

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 8:05 a.m. on April 12, 2024. The hearing 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/87284243088>. To access the meeting via audio only, dial 1-669-900-6833 and enter the meeting ID: **872 8424 3088**. (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 hearing may also be attended at the Board office, 3080 South Durango Drive, Suite 102, Las Vegas, Nevada, 89117.

The purpose of the hearing is to receive comments from all interested persons regarding the revisions to regulations that pertain to chapter 641 of the Nevada Administrative Code. The Board will accept public comment via email. Those wishing to make public comment should email their public comments to the Board office at nbop@govmail.state.nv.us. Written public comments must be received prior to the start of the hearing and will be forwarded to the Board for their consideration.

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. R095-23: A REGULATION relating to psychology; interpreting the term “mental examination” for certain purposes; increasing the number of hours of instruction relating to cultural competency that a psychologist is required to complete; prohibiting a licensee from disclosing psychological test material under certain circumstances; updating certain information concerning a publication adopted by reference; and providing other matters properly relating thereto.

LCB File No. R002-24: A REGULATION relating to psychology; revising provisions relating to the supervision of psychological assistants, psychological interns and psychological trainees; and providing other matters properly relating thereto.

2. If the proposed regulation(s) is a temporary regulation, either the terms or the substance of the regulations to be adopted, amended, or repealed, or a description of the subjects and issues involved. If the proposed regulation(s) is a permanent regulation, 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 Boards website by going to www.psyexam.nv.gov, or by contacting the Board of Psychological Examiners at 702-276-0926 or 3080 South Durango Drive, Suite 102, Las Vegas, NV 89117. A reasonable fee for copying may be charged.

3. 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.

A request for input regarding impact was posted and made available to the public and licensees of the Board of Psychological Examiners.

R095-23: A workshop to present the proposed changes and hear public input on R095-23 was held on October 13, 2023.

R002-24: A workshop to present the proposed changes and hear public input on R002-24 was held on November 3, 2023, and December 15, 2023.

4. 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

R095-23: There should be no adverse effects to Psychologists in Nevada. The beneficial effects of the proposed revisions are intended to provide clarity to psychologists and the public regarding the impact to the Board's regulations of 2023 AB244, which was enacted during the 2023 Legislative session, and to align the Board's continuing education requirements with 2023 AB267, also enacted during the 2023 Legislative session.

R002-24: There should be no adverse effects to Psychologists in Nevada. The beneficial effects of the proposed revisions are intended to provide clarity related to the supervision by Psychologists of Psychological Assistants, Psychological Interns, and Psychological Trainees.

(b) Both immediate and long-term effects.

Once the regulation revisions are approved and codified into NAC Chapter 641, the benefits stated above will be immediate and long term.

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

The Board does not believe there will be a cost for enforcement of the proposed revisions, as the proposed revisions do not require enforcement.

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.

The regulation revisions do not establish a new fee or an increase in an existing fee.

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, 3080 South Durango Drive, Suite 102, Las Vegas, NV 89117. Written submissions must be received by the State of Nevada Board of Psychological Examiners on or before April 11, 2024 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 available at the 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 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 online 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, licensed psychologists, posted at the Board's website at <http://psyexam.nv.gov> and the State of Nevada website (<https://notice.nv.gov/>) and the office of the Board of Psychological Examiners (3080 South Durango Drive, Suite 102, Las Vegas, NV 89117).

Posted March 12, 2024

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

LCB File No. R095-23

February 6, 2024

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

AUTHORITY: § 1, NRS 641.100 and section 1 of Assembly Bill No. 244, chapter 503, Statutes of Nevada 2023, at page 3141; § 2, NRS 641.100 and 641.220, as amended by section 5 of Assembly Bill No. 267, chapter 202, Statutes of Nevada 2023, at page 1180; §§ 3 and 4, NRS 641.100.

