) That the primary purpose of the training program is to provide broad and general training in scientific psychology and in the foundations of practice in health service psychology. The program materials must demonstrate:

- (1) The integration of empirical evidence and practice;*
- (2) That the training is sequential, cumulative, graded in complexity and designed to prepare students for practice or further organized training; and*
- (3) That the program requires respect for and understanding of cultural and individual differences and diversity.*

(c) 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 stable leadership provided by one or more designated doctoral-level psychologists who:

(I) Are members of an identifiable core faculty of the program; and

(II) Together with other core faculty of the program have primary responsibility for the program's design, implementation, evaluation and quality.

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

(5) Includes supervised practicums which must include, without limitation:

(I) Supervised experience working with diverse persons who display a variety of presenting problems, diagnoses and issues;

(II) Supervised experience in settings committed to training and providing experiences consistent with health service psychology competencies, including, without limitation, those competencies listed in paragraphs (e) and (f);

(III) Supervision provided by appropriately trained and credentialed persons; and

(IV) Practicum evaluations which are based, at least in part, on direct observation, which may occur in person or via electronic means.

(d) That the program requires a student to complete successfully at least 3 academic years, or the equivalent, of full-time graduate study which includes at least 2 years, or the equivalent, of academic training and at least 1 year, or the equivalent, in full-time residence. A person seeking to satisfy the requirement for 1 year in full-time residence based on equivalent

experience must demonstrate that the experience achieved all the purposes of the requirement, including, without limitation, mentoring, supervision and evaluation regarding the development of professional competence. Experience in a program that was conducted entirely through electronic means may not be used to satisfy the requirements of this paragraph.

(e) That the applicant, while in the program, acquired and demonstrated substantial graduate-level understanding and competence in discipline-specific knowledge in the following areas:

- (1) The history and systems of psychology.*
- (2) Affective aspects of behavior.*
- (3) Biological aspects of behavior.*
- (4) Cognitive aspects of behavior.*
- (5) Social aspects of behavior.*
- (6) Developmental aspects of behavior across the lifespan.*
- (7) Advanced integrative knowledge in scientific psychology.*
- (8) Research methods.*
- (9) Quantitative methods.*
- (10) Psychometrics.*

(f) That the applicant, while in the program, achieved and demonstrated profession-wide competency in the following areas:

- (1) Research.*
- (2) Ethical and legal standards.*
- (3) Individual and cultural diversity.*
- (4) Professional values, attitudes and behaviors.*

(5) Communication and interpersonal skills.

(6) Assessment.

(7) Intervention.

(8) Supervision.

(9) Consultation, interprofessional and interdisciplinary skills.

4. Except as otherwise provided in subsection 5, to determine whether the training program completed by an applicant is equivalent to a program accredited by the American Psychological Association pursuant to subsection 1, the applicant must have his or her academic credentials, including, without limitation, the required curriculum, evaluated by the National Register of Health Service Psychologists. Information regarding obtaining a review is available, free of charge, at the Internet address

<https://www.nationalregister.org/apply/credentialing-requirements/national-register-doctoral-degree-guidelines/>. Upon completion of the evaluation the applicant shall cause the National Register of Health Service Psychologists to submit the evaluation directly to the Board. The Board will review the evaluation and determine whether the program completed by the applicant is equivalent to a program that is accredited by the Association.

5. The Board may, upon written request, waive the requirement for an applicant to obtain an evaluation of his or her academic credentials pursuant to subsection 4 if the applicant graduated from a doctoral program that is accredited by the accreditation panel of the Canadian Psychological Association.

6. The Board may establish a subcommittee to review the academic credentials of an applicant and present a recommendation to the Board. In determining whether to approve the academic credentials of an applicant pursuant to subsection 4 or 5, the Board will consider

any recommendation from the National Register of Health Service Psychologists and the recommendation of the subcommittee, if any, but is not bound to follow such recommendations.

7. If the Board finds that the training program completed by an applicant pursuant to this section is not equivalent to a program accredited by the American Psychological Association, the applicant may petition the Board for reconsideration. A decision of the Board upon reconsideration, or a decision of the Board to deny such a petition, is a final decision for the purposes of chapter 233B of NRS.

8. The applicant is responsible for paying all fees and costs incurred to obtain an evaluation or translation of his or her academic records.

9. It is the responsibility of the applicant to sufficiently demonstrate that the training program completed by the applicant is equivalent to a program accredited by the American Psychological Association.

Sec. 5. NAC 641.061 is hereby amended to read as follows:

641.061 1. An applicant for licensure as a psychologist who, before January 1, 2018, has completed a training program *within the United States that is* 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 accreditation 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 *paragraph (a) of* subsection 3 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 persons with disabilities.

(h) The evaluation of the academic credentials of the applicant conducted pursuant to subsection 3 or 4.

3. Except as otherwise provided in subsection 4, to determine whether the content of the courses and the supervised practical, internship, field or laboratory training taken by an applicant are equivalent to a program accredited by the American Psychological Association pursuant to subsection 1, the applicant must have his or her academic credentials, including, without limitation, the required curriculum, evaluated by:

(a) The Association of State and Provincial Psychology Boards; or

(b) The director of clinical training of a doctoral program that is accredited by the American Psychological Association and approved by the Board of Psychological Examiners.

4. An applicant who is unable to obtain an evaluation as required in subsection 3 may, upon the approval of the Board, have his or her academic credentials evaluated by a designee of the director of clinical training of a doctoral program that is accredited by the American Psychological Association.

5. The Board may establish a subcommittee to review the academic credentials of an applicant and present a recommendation to the Board. In determining whether to approve the

academic credentials of an applicant pursuant to subsection 3 or 4, the Board will consider any recommendation from the Association of State and Provincial Psychology Boards, the director of clinical training of a doctoral program that is accredited by the American Psychological Association, or a designee of the director of clinical training of a doctoral program that is accredited by the American Psychological Association, as applicable, and the recommendation of the subcommittee, if any, but is not bound to follow such recommendations.

6. If the title of any course submitted by an applicant pursuant to paragraph (g) of subsection 2 does not adequately describe its content, the Board or subcommittee, as applicable, may require the applicant to submit additional information regarding the contents of the course, including, without limitation, a syllabus, a university catalog description or a statement from the instructor of the course.

7. If the Board finds that the training program completed by an applicant pursuant to this section is not equivalent to a program accredited by the American Psychological Association, the applicant may petition the Board for reconsideration. A decision of the Board upon reconsideration, or a decision of the Board to deny such a petition, is a final decision for the purposes of chapter 233B of NRS.

Sec. 6. NAC 641.062 is hereby amended to read as follows:

641.062 1. An applicant for licensure as a psychologist who, on or after January 1, 2018, has completed a training program *within the United States* that is 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 submit to the Board:

(a) Transcripts, syllabi, university catalog descriptions, a description of the training program, professional competency evaluations conducted of the applicant while in the 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 accreditation standards for doctoral programs in the *Standards of Accreditation for Health Service Psychology* of the American Psychological Association, which is available, free of charge, at the Internet address <http://www.apa.org/ed/accreditation/index.aspx>, and Section C of the *Implementing Regulations* of the Commission on Accreditation of the American Psychological Association, which is available, free of charge, at the Internet address <http://www.apa.org/ed/accreditation/section-c-soa.pdf>; <http://www.apa.org/ed/accreditation/index.aspx>; and

(b) The evaluation of the academic credentials of the applicant conducted pursuant to subsection 4 or 5.

3. For the purposes of paragraph (a) of subsection 2, a training program “substantially complies with the accreditation standards for doctoral programs” if the applicant submits to the Board, without limitation, proof:

(a) Of doctoral training at an institution which is considered by the Board to be an accredited educational institution pursuant to *paragraph (a) of* subsection 3 of NAC 641.050.

(b) That the primary purpose of the training program is to provide broad and general training in scientific psychology and in the foundations of practice in health service psychology. The program materials must demonstrate:

(1) The integration of empirical evidence and practice;

(2) That the training is sequential, cumulative, graded in complexity and designed to prepare students for practice or further organized training; and

(3) That the program requires respect for and understanding of cultural and individual differences and diversity.

(c) 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 stable leadership provided by one or more designated doctoral-level psychologists who:

(I) Are members of an identifiable core faculty of the program; and

(II) Together with other core faculty of the program have primary responsibility for the program's design, implementation, evaluation and quality.

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

(5) Includes supervised practicums which must include, without limitation:

(I) Supervised experience working with diverse persons who display a variety of presenting problems, diagnoses and issues;

(II) Supervised experience in settings committed to training and providing experiences consistent with health service psychology competencies, including, without limitation, those competencies listed in paragraphs (e) and (f);

(III) Supervision provided by appropriately trained and credentialed persons; and

(IV) Practicum evaluations which are based, at least in part, on direct observation, which may occur in person or via electronic means.

(d) That the program requires a student to complete successfully at least 3 academic years, or the equivalent, of full-time graduate study which includes at least 2 years, or the equivalent, of academic training and at least 1 year, or the equivalent, in full-time residence. A person seeking to satisfy the requirement for 1 year in full-time residence based on equivalent experience must demonstrate that the experience achieved all the purposes of the requirement, including, without limitation, mentoring, supervision and evaluation regarding the development of professional competence. Experience in a program that was conducted entirely through electronic means may not be used to satisfy the requirements of this paragraph.

