

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 (Board) will hold a public hearing at 8:35 a.m., on May 6, 2022. The meeting will be conducted and may be attended through a remote technology system (video- or teleconference). To participate remotely, individuals are invited to enter the meeting from the Zoom website at: <https://us06web.zoom.us/j/85309483715>. To access the meeting via audio only, dial 1-669-900-6833 and enter the meeting ID: . The meeting may also be attended at the physical location of the Board Office at 4600 Kietzke Lane, Suite B-116, Reno, Nevada, 89502. (The Board office recommends that individuals unfamiliar with ZOOM should visit the website in advance to familiarize themselves with the format by viewing the online tutorials and reading the FAQs. To learn more about Zoom, go to <https://zoom.us/>.)

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. R121-21: A regulation relating to psychology; authorizing the remote supervision of psychological assistants, psychological interns and psychological trainees; prescribing standards for such remote supervision; prescribing fees for the issuance of a license by endorsement as a psychologist; and providing other matters properly relating thereto.

LCB File No. R128-21: A regulation relating to psychology; establishing requirements governing the use of a recording of the provision of services by a psychologist to a patient for a training activity; and providing other matters properly relating thereto.

LCB File No. R175-20: A regulation relating to psychology; revising provisions relating to certain requirements for licensure as a psychologist; revising the standards of conduct for psychologists; and providing other matters properly relating thereto.

LCB File No. 127-21: A regulation relating to psychology; revising provisions relating to certain requirements for continuing education in cultural competency and diversity; 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 the 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 the 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 for LCB File No. R127-21, R121-21, and R128-21 was held on September 10, 2021. A workshop to hear public input on LCB File No. 175-20 was held on November 13, 2020. Further notice and request for comment on potential impact was provided to all licensees via email on February 15, 2022.

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 May 5, 2022, 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 for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulations 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 in Nevada, posted at the Board's website at <http://psyexam.nv.gov> and the State of Nevada website at <https://notice.nv.gov/> and the following physical location: Board of Psychological Examiners, 4600 Kietzke Lane, Bldg B-116, Reno, NV

(Posted April 1, 2022)

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

LCB File No. R121-21

March 29, 2022

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

AUTHORITY: § 1, NRS 641.100, as amended by section 2.5 of Senate Bill No. 44, chapter 522, Statutes of Nevada 2021, at page 3484, NRS 641.110 and 641.228, as amended by section 4.5 of Senate Bill No. 44, chapter 522, Statutes of Nevada 2021, at page 3487; § 2, NRS 641.100, as amended by section 2.5 of Senate Bill No. 44, chapter 522, Statutes of Nevada 2021, at page 3484.

A REGULATION relating to psychology; prescribing a fee for the initial issuance of a license by endorsement as a psychologist for certain applicants; authorizing the remote supervision of psychological assistants, psychological interns and psychological trainees; prescribing standards for such remote supervision; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) authorizes the issuance of a license by endorsement as a psychologist to a person who is licensed in another jurisdiction of the United States and who meets certain other requirements; and (2) prohibits the Board of Psychological Examiners from collecting more than one-half of the maximum fee that the Board charges for the initial issuance of such a license from an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran. (NRS 641.196, as amended by section 3.6 of Senate Bill No. 44, chapter 522, Statutes of Nevada 2021, at page 3486, NRS 641.228, as amended by section 4.5 of Senate Bill No. 44, chapter 522, Statutes of Nevada 2021, at page 3487) Existing regulations establish the fees for various services provided by the Board. (NAC 641.019) **Section 1** of this regulation prescribes the fee for the initial issuance of a license by endorsement as a psychologist for an applicant who is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran in accordance with statutory requirements.

Senate Bill No. 44 of the 81st Session of the Nevada Legislature requires the Board to adopt regulations: (1) authorizing the remote supervision of persons obtaining supervised experience for licensure as a psychologist, including psychological assistants, psychological interns and psychological trainees; and (2) prescribing standards for such remote supervision. (NRS 641.100, as amended by section 2.5 of Senate Bill No. 44, chapter 522, Statutes of Nevada 2021, at page 3484) Existing regulations set forth requirements, conditions and limitations relating to the supervision of psychological assistants, psychological interns and psychological

trainees. (NAC 641.151-641.161; Section 8 of LCB File No. R074-18) **Section 2** of this regulation revises these requirements by authorizing remote supervision as a mode or method of supervision of a psychological assistant, psychological intern or psychological trainee. **Section 2** also prescribes standards for such remote supervision by applying existing requirements relating to the proper and diligent oversight of a psychological assistant, psychological intern or psychological trainee to the remote supervision of such persons.