A REGULATION relating to psychology; interpreting the term “mental examination” for certain purposes; increasing the number of hours of instruction relating to cultural competency that a psychologist is required to complete; prohibiting a licensee from disclosing psychological test material under certain circumstances; updating certain information concerning a publication adopted by reference; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

With certain exceptions, existing law grants a person compelled to submit to a mental examination pursuant to a court order, a contractual obligation or any other type of obligation. (Section 1 of Assembly Bill No. 244, chapter 503, Statutes of Nevada 2023, at page 3141)

Section 1 of this regulation provides that, for purposes of these requirements, the Board of Psychological Examiners will interpret the term “mental examination” to mean a comprehensive clinical interview in which psychosocial data is collected.

During the 2023 Legislative Session, the Legislature enacted Assembly Bill No. 267 (A.B. 267), which increased from 2 to 6 the number of hours of instruction relating to cultural competency and diversity, equity and inclusion a psychologist must receive as a prerequisite for the renewal of a license. (NRS 641.220, as amended by section 5 of Assembly Bill. No. 267, chapter 202, Statutes of Nevada 2023, at page 1180) **Section 2** of this regulation revises the requirements for continuing education in existing regulations to conform with the changes made by A.B. 267.

Existing law authorizes the Board to adopt regulations governing the practice of psychology. (NRS 641.100) Existing regulations prohibit a psychologist or licensed behavior analyst from reproducing or describing psychological tests or other assessment procedures in a manner which may invalidate the tests or procedures. (NAC 641.234) **Section 3** of this regulation prohibits a licensee from disclosing psychological test material to any person or during any judicial proceeding, administrative proceeding or legislative proceeding, unless an exception applies. **Section 3** also: (1) authorizes a person who is the subject of a psychological

test or assessment procedure to request that records related to the psychological test or assessment procedure be disclosed to a designated psychologist; and (2) prescribes requirements relating to such a request. Existing regulations adopt by reference the *Ethical Principles of Psychologists and Code of Conduct* adopted by the American Psychological Association. (NAC 641.250) **Section 4** of this regulation makes a technical change to reflect the correct Internet address at which a person may obtain a copy of this publication free of charge.

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

1. As used in section 1 of Assembly Bill No. 244, chapter 503, Statutes of Nevada 2023, at page 3141, the Board will interpret the term “mental examination” to mean a comprehensive clinical interview in which psychosocial data is collected. The term may include, without limitation, the completion of a psychological examination or mental status examination by a licensed psychologist, psychological assistant, psychological intern or psychological trainee. The term does not include psychological testing.

2. As used in this section, “psychological testing” means the administration of testing that uses standardized psychometric measures of psychological functioning, cognitive and motor functioning, symptom and performance validity and any other skill or ability used to provide a diagnosis or recommendation.

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

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. 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~~ 6 hours must include instruction relating to cultural competency and diversity, equity and inclusion. Not more than 15 hours may be

obtained from an approved home study 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) Home study 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, for a course

in evidence-based suicide prevention and awareness, or for a course relating to cultural competency and diversity, equity and inclusion, 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 641.234 is hereby amended to read as follows:

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

(a) Use appropriate interpretive aids to explain the results in a manner which is understandable; and

(b) Include in the explanation any deficiencies of the assessment procedure and factors which may affect the validity, reliability or other interpretation of the results.

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

3. *Except as otherwise provided in subsection 4, a person who is licensed or registered by the Board shall not disclose psychological test material:*

(a) To any person, including, without limitation, the person who is the subject of the psychological test or assessment procedure; or

(b) During any judicial proceeding, administrative proceeding or legislative proceeding.

4. *A person who is the subject of a psychological test or assessment procedure may request that records related to the psychological test or assessment procedure be disclosed to a*

designated psychologist. Any such request must be made in writing and comply with all applicable federal and state laws relating to the disclosure of mental health information, including, without limitation, the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191. Upon receipt of such a request, a person who is licensed or registered by the Board shall disclose to the designated psychologist all records related to the psychological test or assessment procedure. Nothing in this subsection shall be construed to authorize the inspection of psychological test materials by a person who is the subject of a psychological test or assessment procedure.