(e) That the applicant, while in the program, acquired and demonstrated substantial graduate-level understanding and competence in discipline-specific knowledge in the following areas:

- (1) The history and systems of psychology.
- (2) Affective aspects of behavior.
- (3) Biological aspects of behavior.
- (4) Cognitive aspects of behavior.
- (5) Social aspects of behavior.
- (6) Developmental aspects of behavior across the lifespan.
- (7) Advanced integrative knowledge in scientific psychology.
- (8) Research methods.
- (9) Quantitative methods.
- (10) Psychometrics.

(f) That the applicant, while in the program, achieved and demonstrated profession-wide competency in the following areas:

- (1) Research.
- (2) Ethical and legal standards.
- (3) Individual and cultural diversity.
- (4) Professional values, attitudes and behaviors.
- (5) Communication and interpersonal skills.
- (6) Assessment.
- (7) Intervention.
- (8) Supervision.
- (9) Consultation, interprofessional and interdisciplinary skills.

4. Except as otherwise provided in subsection 5, to determine whether the training program completed by an applicant is equivalent to a program accredited by the American Psychological Association pursuant to subsection 1, the applicant must have his or her academic credentials, including, without limitation, the required curriculum, evaluated by:

- (a) The Association of State and Provincial Psychology Boards; or
- (b) The director of clinical training of a doctoral program that is accredited by the American Psychological Association and approved by the Board of Psychological Examiners.

5. An applicant who is unable to obtain an evaluation as required in subsection 4 may, upon the approval of the Board, have his or her academic credentials evaluated by a designee of the director of clinical training of a doctoral program that is accredited by the American Psychological Association.

6. The Board may establish a subcommittee to review the academic credentials of an applicant and present a recommendation to the Board. In determining whether to approve the academic credentials of an applicant pursuant to subsection 4 or 5, the Board will consider any recommendation from the Association of State and Provincial Psychology Boards, the director of clinical training of a doctoral program that is accredited by the American Psychological Association, or a designee of the director of clinical training of a doctoral program that is accredited by the American Psychological Association, as applicable, and the recommendation of the subcommittee, if any, but is not bound to follow such recommendations.

7. If the Board finds that the training program completed by an applicant pursuant to this section is not equivalent to a program accredited by the American Psychological Association, the applicant may petition the Board for reconsideration. A decision of the Board upon reconsideration, or a decision of the Board to deny such a petition, is a final decision for the purposes of chapter 233B of NRS.

Sec. 7. NAC 641.0625 is hereby amended to read as follows:

641.0625 To meet the educational requirements for licensure as a psychologist set forth in NAC 641.061 or 641.062, *or section 4 of this regulation*, as applicable, an applicant who:

1. Has not earned a doctoral degree in psychology from an accredited educational institution approved by the Board or completed doctoral-level training from an accredited educational institution deemed equivalent by the Board in both subject matter and extent of training; and
2. Has met some of the educational requirements for licensure as a psychologist through the completion of doctoral-level training in a related field of study,

↪ must satisfy the remaining educational requirements for licensure as a psychologist through the completion of a program of respecialization that is accredited by the American Psychological Association or a program deemed equivalent by the Board.

Sec. 8. NAC 641.120 is hereby amended to read as follows:

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

2. Except as otherwise provided in subsection 3, an applicant for a license may take the 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:

(1) NAC 641.061 if the applicant graduated *from a program within the United States* before January 1, 2018; ~~for~~

(2) NAC 641.062 if the applicant graduated *from a program within the United States* on or after January 1, 2018; or

(3) Section 4 of this regulation if the applicant graduated from a program completed outside the United States; or

(b) An institution which meets the requirements of subsection 3 of NAC 641.050.

3. An applicant who fails the national examination:

(a) Once or twice may retake the examination.

(b) Three times may not retake the examination unless the applicant requests permission and obtains approval from the Board to retake the examination for a fourth time. The applicant must submit to the Board a written request to retake the examination and a written plan explaining the steps the applicant will take to pass the examination. The Board will approve the request to

retake the examination if the Board determines that the written plan submitted by the applicant is likely to result in the applicant passing the examination.

(c) Four or more times may not retake the examination except as otherwise provided in this paragraph, and his or her application for licensure pursuant to NRS 641.160 or NAC 641.062 ~~§~~ *or section 4 of this regulation*, as applicable, is deemed denied. A person whose application is deemed denied pursuant to this paragraph may, not earlier than 18 months after the date on which he or she notified the Board that he or she failed the examination for the immediately preceding time, request permission in writing from the Board to reapply for licensure and retake the examination. The Board will, if good cause is shown, approve the request.

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

LCB File No. R115-19

January 31, 2020

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

AUTHORITY: §§1, 3, 4, 8 and 9, NRS 641.100; §2, NRS 641.100, 641.110, 641.170 and 641.390; §5, NRS 641.100, 641.110 and 641.170; §§6 and 7, NRS 641.100 and 641.170.

A REGULATION relating to psychologists; clarifying certain requirements concerning the licensure by the Board of Psychological Examiners of a person who is engaged in the teaching of psychology or psychological research; requiring a psychologist to designate a custodian of health care records; requiring a psychologist who intends to cease providing services to provide certain notice to the Board and to his or her patients; requiring the custodian of the records of a psychologist who has died or discontinued practice to maintain such records for a period of time; revising provisions governing the education and experience required to be completed by an applicant for licensure as a psychologist; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law governing the practice of psychology specifies that a person is not prevented from engaging in the teaching of psychology or in psychological research without obtaining a license if the teaching or research does not involve the delivery or supervision of direct psychological services to a person. (NRS 641.390) **Section 2** of this regulation clarifies that a person is prohibited from engaging in the teaching of psychology or in psychological research that involves the delivery or supervision of direct psychological services unless the person holds a license to practice psychology, is actively registered as a psychological assistant or obtains approval from the Board to engage in such teaching or research.

Existing law requires a custodian of health care records to retain such records for a specified period of time after the receipt or production of such records. (NRS 629.051) Existing regulations require a psychologist to maintain certain records for his or her patients for a period of time after the psychologist ceases to provide services to the patient or the patient reaches 21 years of age, whichever is longer. (NAC 641.219) **Section 3** of this regulation requires a

psychologist to designate a custodian of health care records to maintain the patient records of the psychologist in the event of the psychologist's death or the discontinuation of his or her practice. **Section 3** requires a psychologist who intends to cease providing services to patients to: (1) notify the Board in writing and specify the person or facility that will maintain the patient records of the psychologist; and (2) notify his or her patients in writing and provide an opportunity for patients to request and receive their records. **Section 3** also requires a custodian of health care records who takes custody of the patient records of a psychologist following the psychologist's death or discontinuation of practice to retain such records for a length of time that is not less than the length of time that the psychologist would have been required to retain such records.

Existing regulations provide that an applicant is not eligible for licensure as a psychologist unless he or she completes certain supervised and documented postdoctoral experience, including a certain percentage of hours dedicated to providing clinical services. (NAC 641.080) **Section 5** of this regulation requires that at least 15 percent of the hours of post-doctoral experience consist of face-to-face client care. **Section 5** also provides that faculty hired at an accredited institution of higher education may fulfill the clinical services requirement through hours spent engaged in activities related to certain clinical research.

Existing regulations establish requirements for the supervision of a psychological assistant or psychological intern by a psychologist, including a requirement that a psychological assistant or psychological intern be an employee of the supervisor or subject to the control and discretion of a supervisor who is affiliated with the same agency or institution as the psychological assistant or psychological intern. (NAC 641.152) **Section 6** of this regulation requires that, if a psychological assistant or psychological intern is not an employee of the supervisor, the psychological assistant or psychological intern be employed at the same agency or institution that employs the supervisor.

Existing regulations require, except in certain limited circumstances, that a psychological assistant or psychological intern be paid a fixed wage on a periodic basis. (NAC 641.154) **Section 7** of this regulation removes the requirement for the payment of a fixed wage and, instead, requires a psychological assistant or psychological intern to be paid a stipend on a fixed schedule over the course of his or her training.

Sections 4 and 8 of this regulation update certain internal references to reflect changes in statute.

Section 1. Chapter 641 of NAC is hereby amended by adding thereto the provisions set forth as sections ~~22~~ and ~~33~~ of this regulation.

Sec. 2. 1. Except as otherwise provided in subsection 2, a person who is engaged in the teaching of psychology or in psychological research is not required to obtain a license to practice psychology pursuant to chapter 641 of NRS.

2. A person shall not engage in the teaching of psychology or in psychological research that involves the delivery or supervision of direct psychological services unless he or she:

(a) Holds a license to practice psychology pursuant to chapter 641 of NRS;

(b) Is actively registered as a psychological assistant pursuant to chapter 641 of NRS; or

(c) Has obtained approval from the Board to engage in such teaching or research without holding a license to practice psychology or being actively registered as a psychological assistant.