Section 1. NAC 641.019 is hereby amended to read as follows:

641.019 1. Except as otherwise provided in NRS 641.228 ~~§~~ *and subsection 3*, the Board will charge and collect the following fees:

For an application for licensure	\$150
For an application for registration as a psychological assistant, psychological intern or psychological trainee	150
For the state examination for licensure administered by the Board pursuant to NAC 641.112	Actual costs to the Board plus \$100
For the issuance of an initial license	25
For the biennial renewal or reinstatement of a license as a psychologist	600
For the registration of a firm, partnership or corporation	300
For the placement of a license on inactive status.....	100
For the biennial renewal of a license on inactive status.....	100
For the initial registration of a psychological assistant.....	150
For the initial registration of a psychological intern.....	75
For the initial registration of a psychological trainee	30

For the renewal of a registration of a psychological assistant	150
For the renewal of a registration of a psychological intern	75
For the renewal of a registration of a psychological trainee	30
For the restoration to active status of a license as a psychologist on inactive status	250
For the registration of a nonresident consultant.....	100
For reproduction and mailing of material for an application	30
For a change of name on a license	30
For a duplicate license	30
For copies of the provisions of NRS relating to the practice of psychology and the rules and regulations adopted by the Board	30
For a letter of good standing	20
For the review and approval of a course or program of continuing education	30

2. The Board will annually determine the actual costs to the Board for the state examination administered by the Board pursuant to NAC 641.112 for purposes of determining the fee charged and collected pursuant to subsection 1.

3. *If an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran submits an application for a license by endorsement pursuant to NRS 641.196, as amended by section 3.6 of Senate Bill No. 44, chapter 522, Statutes of Nevada 2021, at page 3486, the Board will charge and collect a fee of \$62.50 for the issuance of an initial license.*

4. In accordance with NRS 353C.115 and NAC 353C.400, the Board will charge and collect from any person whose check or other method of payment is returned to the Board or otherwise

dishonored because the person had insufficient money or credit with the drawee or financial institution to pay the check or other method of payment or because the person stopped payment on the check or other method of payment a fee of \$25 or such other amount as may subsequently be required by NRS 353C.115 and NAC 353C.400.

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

Sec. 2. Section 8 of LCB File No. R074-18 is hereby amended to read as follows:

1. A supervisor shall employ methods of proper and diligent oversight of a psychological assistant, psychological intern or psychological trainee who is under his or her supervision to meet his or her ethical and legal responsibilities set forth in subsection 2 of NAC 641.161. Such methods must include the implementation of policies and procedures that ensure the accessibility of the supervisor to the psychological assistant, psychological intern or psychological trainee commensurate with the professional developmental level of the psychological assistant, psychological intern or psychological trainee as required by the agreement submitted to the Board pursuant to NAC 641.1517 or 641.153, as applicable. Such methods may include:

(a) The physical presence of the supervisor;

(b) Availability of *or observation by* the supervisor ~~{by telephone;}~~ *electronically or by fiber optics;* and

(c) Availability of another licensed medical or behavioral health provider at the site at which the psychological assistant, psychological intern or psychological trainee is providing services.

2. To ensure compliance with subsection 1, a supervisor may employ various modes and methods of supervision of a psychological assistant, psychological intern or psychological trainee under his or her supervision, including, without limitation:

(a) Individual supervision;

- (b) Group supervision;
- (c) Tracking the progress of clients and patients treated or assessed by the psychological assistant, psychological intern or psychological trainee;
- (d) Conducting therapy or an assessment with the psychological assistant, psychological intern or psychological trainee;
- (e) Discussing the cases of clients and patients with the psychological assistant, psychological intern or psychological trainee; ~~or~~
- (f) Directly observing *the delivery of services by the psychological assistant, psychological intern or psychological trainee, either in-person or through the use of a remote technology system which uses electronic, digital or other similar technology*; or ~~reviewing~~
- (g) *Reviewing* audio or video recordings of the delivery of services by the psychological assistant, psychological intern or psychological trainee.

