

ASSEMBLY BILL NO. 33—COMMITTEE
ON COMMERCE AND LABOR

(ON BEHALF OF THE BOARD OF PSYCHOLOGICAL EXAMINERS)

PREFILED DECEMBER 14, 2010

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing the Board of Psychological Examiners. (BDR 54-504)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to psychologists; requiring the Board of Psychological Examiners to investigate certain complaints; authorizing the Board to issue a cease and desist order to a person who practices psychology in this State without a license; authorizing the Board to issue a citation to a person who practices psychology in this State without a license; requiring the Board to impose an administrative fine against a person who practices psychology in this State without a license; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law authorizes the Board of Psychological Examiners to license and
- 2 regulate the conduct of psychologists and the practice of psychology in this State.
- 3 (NRS 641.100, 641.110, 641.112, 641.230-641.320) Existing law also prohibits
- 4 persons from practicing psychology in this State without a license. (NRS 641.390)
- 5 This bill requires the Board to investigate any complaint which alleges that a
- 6 person is practicing psychology in this State without a license and authorizes the
- 7 Board to issue a cease and desist order to any person who the Board determines is
- 8 practicing psychology in this State without a license. Additionally, if the Board
- 9 determines that a person is practicing psychology without a license, this bill
- 10 requires the Board to provide to the Attorney General a written summary of that
- 11 determination and any information relating to the violation.
- 12 In addition to the Board’s existing authority to seek an injunction against any
- 13 person who practices psychology without a license, this bill: (1) authorizes the



14 Board to issue a citation to such a person; and (2) establishes administrative fines
15 which the Board must impose against such a person.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

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

3 *1. The Board shall conduct an investigation of each*
4 *complaint filed pursuant to NRS 641.250 which sets forth reason*
5 *to believe that a person has violated NRS 641.390.*

6 *2. If, after an investigation, the Board determines that a*
7 *person has violated NRS 641.390, the Board:*

8 *(a) May issue and serve on the person an order to cease and*
9 *desist from engaging in any activity prohibited by NRS 641.390*
10 *until the person obtains the proper license from the Board;*

11 *(b) May issue a citation to the person; and*

12 *(c) Shall provide a written summary of the Board's*
13 *determination and any information relating to the violation to the*
14 *Attorney General.*

15 *3. A citation issued pursuant to subsection 2 must be in*
16 *writing and describe with particularity the nature of the violation.*
17 *The citation also must inform the person of the provisions of*
18 *subsection 5. Each violation of NRS 641.390 constitutes a separate*
19 *offense for which a separate citation may be issued.*

20 *4. For any person who violates the provisions of NRS*
21 *641.390, the Board shall assess an administrative fine of:*

22 *(a) For a first violation, \$500.*

23 *(b) For a second violation, \$1,000.*

24 *(c) For a third or subsequent violation, \$1,500.*

25 *5. To appeal a citation issued pursuant to subsection 2, a*
26 *person must submit a written request for a hearing to the Board*
27 *within 30 days after the date of issuance of the citation.*

28 **Sec. 2.** This act becomes effective upon passage and approval.