Sec. 3. 1. A psychologist shall designate a custodian of health care records to maintain the patient records of the psychologist for the period required by NRS 629.051 and NAC 641.219 in the event of the death of the psychologist or discontinuation of practice, whether temporary or permanent.

2. A psychologist who intends to cease providing services to patients, whether on a temporary or permanent basis, shall:

(a) Notify the Board in writing at least 30 days before he or she ceases to provide services to patients and specify in the notice the person who or facility that will maintain the patient records of the psychologist for the period required by NRS 629.051 and NAC 641.219.

(b) Notify his or her patients in writing at least 30 days before he or she ceases to provide services to patients and provide an opportunity for patients to request and receive their records.

3. A custodian of health care records who takes custody of the patient records of the psychologist upon the discontinuation of practice, whether temporary or permanent, or death of the psychologist must retain such records for a period of time not less than the period of time that the psychologist would have been required to retain such records pursuant to this section and NRS 629.051.

Sec. 4. NAC 641.050 is hereby amended to read as follows:

641.050 1. For the purposes of paragraph ~~(d)~~ (c) of subsection 1 of NRS 641.170, the Board adopts the current list of programs holding accreditation status from the American Psychological Association. This current list of programs may be obtained, free of charge, from the American Psychological Association, at the Internet address <http://www.apa.org/ed/accreditation>.

2. For the purposes of paragraph (d) of subsection 2 of NRS 641.170, the Board adopts the current list of programs holding accreditation status from the Association for Behavior Analysis International. This list is available at the Internet address <http://www.abainternational.org/BA/education/Education.asp>.

3. For the purposes of subsections 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 for Higher Education Accreditation and the United States Department 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.

Sec. 5. NAC 641.080 is hereby amended to read as follows:

641.080 1. Before an applicant is eligible for licensure as a psychologist, he or she 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)~~ (d) of subsection 1 of NRS 641.170 must be supervised experience and must comply with the following requirements:

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

(b) The second year must be postdoctoral, must consist of not less than 1,750 hours and must:

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

(2) Satisfy the requirements of subsection 6.

3. If an applicant has been licensed for at least 5 years in the District of Columbia or another state or territory of the United States and has had no disciplinary action or other adverse action taken against him or her by the regulatory body, the 2 years of experience required pursuant to paragraph ~~(e)~~ (d) 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 6.

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

(a) A doctoral internship program accredited by the American Psychological Association; or

(b) A doctoral internship that is equivalent to a doctoral internship in a program that is accredited by the American Psychological Association. An applicant, his or her proposed supervisor and a representative of the proposed agency or institution at which the internship will be conducted must submit to the Board a plan to meet the requirements of this paragraph and information showing that the proposed internship substantially complies with the accreditation standards for doctoral internship programs in the *Standards of Accreditation for Health Service Psychology* of the American Psychological Association, which is available, free of charge, at the Internet address <http://www.apa.org/ed/accreditation/index.aspx>, and Section C of the *Implementing Regulations* of the Commission on Accreditation of the American Psychological Association which is available, free of charge, at the Internet address <http://www.apa.org/ed/accreditation/section-c-soa.pdf>. Substantial compliance with such standards may be demonstrated by submission to the Board of information showing that the proposed doctoral internship:

(1) Requires completion of the internship in an agency or institution that provides services to a population sufficient in number and diversity to give the intern adequate experiential exposure to meet the purposes, aims and competencies of the internship.

(2) Requires the intern to complete a minimum of 2,000 hours of training, which must be completed:

(I) If on a full-time basis, in not less than 12 months; or

(II) If on a part-time basis, in not less than 24 months.

(3) Offers education and training conducted in a single-site or multiple-site setting that prepares interns for the practice of health service psychology.

(4) Includes a training program that meets the requirements set forth in subsection 5.

5. A proposed doctoral internship that is not accredited by the American Psychological Association must include a training program that, without limitation:

(a) Is an integral part of the mission of the agency or institution in which the program is provided, with administrative and structural processes that facilitate systematic coordination, control, direction and organization of the training activities and resources of the program.

(b) Recognizes the importance of cultural and individual differences and diversity in the training of psychologists.

(c) Demonstrates the adequacy of its educational and training resources, including, without limitation, clerical and technical support, access to training materials and equipment that reflect the current knowledge base in the profession, and physical facilities that are appropriate for confidential interactions and are compliant with the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the regulations adopted pursuant thereto.

(d) Has policies and procedures that are consistent with those described in the accreditation standards for doctoral internship programs in the *Standards of Accreditation for Health Service Psychology* of the American Psychological Association, including, without limitation, policies relating to:

(1) The recruitment and selection of interns;

(2) The required prior doctoral preparation and experiences;

- (3) Providing administrative and financial assistance to interns;
 - (4) The requirements for successful internship performance;
 - (5) Performance evaluations, feedback, retention and termination decisions relating to interns;
 - (6) The identification and remediation of insufficient competence and problematic behavior by an intern;
 - (7) Grievance procedures for interns, including the provision of due process;
 - (8) The requirements for supervision of an intern as set forth in paragraphs (q), (r) and (s);
 - (9) Maintenance of records; and
 - (10) Nondiscrimination, including documentation of such policies and operating procedures.
- (e) Has policies and procedures that are consistent with the profession's current ethics code and which adhere to:
- (1) The regulations of the agency or institution; and
 - (2) All applicable local, state and federal laws regarding due process and fair treatment.
- (f) Requires the retention of records on the performance of interns and complaints and grievances against the program or persons associated with the program.
- (g) Ensures a welcoming, supportive and encouraging learning environment for all interns, including those from diverse and underrepresented communities.
- (h) Recognizes the right of interns, faculty and staff to be treated with courtesy and respect.
- (i) Recognizes science as the core of health service psychology and relies on the current evidence base in the training and assessment of interns.

(j) Requires an intern to demonstrate competency in profession-wide competencies, including, without limitation:

- (1) Research;
- (2) Ethical and legal standards;
- (3) Individual and cultural diversity;
- (4) Professional values, attitudes and behaviors;
- (5) Communication and interpersonal skills;
- (6) Assessment;
- (7) Intervention;
- (8) Supervision; and
- (9) Consultation, interprofessional and interdisciplinary skills.

(k) Demonstrates a clear and coherent plan for educational activities that support the achievement of interns in profession-wide and program-specific competencies.

(l) Employs primarily an experiential training method that:

(1) Involves the delivery of services by an intern in direct contact with recipients of those services; and

(2) Includes sufficient observation and supervision by doctoral-level licensed psychologists to facilitate the readiness of the intern to enter into the general practice of psychology upon completion of the training.

(m) Follows a logical and cumulative training sequence that builds on the skills and competencies acquired by the intern during training and is graded in complexity in a manner consistent with that sequence.

(n) Demonstrates that the tasks and duties associated with the delivery of service by an intern are primarily learning-oriented and that the training considerations of interns take precedence over the delivery of service and the generation of revenue.

(o) Maintains appropriate and transparent communication practices, including, without limitation:

- (1) Articulating the commitment of the program to attracting and training diverse clients;
- (2) Ensuring regular communication between the doctoral program and the doctoral internship program;
- (3) Ensuring that all communications with potential and current interns are informative, accurate and transparent;
- (4) Disclosing the status of the program with regard to accreditation; and
- (5) Demonstrating a commitment to public disclosure.

(p) Provides adequate financial support for:

- (1) Interns;
- (2) Faculty and staff; and
- (3) Sufficient and dependable training activities for the duration of the year or years of any contracts with interns.

(q) Provides supervision in a regularly scheduled manner and ensures that:

- (1) Each intern has access to consultation and supervision during the times he or she is providing clinical services; and
- (2) Each intern receives not less than 4 hours per week of supervision, including not less than 2 hours per week of face-to-face individual supervision by one or more doctoral-level

licensed psychologists who are involved in an ongoing supervisory relationship with the intern and have primary professional responsibility for the cases on which face-to-face individual supervision is provided.

(r) Ensures that any supervisory hours other than the 2 hours of face-to-face individual supervision required by subparagraph (2) of paragraph (q) are:

- (1) Consistent with the definition of supervision in the glossary of the *Standards of Accreditation for Health Service Psychology* of the American Psychological Association;
- (2) Conducted by health care professionals who are appropriately credentialed; and
- (3) Interactive experiences in a group or individual format.

(s) Requires that overall responsibility for the supervision of interns, including oversight and integration of supervision provided by non-psychologist professionals, is maintained by doctoral-level licensed psychologists.

6. For the purposes of subparagraph (2) of paragraph (b) 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 (b) 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 ~~that~~ :

(I) 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; and

(II) At least 15 percent of the hours per week of the supervised experience must be spent providing face-to-face client care;

(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~~ *performing psychological research in a manner not covered by the provisions of subsection 8* 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 face-to-face 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.

7. Unless an applicant is registered as a psychological assistant or psychological intern, he or she may not apply hours during which he or she practiced as another type of licensed medical or behavioral health provider toward the supervised experience that is required for licensure as a psychologist pursuant to this section.