3. A supervisor shall:

- (a) Maintain primary responsibility for the care plan of each client and patient treated or assessed by a psychological assistant, psychological intern or psychological trainee under his or her supervision; and
- (b) Review and sign all clinical documentation, including, without limitation, reports, treatment plans and progress notes, for all services provided by a psychological assistant, psychological intern or psychological trainee under his or her supervision, including, without limitation, those services for which he or she is seeking reimbursement under the State Plan for Medicaid that were rendered under the authorized scope of practice of the psychological assistant, psychological intern or psychological trainee pursuant to NRS 422.27239, as applicable.

4. Except as otherwise provided in this subsection, a supervisor shall be available to a psychological assistant, psychological intern or psychological trainee whom he or she supervises while the psychological assistant, psychological intern or psychological trainee is providing services to a client or patient. A supervisor shall arrange for the availability of another appropriate licensed medical or behavioral health provider to be on site in the case of the absence of the supervisor.

5. A supervisor shall provide to the Board:

(a) Evidence of the manner in which he or she meets his or her supervisory duties as outlined in subsections 1 and 2.

(b) Upon the registration of a psychological assistant, psychological intern or psychological trainee, a training plan that includes, without limitation, the policies the supervisor will put in place to ensure the availability of the supervisor and the modes, methods, procedures or policies the supervisor intends to employ to ensure compliance with this section and NAC 641.161.

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

LCB File No. R128-21

January 26, 2022

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

AUTHORITY: §§ 1 and 2, NRS 641.100 and section 2 of Assembly Bill No. 366, chapter 367, Statutes of Nevada 2021, at page 2191 (NRS 641.2291).

A REGULATION relating to psychology; establishing requirements governing the use of a recording of the provision of services by a psychologist to a patient for a training activity; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law imposes various requirements concerning the retention, maintenance and disclosure of health care records, including the patient or client records of a psychologist. (NRS 629.051-629.069) Existing law provides that a mental health professional involved in a program of education for certain mental health professionals approved by the Board of Psychological Examiners is not required to retain a recording of the provision of services by a psychologist to a patient if: (1) the recording is used for a training activity; (2) the patient has provided informed written consent to the use of the recording in the training activity; (3) destroying the recording does not result in the maintenance of incomplete patient records; and (4) the recording is destroyed after a period of time prescribed by the Board. (Section 2 of Assembly Bill No. 366, chapter 367, Statutes of Nevada 2021, at page 2191 (NRS 641.2291)) **Section 1** of this regulation defines the term “training activity” and interprets the term “recording” for those purposes. **Section 1** prescribes: (1) the information that must be included on a form on which a patient may provide informed consent to the use of a recording for a training activity; (2) requirements concerning the maintenance of such a form and the maintenance of a recording used for a training activity; and (3) the period of time after which a recording used for a training activity must be destroyed. **Section 2** of this regulation makes a conforming change to indicate the placement of **section 1** in the Nevada Administrative Code.

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

1. The form on which a patient provides informed written consent for the use of a recording in a training activity pursuant to section 2 of Assembly Bill No. 366, chapter 367, Statutes of Nevada 2021, at page 2191 (NRS 641.2291), must inform the patient of:

(a) The manner in which the psychological service will be recorded;

(b) The people who will have access to the recording, including, without limitation, the name of the supervisor of the training activity for which the recording will be used;

(c) The manner in which the recording will be confidentially stored; and

(d) The date on which the recording will be destroyed and the manner in which the recording will be destroyed.

2. A person having custody or control of the form on which a patient has provided informed consent to the use of a recording in a training activity pursuant to subsection 1 shall maintain the form in accordance with subsection 2 of NAC 641.219.

3. A person having custody or control of a recording that is used or maintained for the purpose of a training activity pursuant to section 2 of Assembly Bill No. 366, chapter 367, Statutes of Nevada 2021, at page 2191 (NRS 641.2291), shall:

(a) Maintain the recording in accordance with NAC 641.224; and

(b) Ensure that the recording is destroyed not later than the earlier of:

(1) The completion of the review of the recording by the supervisor of the training activity; or

(2) Thirty days after the date on which the recording was made.

4. As used in this section and section 2 of Assembly Bill No. 366, chapter 367, Statutes of Nevada 2021, at page 2191 (NRS 641.2291):

(a) The Board interprets the term “recording” to mean an audio or video tape documenting the practice of psychology.

(b) “Training activity” means a supervised activity, including, without limitation, the provision of psychotherapy to, consultation with, psychological assessment of or psychological evaluation of a person, family, couple or group, conducted by a psychologist participating in a formal professional training program for the purpose of developing professional competency.

