

Notice of Workshop to Solicit Comments on Proposed Regulation

The State of Nevada Board of Psychological Examiners, 4600 Kietzke Lane, B-116 Reno, Nevada 89502 775-688-1268 is proposing the Amendment of regulations pertaining to chapter 641 of Nevada Administrative Code.

A workshop has been set for October 12, 2018, 9:15 A.M.. to University of Nevada, Las Vegas, 4505 S. Maryland Pkwy. System Computing Services, Room 102, Las Vegas, NV 89154 and By video conference to University of Nevada, Reno System Computing Services room 47, Reno, Nevada 89557

The purpose of the workshop is to solicit comments from interested persons on the following general topics that are addressed in the proposed regulations:

LCB File R169-18: relating to the Board of Psychological Examiners; increasing certain fees charged by the Board; revising the fee for the restoration to active status of a license as a psychologist on inactive status; and providing other matters properly relating thereto.

LCB R170-18: relating to the Board of Psychological Examiners; establishing requirements for service of process in relation to matters governed by the Board; requiring a licensee or applicant of the Board to report certain events within 30 days; requiring the Executive Director of the Board or his or her designee to review and investigate such reports; revising provisions relating to practice before the Board; revising provisions relating to the state examination required for licensure as a psychologist; revising provisions relating to applications for licensure as a behavior analyst or assistant behavior analyst; establishing additional professional standards of conduct for psychologists; and providing other matters properly relating thereto.

R171-18: relating to continuing education; revising provisions governing the format of continuing education courses which satisfy the continuing education requirements for certain licenses issued by the Board of Psychological Examiners; and providing other matters properly relating thereto.

Find the Legislative Counsel's Digests of R169-18, R170-18 and R171-18 attached to this notice, a full copy of these proposed changes may be obtained at the workshop or by contacting the State of Nevada Board of Psychological Examiners, 4600 Kietzke Lane, B-116 Reno, Nevada 89502. 775-688-1268 or NBOP@govmail.state.nv.us. A reasonable fee for copying may be charged. Some language will be discussed and developed at the workshop. Please contact the Board office if you are interested in the language that will be presented to LCB.

This Notice of Workshop to Solicit Comments on Proposed Regulation has been sent to all persons on the agency's mailing list for administrative regulations and posted at the following locations and the Board's website psyexam.nv.gov:

Carson City Hall, 200 N. Carson Street, Carson City, NV
Grant Sawyer Building, 555 E. Washington Avenue, Las Vegas, NV
Washoe County Library, 301 S. Center Street, Reno, NV
Board of Psychological Examiners, 4600 Kietzke Lane, Bldg, B-116, Reno, NV

Date: September 27, 2018

**PROPOSED REGULATION OF THE
BOARD OF PSYCHOLOGICAL EXAMINERS
LCB File No. R169-18**

Legislative Counsel's Digest:

Existing law authorizes the Board of Psychological Examiners to charge and collect a fee for the expedited processing of a request or for any other incidental service it provides, which must not exceed the cost to provide the service. (NRS 641.228) Existing regulations establish the fees charged for various services provided by the Board. (NAC 641.019) This regulation increases the fees charged for certain services provided by the Board. Existing regulations also establish separate fees for the restoration to active status of a

license as a psychologist on inactive status depending on whether the restoration occurs during the first or second year of the biennium in which the license was issued or renewed. (NAC 641.019) This regulation establishes a single fee which applies to any restoration to active status of a license as a psychologist on inactive status.