8. For faculty hired at an accredited institution of higher education, hours spent engaged in activities related to clinical research involving the provision of treatment to test the efficacy or effectiveness of psychotherapeutic techniques or to test or identify different mechanisms of change or factors related to treatment outcome, may be used to meet the requirements set forth in subparagraph (2) of paragraph (b) of subsection 6. Such activities include, without limitation:

(a) Supervision of the implementation of treatment protocols;

(b) Direct implementation of treatment protocols;

(c) Writing test results and other reports;

(d) Note writing in connection with the provision of services;

(e) Data monitoring for adverse effects;

(f) Working with institutional review boards to ensure patient safety;

(g) Developing and modifying study design and treatment protocols for the implementation of such studies;

(h) Monitoring and reviewing treatment sessions during clinical trials for adherence to treatment protocols; and

(i) Writing the results of such research.

Sec. 6. NAC 641.152 is hereby amended to read as follows:

641.152 1. Except as otherwise provided in subsection 5, a psychological assistant or psychological intern may work only under the supervision and control of a psychologist who satisfies the requirements of NAC 641.1519.

2. Except as otherwise provided in subsection 5, a psychological trainee may work only under the supervision and control of a supervisor who is formally assigned by his or her home doctoral training program in compliance with required practicum training elements set forth in the *Standards of Accreditation for Health Service Psychology* of the American Psychological Association and Section C of the *Implementing Regulations* of the Commission on Accreditation of the American Psychological Association.

3. Subject to the conditions set forth in subsection 5 and NAC 641.161:

(a) A psychological assistant may supervise a psychological intern or psychological trainee for the purposes of training in supervision in accordance with the national training standards set forth in the *Standards of Accreditation for Health Service Psychology* of the American Psychological Association, which is available, free of charge, at the Internet address **<http://www.apa.org/ed/accreditation/section-c-soa.pdf>**.

(b) A psychological intern may supervise a psychological trainee for the purposes of training in supervision in accordance with the national training standards set forth in the *Standards of Accreditation for Health Service Psychology* of the American Psychological Association.

4. The supervisor of a psychological assistant, psychological intern or psychological trainee is responsible for:

(a) The adequate supervision of the psychological assistant, psychological intern or psychological trainee; and

(b) The care plan of each client and patient treated or assessed by a psychological intern or psychological trainee under the supervision of the psychological assistant or psychological intern, as applicable, pursuant to subsection 3.

5. For specific skill training, the supervisor of a psychological assistant, psychological intern or psychological trainee may assign the psychological assistant, psychological intern or psychological trainee to a specialist, including, without limitation, a person who is licensed in this State as a psychiatrist, social worker, marriage and family therapist or clinical professional counselor 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. Any services submitted by a supervisor for reimbursement under the State Plan for Medicaid that were rendered under the authorized scope of practice of a psychological assistant, psychological intern or psychological trainee pursuant to NRS

422.27239 while under the supervision of a specialist pursuant to this subsection must also be supervised by the supervisor.

6. A psychological assistant or psychological intern 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 or psychological intern, as applicable, works.~~ *An employee of the same agency or institution that employs the supervisor.*

Sec. 7. NAC 641.154 is hereby amended to read as follows:

641.154 1. Except as otherwise provided in this subsection, a psychological assistant or psychological intern is entitled to be paid a ~~fixed wage on a periodic basis, and~~ *stipend in equal amounts on a fixed schedule over the course of his or her training. The stipend* may not be paid based on the number of clients treated or assessed, the amount of money reimbursed by an insurance plan or a percentage of the fees received. An employment agreement which is proposed to be entered into by a psychological assistant or psychological intern and does not provide for the payment of a ~~wage~~ *stipend* may be approved by the Board pursuant to NAC 641.153 if the Board determines that the agreement is in the best interest of the psychological assistant or psychological intern.

2. If a psychological trainee is paid, he or she must be paid a fixed wage on a periodic basis, and may not be paid based on the number of clients treated or assessed, the amount of money reimbursed by an insurance plan or a percentage of the fees received.

3. A psychological assistant, psychological intern or psychological trainee may not receive fees for professional services except as the agent of his or her employing supervisor or agency.

4. Except as otherwise provided in this subsection, a supervisor may not accept compensation from a psychological assistant, psychological intern or psychological trainee for his or her 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, psychological intern or psychological trainee for his or her supervision must:

(a) Clearly establish which licensed mental health or behavioral health professional accepts responsibility for the practice of the psychological assistant, psychological intern or psychological trainee pursuant to subsection 2 of NAC 641.161; and

(b) Be approved by the Board before it becomes effective.

5. A supervisor shall ensure that the emphasis of the supervised experience of a psychological assistant, psychological intern or psychological trainee whom he or she supervises is on training the psychological assistant, psychological intern or psychological trainee, as applicable, rather than on the raising of revenue by the psychological assistant, psychological intern or psychological trainee, as applicable.

Sec. 8. NAC 641.159 is hereby amended to read as follows:

641.159 1. A supervisor and his or her psychological assistant or psychological intern shall keep a regular log of supervised professional experience intended to meet the requirements of paragraph ~~(e)~~ (d) 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 or psychological intern;

(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 or psychological intern.

Sec. 9. NAC 641.200 is hereby amended to read as follows:

641.200 1. The provisions of NAC 641.200 to 641.255, inclusive ~~H~~, *and section 3 of this regulation:*

(a) Apply to the conduct of any licensee or any applicant for licensure pursuant to this chapter and chapter 641 of NRS, including conduct during any period of education, training or employment required for licensure.

(b) Constitute the standards of conduct which a psychologist, licensed behavior analyst or licensed assistant behavior analyst shall follow in the provision of services.

2. A violation of the provisions of NAC 641.200 to 641.255, inclusive, *and section 3 of this regulation* 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.

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

LCB File No. R173-20 (Previously R131-15)

July 18, 2016

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

AUTHORITY: §1, NRS 641.100, 641.110, 641.170 and 641.390.

A REGULATION relating to psychologists; clarifying certain requirements concerning the licensure by the Board of Psychological Examiners of a person who is engaged in the teaching of psychology or in psychological research; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law governing the practice of psychology specifies that a person is not prevented from engaging in the teaching of psychology or in psychological research without obtaining a license if the teaching or research does not involve the delivery or supervision of direct psychological services to a person. (NRS 641.390) This regulation clarifies that a person who engages in the teaching of psychology or in psychological research that involves the delivery or supervision of direct psychological services to a person is required to obtain a license under the provisions of chapter 641 of NRS.

Section 1. Chapter 641 of NAC is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, a person who is engaged in the teaching of psychology or in psychological research is not required to obtain a license to practice as a psychologist pursuant to chapter 641 of NRS.

2. A person who is engaged in the teaching of psychology or in psychological research that involves the delivery or supervision of direct psychological services to a person must obtain a license to practice as a psychologist pursuant to chapter 641 of NRS.

INTRODUCTION

Appreciation for efforts to enhance access to high-quality psychological care within Nevada is boundless. The community has long suffered from a scarcity of widely available high-quality psychology services. There exist two critical dimensions to the scarcity dilemma: 1) access, and 2) quality of services. In all logicality, the NEVADA STATE BOARD OF PSYCHOLOGICAL EXAMINERS (i.e., the board) and the cumulative body of psychologists licensed in Nevada conjointly bear the responsibility of supporting both dimensions. The board has endeavored to propose legislation defining policies and procedures for vetting foreign graduates. The issue is nuanced and complex. Full consideration of the intricacies therein requires time and well-defined methods of deliberation, including effective use of data.

The board has recently sought public comment. It may be reasonable to assert that that current comment period has been deficient in length. Additionally, in talking with colleagues, it is unclear that all psychologists (i.e., those licensed in Nevada) were notified of the comment period for this legislation. A review of board minutes suggests the board has a sub-committee that has been addressing the issue to a certain degree, the NEVADA STATE BOARD OF PSYCHOLOGICAL EXAMINERS APPLICATION TRACKING EQUIVALENCY AND MOBILITY (ATEAM). Minutes seem to indicate there has been no public comment (e.g., see minutes dated 10/20/20). The seemingly inadequate comment period and the lack of commentary warrant remedy.

Relatedly, board minutes for December of 2020 included a substantial number of applications for licensure (i.e., greater than 75). This does not include individuals in training or applications for psychological assistants. This may suggest a shift in market dynamics and access availability across time.

Therefore, we humbly request that the comment period be re-advertised and substantially extended. We also request that the board consider additional ad-hoc meetings to hear and consider commentary from the general public and Nevada licensed psychologists. Further, given the number of psychologist applicants of late, it is unclear that scarcity will be an enduring condition under the current licensing law. Therefore, we also request that the board publicly present data regarding current access conditions, population growth, and forecasting for the current and the anticipated psychology work force over time.

UNINTENDED CONSEQUENCES OF CULTURAL DIFFERENCES: AN EDUCATIONAL EXPERIENCE

One of our dear collaborating colleagues studied to become a physician in the United States. He shared an experience with us that we believe is relevant to the issue facing the board as board members propose changes to Chapter 641 specifically related to regulating the licensure of Foreign Graduates. Below is his experience in his own words.

The rules governing both education and the practice of medicine and psychology are more extensive and cultural than we might want them to be.

I have studied in Europe and the United States and ascertained first-hand how culture plays a role in the treatment or provision of the best care for clients.