The purposes of a training activity may include, without limitation:

(1) The training of a psychologist in a new specialty;

(2) Ongoing professional consultation between psychologists; and

(3) The supervised practice of a psychologist mandated by the Board as a result of a disciplinary proceeding.

Sec. 2. NAC 641.200 is hereby amended to read as follows:

641.200 1. The provisions of NAC 641.200 to 641.255, inclusive ~~[§]~~, *and section 1 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 1 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.

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

LCB File No. R175-20

February 11, 2022

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

AUTHORITY: §§ 1 and 2, NRS 641.100 and 641.110; § 3, NRS 641.100.

A REGULATION relating to psychology; revising provisions relating to certain requirements for licensure as a psychologist; revising the standards of conduct for psychologists; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the Board of Psychological Examiners to adopt regulations governing the licensure of psychologists and the practice of psychology. (NRS 641.100)

Existing regulations authorize the Board to issue a license to practice psychology to a person who meets certain criteria and who: (1) has been licensed to practice psychology not less than 20 years in other states of the United States or in Canada; or (2) has been licensed to practice psychology continuously for 5 years in a jurisdiction whose requirements have been determined by the Board to be at least equivalent to the requirements of the law of this State governing the licensure of psychologists. Existing regulations authorize the Board to require applicants for these types of licensure to appear before the Board to demonstrate the applicant’s moral character, current fitness to practice psychology or intent to practice psychology in a manner consistent with his or her education, training and experience. (NAC 641.025, 641.028) **Sections 1 and 2** of this regulation remove the authority of the Board to require the applicant to appear before the Board to demonstrate the applicant’s moral character and, thus, authorize the Board to require the applicant to appear before the Board to demonstrate his or her current fitness to practice psychology or intent to practice psychology in a manner consistent with his or her education, training and experience.

Existing regulations establish a code of conduct for psychologists. (NAC 641.200-641.255) Existing regulations prohibit a psychologist from engaging in conduct in the practice of psychology which evidences moral unfitness to practice the profession. (NAC 641.208) **Section 3** of this regulation removes the word “moral” and, thus, prohibits a psychologist from engaging in conduct which evidences unfitness to practice the profession.

Section 1. NAC 641.025 is hereby amended to read as follows:

641.025 1. The Board may issue a license to practice as a psychologist to an applicant who:

(a) Has been licensed to practice psychology not less than 20 years in other states of the United States or in Canada, if that license was based on a doctoral degree which was earned from a regionally accredited program, accredited by a national regulatory body approved by the Board, and which relates primarily to psychology;

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

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

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

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

(f) Submits to the Board the appropriate application and fees and three letters of professional reference that attest without reservation to the professional competence ~~[-moral-character]~~ and current fitness to practice of the applicant; and

(g) 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 the fingerprints.

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

(a) ~~Moral-character;~~

~~(b)~~ Current fitness to practice psychology; or

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

Sec. 2. NAC 641.028 is hereby amended to read as follows:

641.028 1. The Board will issue a license to practice as a psychologist to an applicant if the applicant:

(a) Has been licensed to practice psychology based on a doctoral degree that relates primarily to psychology and has been practicing psychology continuously for 5 years in a jurisdiction whose requirements have been determined by the Board to be at least equivalent to the requirements of chapter 641 of NRS;

(b) Has been issued a Certificate of Professional Qualification in Psychology by the Association of State and Provincial Psychology Boards or holds a National Register of Health Service Psychologist credential from the National Register of Health Service Psychologists;

(c) Successfully completes an examination prescribed by the Board to test the applicant's knowledge of the statutes and regulations of the State of Nevada governing the practice of psychology;

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

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

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

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

(h) Submits to the Board the appropriate application and fees and three letters of professional reference that attest without reservation to the professional competence ~~[, moral character]~~ and current fitness to practice of the applicant; and

(i) 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 the fingerprints.

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

(a) ~~[Moral character;~~

~~—(b)]~~ Current fitness to practice psychology; and

~~[(e)]~~ (b) Intent to practice psychology in a manner consistent with his or her education, training and experience.

Sec. 3. NAC 641.208 is hereby amended to read as follows:

641.208 A psychologist:

1. Shall limit his or her practice and supervision to the areas in which he or she has acquired competence through education, training and experience.

2. Shall not, except in an emergency in which the life or health of a person is in danger, practice or offer to practice beyond the scope of his or her license, or accept or perform any professional service which he or she knows, or has reason to know, he or she is not competent to perform.