5. If a psychologist or licensed behavior analyst offers to other professionals an assessment procedure or automated interpretation service, he or she shall:

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

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

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

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

6. *As used in this section, “psychological test material” has the meaning ascribed to the term “test material” in section 9.11 of the Ethical Principles of Psychologists and Code of Conduct adopted by reference pursuant to subsection 1 of NAC 641.250.*

Sec. 4. NAC 641.250 is hereby amended to read as follows:

641.250 1. The provisions set forth in the most recent edition of the *Ethical Principles of Psychologists and Code of Conduct* adopted by the American Psychological Association are hereby adopted by reference and incorporated herein, unless the Board gives notice that the most recent edition is not suitable for this State pursuant to subsection 3 and except to the extent that those provisions conflict with the provisions of NAC 641.200 to 641.255, inclusive, in which case the provisions of NAC 641.200 to 641.255, inclusive, are controlling. A copy of the publication may be obtained free of charge from the American Psychological Association at 750 First Street, N.E. Washington, D.C., 20002-4242, Attention: Service Center, at the Internet address ~~<http://www.apa.org/ethics/code.html>~~ <https://www.apa.org/ethics/code> or by telephone at (202) 336-5500.

2. The provisions set forth in the most recent edition of the *Code of Conduct* adopted by the Association of State and Provincial Psychology Boards are hereby adopted by reference and incorporated herein, unless the Board gives notice that the most recent edition is not suitable for this State pursuant to subsection 3 and except to the extent that those provisions conflict with the provisions of NAC 641.200 to 641.255, inclusive, in which case the provisions of NAC 641.200 to 641.255, inclusive, are controlling. A copy of the publication may be obtained free of charge from the Association of State and Provincial Psychology Boards at 215 Market Road, Tyrone, GA 30290, Attention: Member Services, at the Internet address [http:// www.asppb.net](http://www.asppb.net) or by telephone at (678) 216-1175.

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

hearing. If, after the hearing, the Board does not revise its determination, the Board will give notice within 30 days after the hearing that the revision is not suitable for this State. If the Board does not give such notice, the revision becomes part of the publication adopted by reference pursuant to subsection 1 or 2.

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

LCB File No. R002-24

March 5, 2024

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

AUTHORITY: §§ 1-5, NRS 641.100 and 641.170.

A REGULATION relating to psychology; revising provisions relating to the supervision of psychological assistants, psychological interns and psychological trainees; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Board of Psychological Examiners to adopt regulations establishing standards for the supervised experience of persons that is required for licensure by the Board. Existing law also authorizes the Board to adopt regulations relating to the registration of persons as psychological assistants, psychological interns or psychological trainees. (NRS 641.100) Existing regulations set forth the requirements, conditions and limitations relating to the supervision of psychological assistants, psychological interns and psychological trainees. (NAC 641.1517-641.161; section 8 of LCB File No. R074-18) Existing regulations require a psychologist who serves as the supervisor of a psychological assistant, psychological intern or psychological trainee to have completed training in clinical supervision. (NAC 641.1519) **Section 1** of this regulation specifies the types of training that fulfill that requirement. **Section 1** also removes requirements that a psychologist who is supervising: (1) a psychological assistant have been licensed to practice psychology for 3 years or more, unless otherwise approved by the Board; and (2) a psychological assistant, psychological intern or psychological trainee maintain certain records relating to the training and experience of the supervising psychologist. **Section 2** of this regulation revises requirements governing the supervision of: (1) a psychological intern or psychological trainee by a psychological assistant under the supervision of a psychologist; and (2) a psychological trainee by a psychological intern under the supervision of a psychologist. **Section 2** also prescribes certain limitations governing such supervision. **Section 2** additionally requires a supervising psychologist to ensure that a psychological trainee, psychological intern or psychological assistant receives certain supervision.

Existing regulations limit the number of psychological assistants, psychological interns and psychological trainees that a psychologist is authorized to supervise. (NAC 641.158) **Section 3** of this regulation revises those limitations to: (1) prohibit a psychologist from supervising more

than four such persons at the same time; and (2) prohibit such supervision under certain additional conditions.