I had an experience back in college that made me aware that there is more to education and professional training than meets the eye. I took one year of Calculus as part of required pre-requisites for premed. This was many years ago in the 1980s.

I had taken general calculus the previous semester and needed to get into the second part of the calculus curriculum. The class was full, and I had an option to take Business Calculus instead, a class that was taught by a French professor who had no experience teaching in the United States. The professor was an aeronautical engineer back in France who had taught math as well. He was a good teacher, but calculus is not a class for the faint at heart. He did not care how many students passed or failed as that was “not his problem” as he used to say. This is a European approach to education. If a student wants to learn, he or she must be prepared for the class and do all that is required to pass the class. No one is spoon-fed so to speak.

The class began with close to 50 students enrolled, and by the end of the first partial exam, close to 50% of the initially enrolled students dropped out. At the end of the third partial exam, and prior to the final exam, just about 25 students were left. Nine students passed the class on a standard curve. I was one of the students who passed. I went to check my grade posted by the classroom in the Science Department a few days after the exam. I passed with a B- (B minus) grade, enough for me never to see a mathematics professor’s face ever again!

Walking and floating on air down the hall I heard my professor call my name. I turned around, saw him, and said hello to him. He beckoned me to come over and chat with him; he appeared to have been crying. He said, “I need you to please come and talk with the dean of the department because I am about to lose my job.” The dean wanted the opinion of a student who passed the class. “What could I possibly tell the dean?” I asked myself.

Well, as it turned out, I had a lot of insight to share. So, I had this talk with the dean, and he asked me what I thought of my professor. I said, “He is a good teacher for those who want to learn. However, for those who are not prepared for the intensity of a class such as calculus, his teaching the class could be a hellish experience.” The dean told me what I had never heard prior to that time. He said, “Here, in America, up to 15% of any class or any discipline cannot fail the class otherwise the professor or teacher is not good enough. **Now, because you passed the class, and you have had a European educational experience I am willing to give him a second chance.**”

The take away for me with this is that the process of education, and some training, is based on culture. I had post medical school educational training in psychiatry, and it is quite obvious that to be a good psychiatrist or psychologist, we must limit the licensure of our mental health providers (1) to those who are extremely knowledgeable about the American culture and (2) to those who have assimilated well into the American culture. In a diverse culture like that which exists in the United States, it is not fair or just to give subpar treatment to our clients or patients. Understanding the American culture is a necessary and important key to best of practice.

R114-19

PROPOSED CHANGES & OUR RECOMMENDATIONS TO PROPOSED CHANGES

R114-19: Foreign Graduates. A regulation relating to psychology; establishing requirements for applications for licensure as a psychologist submitted by an applicant who has completed a training program outside the United States that is not accredited by the American Psychological Association; and providing other matters properly relating thereto.

The spirit of **R114-19: Foreign Graduates** appears to be to allow “an applicant who has completed a training program outside the United States that is not accredited by the American Psychological Association” to qualify and obtain a license. We are concerned the proposed language will be interpreted to allow foreign graduates to obtain a psychology license that does not meet the requirements of psychologists trained in the United States. This would potentially discriminate unfairly against those trained in programs located within the United States. Furthermore, it would endanger recipients of psychological services to potentially harmful treatments administered by those foreign graduates as well as potentially disenfranchising those recipients from seeking psychological services in the future.

Significant cultural differences exist between training programs located within the United States to include Alaska and Hawaii and training programs located in provinces and territories of the United States. Therefore, individuals trained in programs located in provinces or territories (e.g., Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States) must be defined as “foreign graduates”.

Proposed language:

Sec. 2. *For the purposes of this chapter, a training program is completed within the United States if the program is completed within the geographic boundaries of the United States, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.*

Suggested changes:

Sec. 2. *For the purposes of this chapter, a training program is completed within the United States if the program is completed within the geographic boundaries of the United States to include the states of Alaska and Hawaii.*

We propose that Section 3 be removed entirely. The risk of harm to the public is not sufficiently mitigated by the proposed requirements listed in Section 3. The effective delivery of Psychological services, moreso than any other healthcare service, requires an effective therapeutic relationship. The efficacy of the therapeutic relationship has been shown to be the most relevant component in Psychotherapy, more important than the therapeutic technique, the arrangement of the therapeutic environment, or the physical attributes of the provider. A provider’s adroit facility in the cultural aspects of the environment in which Psychotherapy is delivered figures prominently in the development and maintenance of the therapeutic relationship. Without it, the relationship will be inadequate, the efficacy of care diminished, or worse the recipient of care will not return for a second session. For the consumer of Psychological services, an intimate sensitivity for the development and maintenance of the therapeutic relationship via a focus on the cultural competency of the provider cannot be overemphasized. It is for these reasons that the licensing of Foreign Graduates must carefully consider

not only the quality and consistency of the applicant's training, but also his/her skills in cultural competency.

In addition to ensuring that education standards and clinical skills are commensurate with those prescribed for U.S. Psychologists, Foreign Graduates should be required to complete training in the cultural practices of U.S. citizens. This training is to be completed in the U.S., taught by a U.S. national, and authorized by the APA. Such training should lead to a minimum level of mastery in U.S. cultural practices, this level of mastery evaluated by the Foreign Graduate's supervisor. Competency will be demonstrated through the passing of a written examination and acceptable performance in live interactions with patient(s). Finally, cultural competency should be demonstrated by the Foreign Graduate by way of his/her acclimation to U.S. culture. This acclimation is for the purpose of ascertaining the Foreign Psychologist's assimilation in the U.S. culture and to exclude those candidates who are 'book smart' but lacking the requisite skills to effectively navigate within the psychotherapy milieu.

Proposed language:

~~**Sec 3.1. The Board may issue a license to practice as a psychologist to an applicant who has completed a training program outside the United States that is not accredited by the American Psychological Association if the applicant:**~~

~~**(a) Submits to the Board with his or her application evidence satisfactory to the Board that the applicant:**~~

~~**(1) Meets the requirements of subsection 1 of NRS 641.170;**~~

~~**(2) If the training program completed by the applicant was not conducted in English, has obtained a score of not less than 80 on the Test of English as a Foreign Language, internet-Based Test, administered by the Educational Testing Service;**~~

~~**(3) Has not been convicted of a felony;**~~

~~**(4) Has not been subject to disciplinary action in another jurisdiction;**~~

~~**(5) Does not have any outstanding complaints or charges pending against him or her in another jurisdiction;**~~

~~**(6) Has not previously been denied licensure by the Board;**~~

~~**(7) Has passed the state examination administered by the Board pursuant to NAC 641.112; and**~~

~~**(8) Has passed the national examination required by NRS 641.180;**~~

~~**(b) Submits to the Board with his or her application three letters of professional reference that attest without reservation to the professional competence, moral character and current fitness to practice of the applicant;**~~

~~**(c) Submits to the Board with his or her application evidence satisfactory to the Board that the applicant has complied with section 4 of this regulation and that the Board has determined that the training program completed by the applicant is equivalent to a program accredited by the American Psychological Association; and**~~

~~**(d) Complies with subsection 1 of NRS 641.160 by submitting:**~~

~~**(1) A complete set of the applicant's fingerprints to the Board with written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation; or**~~

~~**(2) Verification to the Board that the applicant's fingerprints were so forwarded by the law enforcement agency or other authorized entity taking fingerprints.**~~

~~**2. The Board may require an applicant pursuant to this section to appear before the**~~

~~Board to demonstrate the applicant's:~~

- ~~(a) Moral character;~~
- ~~(b) Current fitness to practice psychology; and~~
- ~~(c) Intent to practice psychology in a manner consistent with his or her education, training and experience.~~

We propose the removal of Section 4. Neither the Board nor a contractor designated by the Board has the expertise to evaluate foreign training. In the service of protecting the public and to mitigate this concern, we propose Chapter 641 of NAC follow a set of requirements similar to those set forth by the Nevada State Board of Medical Examiners for International Medical Graduates (IMGs) defined as physicians who received the basic medical degree from a medical school located outside the United States and Canada. According to the American Medical Association (<https://www.ama-assn.org/education/international-medical-education/state-licensure-board-requirements-international-medical>), the Nevada State Board of Medical Examiners is one of the 25 states with the most stringent requirements for graduates of foreign medical schools: "All state licensing jurisdictions require a graduate of a foreign medical school to complete...accredited U.S. or Canadian graduate medical education before licensure...25 states require 3 years of accredited graduate medical education..." Following completion of this accredited U.S. or Canadian graduate medical education, the IMG seeking Nevada State medical licensure must meet the requirements for Educational Commission for Foreign Medical Graduates (ECFMG) certification. The ECFMG certification is the standard for evaluating qualifications of IMGs who seek to join the United States healthcare system. The Application for ECFMG certification includes obtaining a notarized Certification of Identification Form (Form 186). The IMG must be enrolled or have graduated from a medical school that meets the ECFMG requirements, must have entered residency or fellowship programs that are accredited by the Accreditation Council for Graduate Medical Education (ACGME), must successfully complete the United States Medical Licensing Examination (USMLE) requirements, and must have primary source verification of medical education credentials.