3. Shall not engage in conduct in the practice of psychology which evidences ~~moral~~ unfitness to practice the profession.
4. Shall maintain competence in the areas in which he or she practices through continuing education, consultation or other methods, in conformance with current standards of scientific and professional knowledge.
5. Shall, if employed by an agency, organization or institution, use every reasonable effort to assure that all services provided for patients are adequate in degree and scope, and conform to the highest professional standards.
6. Shall, if acquiring experience in a service or technique that is either new to the psychologist or new to the profession:
 - (a) Engage in continuing consultation with other psychologists or relevant professionals;
 - (b) Seek appropriate education and training in the new area; and
 - (c) Inform his or her patients of the innovative nature and known risks of the new service or technique to provide his or her patients with the freedom of choice concerning psychological services.
7. Shall not claim or use any secret or special method of treatment or evaluation not previously divulged to the Board.
8. Shall not, except for the purpose of research, use any method or technique of treatment or evaluation for which there is no adequate basis in research.
9. Shall not order any test or treatment, or the use of any facility for treatment, not warranted by the condition of the patient.
10. Shall refer or recommend referral of a patient to:
 - (a) Another professional; or

(b) Technical or administrative resources,

↳ if a referral is clearly in the best interests of the patient.

11. Shall, upon the request of a patient, refer the patient to another professional.

12. Shall not render a formal professional opinion about a person, including an opinion concerning the fitness of a parent in a child custody hearing, without having had direct and substantial professional contact with the person or without having made a formal assessment of the person.

13. May, within the scope of his or her license and competence, provide a patient with:

(a) Consultation and intervention regarding behavioral health and associated factors, including, without limitation, engagement in appropriate health behaviors and compliance with recommended treatment plans; and

(b) Referrals to appropriate health care providers for patient concerns of a medical or physical nature.

14. May, within the scope of his or her license and competence, discuss medications with a patient or consult with a physician regarding medication to be prescribed for the patient.

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

LCB File No. R127-21

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

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

Sec. 2. NAC 641.136 is hereby amended to read as follows:

NAC 641.136 1. To renew his or her license, a psychologist must certify to the Board that during the 2 years immediately preceding the date he or she submits an application for renewal, he or she has completed 30 hours of continuing education in courses approved by the Board pursuant to subsection 2 or [NAC 641.138](#). At least 6 hours must include instruction in scientific and professional ethics and standards, and common areas of professional misconduct. At least 2 hours must include instruction in evidence-based suicide prevention and awareness. *At least 2 hours must include instruction relating to cultural competency and diversity, equity, and inclusion.* Not more than 15 hours may be obtained from an approved distance education course. A licensee may not receive credit for continuing education for a course in which he or she is the instructor.

2. Except as otherwise provided in subsection 3, the Board will accept the following types of continuing education courses or programs:

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

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

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

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

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

3. Before a licensee may receive credit for continuing education for a course in scientific and professional ethics and standards and common areas of professional

misconduct or a course in evidence-based suicide prevention and awareness, the licensee must submit information concerning the course to the Board for approval of the course unless the Board has previously approved the course. The Board will make available at its office a list of courses and programs that are currently approved by the Board.

Sec. 3. NAC 641.137 is hereby amended to read as follows:

NAC 641.137 1. A continuing education course or program must be approved by the Board pursuant to [NAC 641.136](#) or [641.138](#) and:

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

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

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

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

(a) Scientific and professional ethics and standards;

(b) Forensic issues;

(c) Research design and methodology;

(d) Tests and measurements;

(e) Psychotherapeutic techniques;

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

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

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

(i) Differences in persons, including personality therapy, human development, abnormal psychology, psychopathology and the psychology of persons with disabilities;

[and]

(j) Evidence-based suicide prevention and awareness. *and*

(k) Cultural competency and diversity, equity, and inclusion. Instruction in cultural competency and diversity, equity, and inclusion:

1) May include the training provided pursuant to NRS 449.103, where applicable.

2) Must be based upon a range of research from diverse sources.

3) Must address persons of different cultural backgrounds, including, without limitation:

I. Persons from various gender, racial and ethnic backgrounds;

II. Persons from various religious backgrounds;

III. Lesbian, gay, bisexual, transgender and questioning persons;

IV. Children and senior citizens;

V. Veterans;

VI. Persons with a mental illness;

VII. Persons with an intellectual disability, developmental disability or physical disability; and

VIII. Persons who are part of any other population that the holder of a license may need to better understand, as determined by the Board.