

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

LCB FILE NO. R095-23I

**The following document is the initial draft regulation proposed
by the agency submitted on 10/16/2023**

MEMORANDUM

To: Angela Harzler, Nevada Legislative Counsel Bureau
From: State of Nevada Board of Psychological Examiners
Re: Request for File Number and Regulation Draft
Date: October 16, 2023

The Nevada Board of Psychological Examiners (the Board) conducted a Workshop during its October 13, 2023, meeting in reference to the regulation provisions identified below, and requests that the Legislative Counsel Bureau provide a file number and regulations draft so that the Board can conduct a hearing on those provisions.

- **NAC 641.136**. The Board seeks to revise NAC 641.136, which is its regulation governing continuing education for psychologists, to comply with the changes that 2023 AB267 made to continuing education requirements in cultural competency, and is identified in section 1, as follows:

NAC 641.136 Continuing education: Requirements for renewal of license as a psychologist; acceptance or approval of courses and programs by Board. (NRS 641.100, 641.110, 641.220)

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.

(Added to NAC by Bd. of Psychological Exam'rs, eff. 12-28-95; A by R090-01, 2-7-2002; R117-08, 12-17-2008; R209-09, 10-15-2010; R038-16, 12-21-2016; A by R171-18, 1-30-2019, A by R127-21, 9/28/2022)

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- **NAC 641.001**. The Board is proposing additional definitions to its Definitions regulation to include definitions for psychological examinations, testing, and evaluation by adding sections 2, 3, and 4, as follows:

NAC 641.001 Definitions. (NRS 641.100)

1. As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 641.003 to 641.011, inclusive, and sections 2 and 3 of this regulation have the meanings ascribed to them in those sections.

2. *Psychological examination, or mental examination, means a comprehensive clinical interview which includes the collection of psychosocial data and may include completion of a mental status examination by a licensed psychologist, psychological assistant, psychological intern, or psychological trainee.*

3. *Psychological testing means the administration of standardized psychometric measures of psychological functioning, cognitive/motor functioning, symptom and performance validity, and other skills and abilities to assist in providing a diagnosis and recommendations.*

4. *Psychological evaluation means the completion of a psychological examination with or without psychological testing.*

(Added to NAC by Bd. of Psychological Exam'rs by R089-03, eff. 1-18-2005; A by R209-09, 10-15-2010; A by R133-17, 12-19-2018; A by R074-18, January 30, 2019)

- **NAC 641.234.** The Board is proposing additional language regarding the disclosure of psychological test material to its regulation governing Assessments as stated in section 4, as follows:

NAC 641.234 Assessment procedures: Communication of results to patient or client; limitations on use. (NRS 641.100, 641.232)

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. 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.
4. *A person in possession of psychological test material shall not disclose the material to any other person, including the individual who is a subject of the test. In addition, the test material shall not be disclosed in any administrative, judicial, or legislative proceeding. However, upon the request of an individual who is a subject of a test, all records associated with a psychological test of that individual shall be disclosed to a psychologist licensed pursuant to NAC 641.015 designated by the individual. An individual's request for the records shall be in writing and shall comply with the requirements relating to voluntary disclosures of mental health information, except that the individual shall not have the right to inspect the test materials.*

(Added to NAC by Bd. of Psychological Exam'rs, eff. 12-28-95; A by R209-09, 10-15-2010)