These requirements ensure public safety of the consumers of medical services. Consumers of psychological services by Psychologists licensed in the State of Nevada deserve the same safeguards. Therefore, we propose Foreign Graduates of psychology programs located outside the United States are required to complete 3 years of graduate psychology education from a program accredited by the American Psychological Association. In addition, the Foreign Graduate must meet the supervision of clinical practice requirements specified in NRS 641.170 Section 1 (d) "Has at least 2 years of experience satisfactory to the Board, 1 year of which must be postdoctoral experience in accordance with the requirements established by regulations of the Board." The Foreign Graduate must obtain these 2 years of co-located, supervised clinical practice experience within the United States (i.e., they must provide the service within the United States, provide service to individuals who reside within the State of Nevada, and be supervised by a supervisor located in the State of Nevada with DIRECT supervision consisting of no less than 1 hour/week of audio recordings, a minimum of at least once monthly direct live-observation of the delivery of clinical services, and a one hour supervision session conducted either live or via teleconference monthly).

~~Sec. 4.1. An applicant for licensure as a psychologist who has completed a training program outside the United States that is 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 submit to the Board:~~

- ~~(a) An original diploma or other certificate of graduation from the training program, which will be returned to the applicant, and a photocopy of the document, which will be retained by the Board.~~
- ~~(b) A transcript or other appropriate document of all coursework completed in the training program.~~
- ~~(c) Satisfactory evidence of the completion of the supervised and documented experience required by NAC 641.080.~~
- ~~(d) A statement, based on the documents listed in this subsection, that describes the chronological sequence of studies, training and research engaged in by the applicant. This statement must be comparable to and communicate the same information as a transcript issued by a university in the United States and must highlight how the education and doctoral internship experience of the applicant conforms to the educational requirements set forth in this section.~~
- ~~(e) Suitable documents showing that the training program completed by the applicant substantially complies with the accreditation standards for doctoral programs in the Standards of Accreditation for Health Service Psychology of the American Psychological Association, which is available, free of charge, at the Internet address <http://www.apa.org/ed/accreditation/index.aspx>, and Section C of the Implementing Regulations of the Commission on Accreditation of the American Psychological Association, which is available, free of charge, at the Internet address <http://www.apa.org/ed/accreditation/index.aspx>.~~
- ~~(f) A certified translation of any documents submitted pursuant to this subsection which is written in a language other than English.~~
- ~~(g) The evaluation of the academic credentials of the applicant conducted pursuant to subsection 4, except as otherwise provided in subsection 5.~~

~~3. For the purposes of paragraph (e) of subsection 2, a training program “substantially complies with the accreditation standards for doctoral programs” if the applicant submits to the Board, without limitation, proof:~~

- ~~(a) Of doctoral training at an institution which is considered by the Board to be an accredited educational institution pursuant to paragraph (b) or (c) of subsection 3 of NAC 641.050.~~
- ~~(b) That the primary purpose of the training program is to provide broad and general training in scientific psychology and in the foundations of practice in health service psychology. The program materials must demonstrate:

 - ~~(1) The integration of empirical evidence and practice;~~
 - ~~(2) That the training is sequential, cumulative, graded in complexity and designed to prepare students for practice or further organized training; and~~
 - ~~(3) That the program requires respect for and understanding of cultural and individual differences and diversity.~~~~
- ~~(c) 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 stable leadership provided by one or more designated doctoral-level psychologists who:~~~~

- ~~(I) Are members of an identifiable core faculty of the program; and~~
- ~~(II) Together with other core faculty of the program have primary responsibility for the program's design, implementation, evaluation and quality.~~
- ~~(4) Has an identifiable body of students who are matriculated in the program for the purpose of earning a degree.~~
- ~~(5) Includes supervised practicums which must include, without limitation:~~
- ~~(I) Supervised experience working with diverse persons who display a variety of presenting problems, diagnoses and issues;~~
- ~~(II) Supervised experience in settings committed to training and providing experiences consistent with health service psychology competencies, including, without limitation, those competencies listed in paragraphs (e) and (f);~~
- ~~(III) Supervision provided by appropriately trained and credentialed persons; and~~
- ~~(IV) Practicum evaluations which are based, at least in part, on direct observation, which may occur in person or via electronic means.~~
- ~~(d) That the program requires a student to complete successfully at least 3 academic years, or the equivalent, of full-time graduate study which includes at least 2 years, or the equivalent, of academic training and at least 1 year, or the equivalent, in full-time residence. A person seeking to satisfy the requirement for 1 year in full-time residence based on equivalent experience must demonstrate that the experience achieved all the purposes of the requirement, including, without limitation, mentoring, supervision and evaluation regarding the development of professional competence. Experience in a program that was conducted entirely through electronic means may not be used to satisfy the requirements of this paragraph.~~
- ~~(e) That the applicant, while in the program, acquired and demonstrated substantial graduate-level understanding and competence in discipline-specific knowledge in the following areas:~~
- ~~(1) The history and systems of psychology.~~
- ~~(2) Affective aspects of behavior.~~
- ~~(3) Biological aspects of behavior.~~
- ~~(4) Cognitive aspects of behavior.~~
- ~~(5) Social aspects of behavior.~~
- ~~(6) Developmental aspects of behavior across the lifespan.~~
- ~~(7) Advanced integrative knowledge in scientific psychology.~~
- ~~(8) Research methods.~~
- ~~(9) Quantitative methods.~~
- ~~(10) Psychometrics.~~
- ~~(f) That the applicant, while in the program, achieved and demonstrated profession-wide competency in the following areas:~~
- ~~(1) Research.~~
- ~~(2) Ethical and legal standards.~~
- ~~(3) Individual and cultural diversity.~~
- ~~(4) Professional values, attitudes and behaviors.~~
- ~~(5) Communication and interpersonal skills.~~
- ~~(6) Assessment.~~
- ~~(7) Intervention.~~
- ~~(8) Supervision.~~
- ~~(9) Consultation, interprofessional and interdisciplinary skills.~~

- ~~4. Except as otherwise provided in subsection 5, to determine whether the training program completed by an applicant is equivalent to a program accredited by the American Psychological Association pursuant to subsection 1, the applicant must have his or her academic credentials, including, without limitation, the required curriculum, evaluated by the National Register of Health Service Psychologists. Information regarding obtaining a review is available, free of charge, at the Internet address <https://www.nationalregister.org/apply/credentialing-requirements/national-register-doctoraldegree-guidelines/>. Upon completion of the evaluation the applicant shall cause the National Register of Health Service Psychologists to submit the evaluation directly to the Board. The Board will review the evaluation and determine whether the program completed by the applicant is equivalent to a program that is accredited by the Association.~~
- ~~5. The Board may, upon written request, waive the requirement for an applicant to obtain an evaluation of his or her academic credentials pursuant to subsection 4 if the applicant graduated from a doctoral program that is accredited by the accreditation panel of the Canadian Psychological Association.~~
- ~~6. The Board may establish a subcommittee to review the academic credentials of an applicant and present a recommendation to the Board. In determining whether to approve the academic credentials of an applicant pursuant to subsection 4 or 5, the Board will consider any recommendation from the National Register of Health Service Psychologists and the recommendation of the subcommittee, if any, but is not bound to follow such recommendations.~~
- ~~7. If the Board finds that the training program completed by an applicant pursuant to this section is not equivalent to a program accredited by the American Psychological Association, the applicant may petition the Board for reconsideration. A decision of the Board upon reconsideration, or a decision of the Board to deny such a petition, is a final decision for the purposes of chapter 233B of NRS.~~
- ~~8. The applicant is responsible for paying all fees and costs incurred to obtain an evaluation or translation of his or her academic records.~~
- ~~9. It is the responsibility of the applicant to sufficiently demonstrate that the training program completed by the applicant is equivalent to a program accredited by the American Psychological Association.~~

In proposing the removal of Section 4, we also propose the removal of Sec. 8. 2.a.(3). Thus, the language in Sec. 8. 2.a.(3) in blue below is to be deleted.

Sec. 8. NAC 641.120 is hereby amended to read as follows:

~~2.a.(3) Section 4 of this regulation if the applicant graduated from a program completed outside the United States; or~~

R115-19

PROPOSED CHANGES & OUR RECOMMENDATIONS TO PROPOSED CHANGES

R115-19: Supervision, payment of psychological assistant, Closure of a Practice. A regulation relating to psychologists; clarifying certain requirements concerning the licensure by the Board of Psychological Examiners of a person who is engaged in the teaching of psychology or psychological research; requiring that, if a psychological assistant or psychological intern is not an employee of the supervisor, the psychological assistant or psychological intern be employed at the same agency or institution that employs the supervisor. requiring a psychologist to designate a custodian of health care records; requiring a psychologist who intends to cease providing services to provide certain notice to the Board and to his or her patients; requiring the custodian of the records of a psychologist who has died or discontinued practice to maintain such records for a period of time; revising provisions governing the education and experience required to be completed by an applicant for licensure as a psychologist; and providing other matters properly relating thereto.

Proposed language:

Sec. 2. 1. Except as otherwise provided in subsection 2, a person who is engaged in the teaching of psychology or in psychological research is not required to obtain a license to practice psychology pursuant to chapter 641 of NRS.