**PROPOSED REGULATION OF THE
BOARD OF PSYCHOLOGICAL EXAMINERS
LCB File No. R171-18**

Legislative Counsel's Digest:

Existing law requires the Board of Psychological Examiners to adopt regulations establishing qualifications for the issuance or renewal of a license by the Board. (NRS 641.100) Existing regulations require a person to complete 30 hours of continuing education to renew his or her license as a psychologist, licensed behavioral analyst or licensed assistant behavioral analyst. (NAC 641.136, 641.1363) Of those 30 hours, not more than 15 hours may be obtained from a distance education course, which is defined as a course of instruction in which the student receives instruction at a location at which the instructor is not physically present. (NAC 641.007, 641.136, 641.1363)

This regulation replaces the phrase "distance education course" with the phrase "home study course." Under section 1 of this regulation, a home study course is a course designed for home study: (1) which is available to a participant on demand at a location where the instructor is not physically present; and (2) in which a participant does not have the ability to communicate with the instructor in real time.

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

LCB File No. R170-18

Legislative Counsel's Digest:

Existing law establishes requirements for service of process by the Board of Psychological Examiners in situations where service is required to be made to a licensee. (NRS 641.243) Section 2 of this regulation requires service to be made upon the attorney for a party after entry of an appearance by the attorney and establishes requirements for service of process by the Board or a party where existing law governing service of process does not apply. Specifically, section 2 requires service to be made in person or by regular mail to the person to be served or, following the entry of an appearance by an attorney for a party, to that party's attorney. Section 2 also provides that service by mail is complete upon the document, properly addressed and stamped, being deposited in the United States mail.

Existing law authorizes the Board to issue a citation, an order to cease and desist or both a citation and an order to cease and desist to a person who represents himself or herself as a psychologist or engages in the practice of psychology without a license. (NRS 641.2705) Section 2 requires a citation and an order to cease and desist to be served by regular and certified mail at the person's last known address.

Existing law authorizes the Board to adopt regulations governing the practice of certain professions regulated by the Board. (NRS 641.100) Section 3 of this regulation requires a licensee or an applicant for a license with the Board to report to the Board, within 30 days, if the licensee or applicant is subject to a criminal action other than for a minor traffic violation, a disciplinary proceeding or action, a civil action related to his or her practice or an order for protection against domestic violence. Section 3 also requires the Executive Director of the Board to review and, if necessary, investigate any such report made by a licensee or applicant and authorizes the initiation of proceedings to impose disciplinary action or the denial of licensure if the investigation establishes grounds for disciplinary action or denial of licensure. Under Section 9 of this regulation, a licensee or applicant is subject to disciplinary action or a denial of licensure if he or she fails to report certain events to the Board as required by Section 3.

Existing law allows the Board to authorize the President of the Board to rule on certain motions relating to a hearing before the Board. (NRS 622A.360, 622A.390) Section 4 of this regulation authorizes the President of the Board to rule on a prehearing motion before the date of the disciplinary hearing for which the motion was filed. Section 5 of this regulation authorizes the President of the Board to rule on certain post hearing motions filed after a disciplinary hearing.

Existing law authorizes an agency to require the payment of a fee and mileage reimbursement to a witness required to testify before the agency. (NRS 233B.121) Section 6 of this regulation requires a party who subpoenas a witness to testify before the Board to pay the witness a fee and mileage reimbursement as is required to testify in a court in this State. Existing law authorizes the Board to administer a state examination to an applicant for a license as a psychologist. (NRS 641.180) Existing regulations allow an applicant for licensure as a psychologist to review his or her state examination if he or she failed the examination. (NAC 641.112) Section 7 of this regulation eliminates such right of review by the applicant.

Existing law authorizes the Board to license behavior analysts and assistant behavior analysts until January 1, 2019. (NRS 641.110, 641.170). Existing regulations deem an application for licensure as a behavior analyst or an assistant behavior analyst withdrawn if the application is not completed within 2 years after its submission. (NAC 641.1503) Section 8 of this regulation removes the requirement for such an applicant to complete his or her application within 2 years, thereby leaving no restriction on the amount of time such an application can remain incomplete.

Section 10 of this regulation establishes that a psychologist who fails to communicate with patients in a professional manner or subjects a patient to conduct that constitutes sexual harassment is subject to disciplinary action by the Board.