

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

LCB File No. R090-01

August 15, 2001

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

AUTHORITY: §§1, 3, 4 and 6-8, NRS 641.100; §2, NRS 641.100 and 641.190; §5, NRS 641.100 and 641.370.

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

1. A psychologist who performs a child custody evaluation shall:

(a) Ensure that his primary concerns in completing the child custody evaluation are the psychological interests and well-being of the child;

(b) Remain impartial and objective throughout the child custody evaluation;

(c) Not have or have had a relationship with the child, surrogate, parent or other legal guardian of the child other than as a psychologist performing the child custody evaluation;

(d) Provide a child custody evaluation that is fair and unbiased;

(e) Gather and maintain the information necessary to complete the child custody evaluation, including, without limitation, information relating to:

(1) Each significant setting in which the child spends time;

(2) The recency and nature of the interactions of the child with each parental figure and other significant person in the child's life;

(3) The developmental needs of the child; and

(4) The appropriateness of placing the child in the custody of a particular person;

(f) Determine whether other psychologists are evaluating the child and, if so, coordinate with those psychologists to minimize the possibility of conducting redundant child custody evaluations;

(g) Base his determination of the scope of the child custody evaluation on the best interests of the child, regardless of whether a request was made to evaluate only one aspect of the custody of the child;

(h) Before performing the child custody evaluation:

(1) Obtain the informed written consent of each adult who is participating in the child custody evaluation and, to the extent practicable, of the child who is the subject of the child custody evaluation;

(2) Inform each participant in the child custody evaluation, including, to the extent practicable, the child who is the subject of the child custody evaluation, of the conditions set forth in subsections 2, 3 and 4 of NAC 641.224 pursuant to which the psychologist will disclose confidential information relating to the child custody evaluation;

(3) Inform each participant in the child custody evaluation, including, to the extent practicable, the child who is the subject of the child custody evaluation, of the limitations on the confidentiality of communications with the psychologist as required pursuant to subsections 5 and 6 of NAC 641.224; and

(4) Clarify the cost of the child custody evaluation and obtain an agreement concerning the payment of fees;

(i) Base an opinion relating to child custody on the integration of all the information obtained as part of the child custody evaluation without placing an inappropriate emphasis on data relating to clinical assessment; and

(j) *Complete the child custody evaluation in a timely manner.*

2. *As used in this section:*

(a) *“Child custody evaluation” means any evaluation which is performed by a psychologist and which is intended to affect the legal relationship between a child and:*

(1) *The biological parent, adoptive parent or foster parent of the child;*

(2) *A surrogate; or*

(3) *Any other legal guardian of the child.*

(b) *“Surrogate” has the meaning ascribed to it in NRS 126.045.*

Sec. 2. NAC 641.025 is hereby amended to read as follows:

641.025 1. The board will issue a license to an applicant ~~[who has:~~

~~—1.— Been]~~ *if the applicant:*

(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 relates primarily to psychology;

~~[2.— Had no disciplinary action taken against him during the period of licensure;~~

~~—3.— Passed]~~

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

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

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

(e) *Has passed* an oral examination conducted by the board; and

~~[4.— Submitted]~~

(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.*

2. *The board may require the applicant to appear before the board to demonstrate his:*

(a) *Moral character;*

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

(c) *Intent to practice psychology in a manner consistent with his education, training and experience.*

Sec. 3. NAC 641.132 is hereby amended to read as follows:

641.132 1. To renew his license, a psychologist must submit to the board an application for renewal, the required fees and *the form for the biennial report of continuing education required pursuant to subsection 2. The licensee shall retain* evidence of the completion of the continuing education required by NAC 641.136 ~~[-]~~ *for at least 5 years after the completion of that continuing education.* Evidence of completion of continuing education includes, without limitation, a letter signed by the instructor of the course or program or the agent of the sponsoring agency or organization, ~~[-]~~ *and* a certificate of completion approved by the board pursuant to NAC 641.138. *Upon the request of the board, the licensee must provide evidence of completion of the continuing education.*

2. The board will mail to each licensee, before the expiration of his license, a form for the biennial report of continuing education. Each applicant for renewal must sign the form ~~[-]~~ *certifying that:*

(a) *He has completed the continuing education required by NAC 641.136; and*

(b) *The* evidence of completion of continuing education *required pursuant to subsection 1* is true and accurate.

3. If a licensee misrepresents the completion of continuing education, he will be subject to disciplinary action, including , *without limitation*, suspension, revocation or nonrenewal of his license. A licensee whose license has been suspended or not renewed must complete the continuing education required by NAC 641.136 before the board will reinstate his license.