2. A person shall not engage in the teaching of psychology or in psychological research that involves the delivery or supervision of direct psychological services unless he or she:

(a) Holds a license to practice psychology pursuant to chapter 641 of NRS;

(b) Is actively registered as a psychological assistant pursuant to chapter 641 of NRS; or

(c) Has obtained approval from the Board to engage in such teaching or research without holding a license to practice psychology or being actively registered as a psychological assistant.

Suggested changes:

Sec.2. 2. A person shall not engage in a) the direct clinical supervision and teaching of specific clinical techniques used in psychotherapy interventions and/or neuropsychological assessment to a person or b) in supervising the conduct of psychological research that involves specific clinical techniques used in psychotherapy interventions and/or neuropsychological assessment to a person unless he or she:

(a) Holds a license to practice psychology pursuant to chapter 641 of NRS;

(b) Is actively registered as a psychological assistant pursuant to chapter 641 of NRS; or

(c) Has obtained approval from the Board to engage in such teaching or research without holding a license to practice psychology or being actively registered as a psychological assistant.

From our perspective (i.e., psychologist clinicians and supervisors working in the field for decades), this proposed regulation places unrealistic expectations and hardship on the licensee. Unforeseen and/or severe circumstances may place the practicing clinician in a position whereby patient records are unable to be maintained for the specified period of time following such events. The clinician cannot and should not be responsible for the designated custodian of health's obligation since the custodian of health has no legal obligation to follow through to maintain health care records. The custodian of health may abdicate his or her obligation for

personal reasons shortly before or after the clinician may become incapacitated or die leaving the designation of another custodian of health care records incomplete. Under such circumstances, neither the patient nor the board would have legal recourse to prescribe another designated custodian to maintain and/or retrieve requested records since the records are the property of the clinician's estate.

The obligation to notify the board 30 days before the cessation of clinical services under such circumstances is unrealistic. We propose changes to Sec 3. 2. (a) and Sec. 3. 2. (b).

Proposed language:

Sec. 3. 1. A psychologist shall designate a custodian of health care records to maintain the patient records of the psychologist for the period required by NRS 629.051 and NAC 641.219 in the event of the death of the psychologist or discontinuation of practice, whether temporary or permanent.

2. A psychologist who intends to cease providing services to patients, whether on a temporary or permanent basis, shall:

~~***(a) Notify the Board in writing at least 30 days before he or she ceases to provide services to patients and specify in the notice the person who or facility that will maintain the patient records of the psychologist for the period required by NRS 629.051 and NAC 641.219.***~~

~~***(b) Notify his or her patients in writing at least 30 days before he or she ceases to provide services to patients and provide an opportunity for patients to request and receive their records.***~~

Suggested changes:

Sec 3. 2. A psychologist who intends to cease providing services to patients, whether on a temporary or permanent basis, shall:

(a) At the time of licensure, the Psychologist shall inform the board the means in which patient records will be kept-

(b) Insure that NRS 629.051 is followed. Specifically, the psychologist will ensure that health care records are retained in written form, or by microfilm or any other form of size reduction, including without limitation, microfiche, computer disc, magnetic disc and optical disc, which does not adversely affect their use for the purposes of NRS 629.061. Health care records may be created, authenticated and stored in a computer system that meets the requirements of NRS 439.581 to 439.595, inclusive, and the regulations adopted pursuant thereto.

(c) At the time of licensure, the Psychologist will sign a release allowing a board authorized and designated individual access to patient records if the Psychologist is incapacitated or deceased. Under such restricted access, a civil court judge must grant the Board permission to retrieve those and only those patient records in question. During retrieval, the board designee must be accompanied by an authorized individual such as an officer designated by the court, a business partner, or a family member. The latter two individuals should be identified by the Psychologist at the time of licensure. However, these individuals do not have any legal obligation to comply with access.

(d) Provide documented notification to his or her patients at least 30 days before he or she ceases to provide services to patients and provide an opportunity for patients to request and

receive their records. The documented notification must provide the following information instructing the patient to contact the Board for their records in the event of the death or incapacitation of the psychologist as stated below:

- 1) In the event that the Psychologist is deceased or incapacitated at the time of the request, the client shall summon the Board to initiate access to his/her file as described in 2(c) above.*

In proposing the changes in Section 2 above, we propose the removal of Sec. 3. 3. Thus, the language in Sec. 3. 3. in blue below is to be deleted.

~~*3. A custodian of health care records who takes custody of the patient records of the psychologist upon the discontinuation of practice, whether temporary or permanent, or death of the psychologist must retain such records for a period of time not less than the period of time that the psychologist would have been required to retain such records pursuant to this section and NRS 629.051.*~~

R173-20

PROPOSED CHANGES & OUR RECOMMENDATIONS TO PROPOSED CHANGES

R173-20 (Previously R131-15): Requires those teaching or engaging in research to be licensed if providing supervision in a university setting. A regulation relating to psychologists; clarifying certain requirements concerning the licensure by the Board of Psychological Examiners of a person who is engaged in the teaching of psychology or in psychological research; and providing other matters properly relating thereto.

R173-20 (Previously R131-15) which “requires those teaching or engaging in research to be licensed if providing supervision in a university setting” appears to have the intention of requiring individuals who provide clinical supervision of psychotherapy or neuropsychological assessment to students in a university setting to be licensed psychologists. Furthermore, the spirit of the proposed language appears to be requiring individuals conducting clinical research of psychotherapy techniques to hold a Nevada State psychology license.

We are concerned that the proposed language “...clarifying certain requirements concerning the licensure by the Board of Psychological Examiners of a person who is engaged in the teaching of psychology or in psychological research; and providing other matters properly relating thereto” will be interpreted to mean persons teaching psychology (including, but not limited to specialties like experimental, psycholinguistic, cognitive, biostatistical, social, forensic, organizational) will be forced to obtain a Nevada State psychology license if they are teaching clinical psychology students in a university setting. A concrete statutory interpretation of the current proposed language would potentially limit the faculty allowed to legally teach clinical psychology students. Furthermore, those engaged in psychology research will be required to hold a Nevada State psychology license. Research scientists that conduct research in the areas of experimental, evolutionary, psycholinguistics, cognitive, social, educational, forensic, methodology and program evaluation, and sports psychology (as a short list of examples) would be required to obtain a Nevada State psychology license. We are concerned that, by law, this would limit mentorship opportunities for clinical psychology students seeking research opportunities in related and relevant specialty areas of psychology.

Proposed language:

2. A person who is engaged in the teaching of psychology or in psychological research that involves the delivery or supervision of direct psychological services to a person must obtain a license to practice as a psychologist pursuant to chapter 641 of NRS.

Suggested changes:

- 2. A person who is engaged in the direct clinical supervision and teaching of specific clinical techniques used in psychotherapy interventions and/or neuropsychological assessment to a person must obtain a license to practice as a psychologist pursuant to chapter 641 of NRS.***
- 3. A person who is engaged in supervising the conduct of psychological research that involves specific clinical techniques used in psychotherapy interventions and/or neuropsychological assessment to a person must obtain a license to practice as a psychologist pursuant to chapter 641 of NRS.***

From: [REDACTED]
To: [NBOP ED](#)
Subject: comments regarding foreign graduates
Date: Wednesday, February 3, 2021 12:07:42 PM

To whom it may concern,

An email was recently sent out by a Dr. Brown regarding comments made, I assume previously, at a Board meeting regarding foreign graduates. I read the comments regarding a "class on culture" suggested as part of accepting foreign graduates. I read this with horror and shock to see someone attempting to put into law ethnic and cultural nationalism that borders on racism. Any attempts to tender such "class" or place into law will make this board applauded in some of the darkest corners of American but lambasted and mocked by any reasonable conscientious parts of society. I implore you not to even give this a moment in the sun. It will not turn out well and will find its way onto the national media.

Sung Cho, PsyD

From: [REDACTED]
To: [NBOP ED](#)
Subject: Re: Board Update: Proposed Changes To NAC
Date: Thursday, January 14, 2021 12:24:06 PM

Hello,

I do have one concern about the proposed changes to requiring a custodian of records. For some of us in private practice it has been challenging to find a psychologist who will agree to be a custodian of records. It would be nice if there will be a requirement, that there will also be service that we can pay for to accommodate this if another option cannot be found. My rationale for this is that in order to require continuing education, there are continuing education providers that we go to for our ce. We don't have to ask our colleagues to provide ce for us.

Thank you for your consideration

Sandra Branton, EdD

On Wednesday, January 13, 2021, 04:47:20 PM PST, nbop@govmail.state.nv.us <nbop@govmail.state.nv.us> wrote:

Dear Licensee,

The Board of Psychological Examiners is considering changes to Nevada Administrative Code Chapter 641 through the three draft regulations described below. To view the proposed regulations, please visit the Board's website at <http://psyexam.nv.gov/About/Regulations/>.

Comments, concerns, and/or questions related to the changes can be submitted to the Board through the Board Office at nbop@govmail.state.nv.us. The Board is scheduled to discuss the regulations at a public hearing at the regularly scheduled meeting on Friday, February 12, 2021. That meeting shall begin at or after 8:40 a.m. The hearing notice may be found at <http://psyexam.nv.gov/Board/2021/2021/>.