Existing regulations authorize a psychological assistant or a psychological intern to administer, score and interpret certain tests if he or she has successfully completed training in administering, scoring or interpreting such tests. (NAC 641.168) **Section 4** of this regulation additionally authorizes a psychological trainee who has successfully completed such training to administer, score and interpret such tests.

Existing regulations authorize a psychologist to use certain methods when supervising a psychological assistant, psychological intern or psychological trainee, including the availability of another licensed medical or behavioral health provider at the site where the psychological assistant, psychological intern or psychological trainee is providing services. (Section 8 of LCB File No. 074-18) **Section 5** of this regulation removes the requirement that the other licensed medical or behavioral health provider be present at that site and instead requires the other licensed medical or behavioral health provider to be affiliated with that site.

Section 1. NAC 641.1519 is hereby amended to read as follows:

641.1519 1. A psychologist who wishes to serve as a supervisor of a psychological assistant, psychological intern or psychological trainee must:

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

(b) Have ~~had training in clinical supervision, including, without limitation, the completion of continuing education courses, other courses or courses of independent study relating to clinical supervision.~~ *successfully completed the training in clinical supervision described in subsection 2.*

2. ~~[In addition to the requirements of subsection 1, a psychologist who wishes to serve as a supervisor of a psychological assistant must, except as otherwise approved by the Board, have been licensed to practice psychology for 3 years or more.]~~ *Training in clinical supervision pursuant to paragraph (b) of subsection 1 may consist of any of the following:*

(a) Fifteen hours of continuing education concerning supervision of psychological assistants, psychological interns and psychological trainees provided by an accrediting agency

described in paragraph (b) of subsection 2 of NAC 641.136. Not more than one-half of those hours of continuing education may be obtained through self-study performed through such an accrediting agency.

(b) One semester, or its equivalent as determined by the Board, of supervised supervisory experience as a psychological assistant, psychological intern or psychological trainee in a nested model of supervision as described in NAC 641.152.

(c) A formal graduate-level course in supervision.

(d) Any combination of the training described in paragraphs (a), (b) and (c) that is determined by the Board pursuant to subsection 3 to be equivalent to the training described in paragraph (a), (b) or (c).

3. A ~~supervisor of:~~

~~—(a) A psychological assistant shall maintain, and provide to the Board upon request, documentation substantiating that he or she satisfies the requirements set forth in subsection 1 and 2.~~

~~—(b) A psychological intern or psychological trainee shall maintain, and provide to the Board upon request, documentation substantiating that he or she satisfies the requirements set forth in subsection 1.]~~ *psychologist who wishes to serve as a supervisor but has not successfully*

completed the training described in paragraph (a), (b) or (c) of subsection 2 may submit any combination of the training described in those paragraphs to the Board for review. The Board will approve the combination of training if it determines that the combination of training is equivalent to the training described in paragraph (a), (b) or (c) of subsection 2.

Sec. 2. NAC 641.152 is hereby amended to read as follows:

641.152 1. Except as otherwise provided in subsection ~~5~~ 8, 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~~ 8, 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~~ **this section** 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 <https://www.apa.org/ed/accreditation/standards-of-accreditation.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.] , a supervisor may use a nested model of supervision wherein:~~

~~(a) A psychological assistant who is under the supervision of the supervisor supervises a psychological intern or psychological trainee; or~~

~~(b) A psychological intern who is under the supervision of the supervisor supervises a psychological trainee.~~

4. *A supervisor shall not:*

(a) Use a nested model of supervision described in subsection 3 for the supervision of more than four psychological interns or psychological trainees in total; or

(b) Authorize a psychological assistant or psychological intern under his or her supervision to supervise a psychological intern or psychological trainee for more than 40 hours in a week.

5. *A supervisor who uses a nested model of supervision described in subsection 3 shall, at least once each week, directly supervise a psychological assistant or psychological intern providing supervision pursuant to paragraph (a) or (b) of subsection 3, as applicable. Such supervision may occur at a time other than when the psychological assistant or psychological intern is actively providing supervision.*

6. 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.