4. If a licensee does not satisfy the continuing education requirement, his license will not be renewed and he will be subject to disciplinary action. The board ~~[will]~~ *may* grant a licensee a 60-day extension if he submits to the board, *on or* before ~~[his license expires,]~~ *December 1 immediately preceding the expiration of his license*, a written request for an extension which includes a compelling explanation for his inability to complete the continuing education requirement during the immediately preceding 2 years.

Sec. 4. NAC 641.133 is hereby amended to read as follows:

641.133 1. Upon written request to the board and payment of the fee prescribed by the board, a person who is licensed to engage in the practice of psychology in this state may have his license placed on inactive status.

2. A person whose license is placed on inactive status shall not engage in the practice of psychology during the period in which the license is on inactive status.

3. A person who wishes to renew a license that is placed on inactive status must submit to the board:

(a) An application for the renewal of the license; *and*

(b) ~~[Proof of completion of the requirements for continuing education for the 2 years immediately preceding the renewal of the license; and~~

~~—(e)~~ The fee for the biennial renewal of a license on inactive status.

4. A person whose license is placed on inactive status may apply to the board to have his license restored to active status. The board ~~{shall}~~ *will* restore the license to active status upon:

(a) The submission of an application for the restoration of the license;

(b) The payment of the *appropriate* fee *as set forth in NAC 641.135* for the ~~{biennial renewal}~~ *restoration to active status* of a license ~~{;} on inactive status;~~

(c) The submission of proof of completion of the requirements for continuing education for ~~{each biennium that the license was on inactive status;}~~ *the 2 years immediately preceding the date of the application;*

(d) If the applicant has engaged in the practice of psychology in another jurisdiction during the period his license was on inactive status, the submission of proof that he is in good standing and that there are no disciplinary proceedings pending against him in that jurisdiction;

(e) Submission of any other proof the board may require to determine whether the applicant is qualified and competent to engage in the practice of psychology; and

(f) If the board considers it necessary, the successful completion of a written or oral examination.

Sec. 5. NAC 641.135 is hereby amended to read as follows:

641.135 The board will charge and collect the following fees:

For an application for licensure.....	\$100
For the written examination for licensure	350
For the oral examination for licensure	240
For the issuance of an initial license	25

For the biennial renewal of a license.....	500
For the biennial registration of a firm, partnership or corporation.....	300
For the placement of a license on inactive status	[250] 100
For the biennial renewal of a license on inactive status	[250] 100
<i>For the restoration to active status of a license on inactive status if the</i>	
<i>restoration occurs during the first year of the biennium in which the</i>	
<i>license was issued or renewed.....</i>	
	<i>400</i>
<i>For the restoration to active status of a license on inactive status if the</i>	
<i>restoration occurs during the second year of the biennium in which the</i>	
<i>license was issued or renewed.....</i>	
	<i>150</i>
For the registration of a nonresident consultant	100
For reproduction and mailing of material for an application	25
For a set of mailing labels	15
For a dishonored check	15
For the review of a failed examination.....	175
For a change of name on a license	25
For a duplicate license.....	25
For a list of practicing psychologists.....	10
For a list of persons granted a license in any year.....	10
For copies of the provisions of NRS relating to the practice of psychology	
and the rules and regulations adopted by the board	25
For a letter of good standing	15
For the review and approval of a course or program of continuing education	25

Sec. 6. NAC 641.136 is hereby amended to read as follows:

641.136 1. To renew his license, a psychologist must ~~[submit evidence of completion,]~~ *certify to the board that* during the 2 years immediately preceding the date he submits his application for renewal ~~[, or]~~ *he 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. Not more than ~~[10]~~ *15* hours may ~~[include instruction received at home]~~ *be obtained* from an approved *distance education* course. ~~[or program.]~~ A licensee may not receive credit for continuing education for a course in which he is the instructor.

2. 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 ~~prior~~ approval by the board.

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

3. As used in this section, “distance education course” means a course of instruction in which the student receives instruction at a location at which the instructor is not physically present. The term includes, without limitation, a course designed for home study and a course in which instruction is provided via CD-ROM, the Internet or videoconference.

Sec. 7. NAC 641.137 is hereby amended to read as follows:

641.137 1. A continuing education course or program must be approved by the board pursuant to NAC *641.136 or* 641.138 and be:

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

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

(c) Primarily related to the study of psychology with 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; and
- (i) Differences in persons, including personality therapy, human development, abnormal psychology, psychopathology and the psychology of handicapped persons.

Sec. 8. NAC 641.200 is hereby amended to read as follows:

641.200 1. The provisions of NAC 641.200 to 641.250, inclusive ~~1~~, *and section 1 of this regulation:*

(a) Apply to the conduct of any licensee or applicant for licensure, including conduct during any period of education, training or employment required for licensure.

(b) Constitute the standards of conduct which a psychologist shall follow in the provision of services.

2. A violation of the provisions of NAC 641.200 to 641.250, 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.