- **R114-19: Foreign Graduates.** A regulation relating to psychology; establishing requirements for applications for licensure as a psychologist submitted by an applicant who has completed a training program outside the United States that is not accredited by the American Psychological Association; and providing other matters properly relating thereto.
- **R115-19: Supervision, payment of psychological assistant, Closure of a Practice.** A regulation relating to psychologists; clarifying certain requirements concerning the licensure by the Board of Psychological Examiners of a person who is engaged in the teaching of psychology or psychological research; requiring that, if a psychological assistant or psychological intern is not an employee of the supervisor, the psychological assistant or psychological intern be employed at the same agency or institution that employs the supervisor. requiring a psychologist to designate a custodian of health care records; requiring a psychologist who intends to cease providing services to provide certain notice to the Board and to his or her patients; requiring the custodian of the records of a psychologist who has died or discontinued practice to maintain such records for a period of time; revising provisions governing the education and experience required to be completed by an applicant for licensure as a psychologist; and providing other matters properly relating thereto.
- **R173-20 (Previously R131-15): Requires those teaching or engaging in research to be licensed if providing supervision in a university setting.** A regulation relating to psychologists; clarifying certain requirements concerning the licensure by the Board of Psychological Examiners

of a person who is engaged in the teaching of psychology or in psychological research; and providing other matters properly relating thereto.

Thank you and please let me know if you have questions.

Sincerely,

Lisa Scurry, Executive Director



Western Interstate Commission for Higher Education – Behavioral Health Program

3035 Center Green Drive Suite 200 Boulder, CO 80301-2204 303.541.0200 (ph) 303.541.0291 (fax)

Collaboration across the West – Since 1955

November 8, 2020

State of Nevada Board of Psychological Examiners
4600 Kietzke Lane, B-116
Reno, NV 89502

Dear Nevada Board of Psychological Examiners:

I am writing to share our concerns about upcoming proposed regulations pertaining to Chapter 641 of Nevada Administrative Code, in particular NAC 641.154.

The Western Interstate Commission for Higher Education (WICHE, not to be confused with the State of Nevada WICHE) exists to improve access to higher education for residents across the western United States, and its Behavioral Health Program works to build the behavioral health workforce in those same states. WICHE was established in 1953 through a congressionally approved Interstate Compact, and Nevada was a founding member. The compact is codified in Nevada Statute (Chapter 397) and Article III of the Compact makes WICHE an agency of each member state. One of our most successful programs is our rural psychology internship initiative to attract well-qualified behavioral health professionals to rural and underserved areas of western states. The Nevada Psychology Internship Consortium, NV-PIC, arose from this initiative and has enjoyed the support of Nevada WICHE, the Nevada Division of Public and Behavioral Health, and the Nevada Governor's office. We worked with the psychologist faculty of NV-PIC to create a quality internship consortium that was quickly accredited by the American Psychological Association (APA). As doctoral trainees, NV-PIC interns learn to serve to protect, promote, and improve the health of people of Nevada, helping fulfill the mission and vision of DPBH. Training is provided to interns regarding services for underserved populations, advancing recovery, making communities safer and healthier, and exposing interns to a variety of citizens' needs. Interns receive training in practice opportunities relatively unique to the state of Nevada, including telehealth, rural frontier work, and a state-run behavioral health system. Additionally, interns are trained specifically in issues related to community and public health.

While NV-PIC interns generally function as agency employees, are based at a state agency, and must adhere to agency policy and procedure, WICHE serves as the formal employer for the interns. Thus, NV-PIC interns are not technically employed by the State of Nevada, like their supervisors and training faculty are. This arrangement, accomplished via a Memorandum of Understanding with the State of Nevada Division of Public and Behavioral Health, was established at the inception of the internship to ensure equity in stipend and benefits across training sites and facilitate the early recruitment process required by APA and the national membership body, the Association of Psychology Postdoctoral and Internship Centers (APPIC). WICHE's status as formal employer of the NV-PIC interns has been reviewed and approved by the APA.

www.wiche.edu/mentalhealth

ALASKA ARIZONA CALIFORNIA COLORADO HAWAII IDAHO MONTANA NEVADA
NEW MEXICO NORTH DAKOTA OREGON SOUTH DAKOTA UTAH WASHINGTON WYOMING
U.S. PACIFIC TERRITORIES AND FREELY ASSOCIATED STATES

If the regulatory change reflected in NAC 641.154, “requiring that, if a psychological assistant or psychological intern is not an employee of the supervisor, the psychological assistant or psychological intern be employed at the same agency or institution that employs the supervisor”, is formalized, NV-PIC would no longer have an approved mechanism by which to recruit and train psychology interns. The process of requesting FTE positions from the State of Nevada is not guaranteed and would be time consuming at best, likely taking two to four years; during which the program would have no ability to recruit or host interns, would thus be forced to go on inactive status, and would likely lose accreditation because of the potential length of time on inactive status.

The APA already has rigorous standards regarding the structure and quality of internship supervision and NV-PIC fully adheres to those standards. There are also some cases in which secondary or ancillary supervision might be appropriately provided by a supervisor outside of the principal work setting due to that supervisor’s expertise in a specialty area. Such an arrangement can provide rich learning for an intern and we would not want to see those types of opportunities lost for NV-PIC interns.

The WICHE Behavioral Health Program wishes to voice our significant concern and opposition to this modification of NAC 641.154, as it will pose serious problems for NV-PIC’s operations, thus disrupting and even ending what has been a successful behavioral health workforce development initiative for the state of Nevada. Please let me know if you have any questions or need additional information.

Sincerely,



Dennis F. Mohatt
Vice President for Behavioral Health
Western Interstate Commission for Higher Education
Co-Director – Mountain Plains MHTTC
303-541-0256 Office
402-440-6833 Mobile
www.wiche.edu/mentalhealth



Dr. Emily Slife, NV-PIC Training Director
Division of Public and Behavioral Health
1650 Community College Drive, Las Vegas, NV 89146
Tel: 702.486.0711
Email: eslife@health.nv.gov

November 8, 2020

State of Nevada Board of Psychological Examiners
4600 Kietzke Lane, B-116
Reno, NV 89502

Dear Nevada Board of Psychological Examiners:

I am writing in response to the upcoming November 13th, 2020 workshop to solicit comments on proposed regulations pertaining to Chapter 641 of Nevada Administrative Code. I respectfully request that my comments be included in the meeting minutes as I am not able to attend the workshop.

I serve as the Training Director for the Nevada Psychology Internship Consortium (NV-PIC), one of 4 APA-accredited internship training programs in Nevada. We are a workforce development program within the State of Nevada Division of Public and Behavioral Health (DPBH), created in 2014 to offer a local internship to Nevada's doctoral psychology students and to attract competitive students from out of state. NV-PIC offers up to 4 internship positions a year and the aim of NV-PIC is to prepare doctoral psychology interns to: 1) serve, with cultural humility, broad psychological services to underserved clients in the Nevada public behavioral health system and 2) retain NV-PIC graduates to continue to serve the people of Nevada. Of our 17 graduated interns, all who moved to Nevada from out of state for this internship, 10 remained in Nevada after internship (nearly 60%) and 8 have obtained licensure so far (47%).

My concern is to the change listed to NAC 641.154, "requiring that, if a psychological assistant or psychological intern is not an employee of the supervisor, the psychological assistant or psychological intern be employed at the same agency or institution that employs the supervisor." While our interns function like agency employees, they are not State of Nevada employees, like their supervisors and training faculty.

DPBH has a contract with the Western Interstate Commission for Higher Education (WICHE) to serve as the formal employer for the interns, thus the State provides the funding to WICHE to employ the interns. This has been the case since the internship was developed to:

- 1) allow funding for the positions to be encumbered each year
- 2) allow funding to be transferred without the need for a lengthy procurement process

www.nv-pic.org



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Tel: 702.486.0711
Email: eslife@health.nv.gov

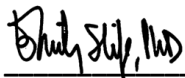
- 3) ensure equity in stipend and benefits across training sites
- 4) make certain the stability of intern positions

While the interns are employees of WICHE, the State of Nevada Division of Public and Behavioral Health has an active Memorandum of Understanding with WICHE which specifies that WICHE and the sites involved with the internship “will abide by training-related decisions made by the NV-PIC Training Committee.” NV-PIC has complete oversight of intern training activities, due process procedures, and so forth. Interns are employees, not contractors, and they are provided with competitive benefits, including: health insurance, 15 paid days off in addition to 11 federal and state holidays, 3 professional development days, and funded travel for in-person NV-PIC training activities 2-3 times/year.

Therefore, I respectfully request that our unique and innovative structure be taken into account when considering the change to NAC 641.154. NV-PIC is committed to high-quality training and understands there may be many reasons the Board is considering this change and we ask for flexibility in the NAC to allow our program to continue attracting and retaining new psychologists-to-be to the state of Nevada.

I would be pleased to provide the Board with additional information or answer any questions.

Sincerely,



Emily Slife, Ph.D.
Training Director
Nevada Psychology Internship Consortium

www.nv-pic.org