~~5.1~~ 7. *A supervisor shall ensure that:*

(a) A psychological trainee receives at least 1 hour of individual supervision for each 10 hours of service delivery per week. At least one-half of such individual supervision each week must be performed by the supervisor. Not more than 1 hour of such supervision each week may be performed by a psychological assistant or psychological intern in accordance with

subsection 3. As used in this paragraph, “service delivery” means activities that involve direct contact with a client in person or through telehealth, as defined in NRS 629.515, as amended by section 1 of Assembly Bill No. 276, chapter 19, Statutes of Nevada 2023, at page 78.

(b) A psychological intern receives at least 4 hours of supervision each week. At least 2 hours each week of such supervision must be face-to-face individual supervision by one or more psychologists who have an ongoing supervisory relationship with the psychological intern and primary responsibility for the cases on which the supervision is provided. The remainder of the supervision required by this paragraph may be provided in an individual or group setting by:

(1) A psychologist; or

(2) A psychological assistant in accordance with subsection 3.

(c) A psychological assistant receives at least 1 hour of individual supervision for each 40 hours worked in a week or, if the psychological assistant works less than 40 hours in a week, an amount of individual supervision that is proportionate to the amount of supervision that would be required if the psychological assistant worked 40 hours in the week.

8. 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, behavior analyst, 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.

~~16.1~~ **9.** A psychological assistant or psychological intern must be:

(a) An employee of the supervisor; or

(b) If the psychological assistant or psychological intern is not employed by the supervisor and the supervisor is not employed by the agency at which the psychological assistant or psychological intern is based, a party to a written agreement with the supervisor and agency specifying payment terms and the role of the supervisor or training committee over the training of the psychological assistant or psychological intern, including, without limitation, acknowledgement by all parties that:

(1) The supervisor or training committee will have access to all patient medical records and full oversight and responsibility for the work and training plan of the psychological assistant or psychological intern; and

(2) The psychological assistant or psychological intern may not be an independent contractor of the supervisor or agency during the term of the contract.

Sec. 3. NAC 641.158 is hereby amended to read as follows:

641.158 1. A psychologist may serve as a supervisor to ~~1~~

~~—(a) Not more than three full-time equivalent psychological assistants;~~

~~—(b) Not more than two full-time equivalent psychological interns;~~

~~—(c) Not more than four part-time psychological trainees working not more than 10 hours each week; or~~

~~—(d) A~~ a combination of not more than ~~{five}~~ **four** psychological assistants, psychological interns, psychological trainees or other interns licensed, registered or certified, as applicable, under the provisions of chapter 641A, 641B, or 641C of NRS ~~;~~

~~↪~~ at the same time.

2. *A psychologist shall not supervise:*

(a) A person described in subsection 1 for more than 40 hours in any week;

(b) A person described in subsection 1 with whom the psychologist has a familial or other multiple relationship; or

(c) More persons described in subsection 1 than the psychologist is capable of ensuring adequate supervision.

3. A psychological assistant or psychological intern may not be employed by more than two supervisors at the same time.

~~{3.}~~ 4. A psychological trainee may not be assigned to more than two training sites at the same time.

5. *As used in this section, “multiple relationship” means a professional relationship between a psychologist and another person where:*

(a) The psychologist and the other person currently have another type of relationship;

(b) The psychologist is currently in a relationship with a person closely associated with or related to the person with whom the psychologist has the professional relationship; or

(c) The psychologist plans to enter into another relationship in the future with the person with whom the psychologist is in a professional relationship or a person closely associated with or related to that person.

Sec. 4. NAC 641.168 is hereby amended to read as follows:

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

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

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

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

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

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

Sec. 5. Section 8 of LCB File No. R074-18 is hereby amended to read as follows:

Sec. 8. 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 electronically or by fiber optics; and
- (c) Availability of another licensed medical or behavioral health provider ~~that~~ *affiliated with*

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

(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 *or a designee thereof* and the modes, methods, procedures or policies the supervisor intends to employ to ensure compliance with this section and NAC 641.161.