

MINUTES OF THE
MEETING OF THE SENATE COMMITTEE
ON COMMERCE AND LABOR

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
May 13, 1981

The Senate Committee on Commerce and Labor was called to order by Chairman Thomas R.C. Wilson, at 2:02 p.m., Wednesday, May 13, in Room 213 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda. Exhibit B is the Attendance Roster.

COMMITTEE MEMBERS PRESENT:

Senator Thomas R.C. Wilson, Chairman
Senator Richard Blakemore, Vice Chairman
Senator Don Ashworth
Senator Melvin Close
Senator William Hernstadt
Senator Clifford McCorkle
Senator William Raggio

STAFF MEMBER PRESENT:

Betty Steele, Committee Secretary

SENATE BILL NO. 634 -- "Requires notice to other claimants of action on bond or deposit of contractor."

This bill is not scheduled for this date's agenda. However, Chairman Wilson asked Mr. Charles Thomas of the Nevada State Contractor's Board to comment.

Mr. Thomas said the Board does not have a problem with the bill. However, the bill was not initiated by the Board. Referencing Section 5, Mr. Thomas said the Board would comply with the publishing requirement if S.B. No. 634 is passed. However, he did not see the purpose of publishing a claim on a bond.

SENATE BILL NO. 649 -- "Revises certain provisions on certification of psychologists."

Dr. Donald Hayhurst, Ph.D., spoke in support of S.B. No. 649. The doctor said the bill is a result of the practices of the regulating board which controls the licensing of psychologists in Nevada. Dr. Hayhurst described situations in which certain

SENATE COMMITTEE ON COMMERCE AND LABOR
May 13, 1981

individuals with adequate educational backgrounds did not pass the state examination. Dr. Hayhurst said two states have abolished their state boards through the "sunset" method, and thirteen states are currently considering abolishment of their state boards of psychological examiners. The testing utilized, Dr. Hayhurst commented, does not necessarily provide Nevada with competent mental health practitioners.

Dr. Louis F. Mortillaro, Nevada Industrial Commission Jean Hanna Clark Rehabilitation Center, chief psychologist, submitted a written statement to the committee. (Exhibit C.) Dr. Mortillaro also submitted his proposed amendments to NRS 641. (Exhibit D.) The doctor said he would like to see the current statutes amended in order to recognize master's and doctoral degrees in both private and public practice. Dr. Mortillaro also suggested that two exams be given -- written and oral. (Exhibit E.)

Dr. Hayhurst pointed out that Dr. Mortillaro is a prime example of why S.B. No. 649 should be passed. Dr. Mortillaro's training is not recognized by the state board of psychological examiners in Nevada and he cannot take the examination for state certification.

Dr. Robert McQueen, president of the Nevada Board of Psychological Examiners, spoke in opposition to S.B. No. 649. Dr. McQueen said the Board has the authority to approve educational institutions. The Board will approve schools that are either approved by the American Psychological Association or programs that are equivalent. This bill would delete the Board's authority for school authority, and also eliminates the requirement for post-doctoral experience.

Senator McCorkle asked if it was consistent for the Board to require precise accreditation requirements for an imprecise science. Dr. McQueen said this is not done. The doctor said there is a wide range of training and specialization possible in the psychological field which can be certified.

Dr. Terry Weyl, psychologist in Reno, spoke in opposition to S.B. No. 649. Dr. Weyl opposed Nevada accepting individuals into practice just because they have received licensure in another state. Dr. Weyl said licensure does not assure credibility. Dr. Weyl explained that a psychologist should have a background in statistics, personality theory, experimental design, and psychometric testing. The individual

SENATE COMMITTEE ON COMMERCE AND LABOR
May 13, 1981

psychologist may choose varying methods of applying these measurable qualifications. Dr. Weyl also said that a change in the examination passage requirement from the 75 percentile to one standard deviation below the mean would be a "disaster". Dr. Weyl suggested that educational programs be established to assist individuals from out-of-state schools to pass the examination in order that the state's standards are met, rather than lower the standards.

Chairman Wilson stated that legislation may not be the appropriate vehicle for resolving these difficulties. He suggested that the proponents and the state board members try to resolve their differences without passage of a state law.

Richard Blurton, chief psychologist for the Veteran's Administration in Reno, said the Administration is the single largest employer of psychologists in the nation. One year ago, the Administration began to require that every psychologist in the system become licensed or certified. The Administration can only hire individuals who graduate from American Psychological Association approved schools.

Dr. Richard Weiher, private practice psychologist, said as the present chief of staff for psychologists for the Truckee Meadows Hospital, he is currently evaluating the credentials of psychologists who are applying for privileges at the hospital. It is necessary in this procedure to rely on an acceptable standard of training. And, the hospital utilizes individuals who have been certified by the state board because the board's standards are reliable. Dr. Weiher opposed the passage of S.B. No. 649.

Dr. Dick Lewis, private practice psychologist, spoke in opposition to S.B. No. 649.

Mr. Alex Lemberes, consumer member of the Nevada Board of Psychological Examiners, said it is important to protect the public. Mr. Lemberes said that 100 people applied for certification this year and 85 were approved.

Dr. Peter Galantowitz, private practice psychologist, said this state's certification program protects consumers. He said perhaps the standards utilized by the state board need review, but the general practice of the board is vital to the field.

SENATE COMMITTEE ON COMMERCE AND LABOR
May 13, 1981

Dr. James Doornink, clinical psychologist in Carson City, said if the minimal requirements for certification are removed, then the reputation of competence for psychologists is also removed as well as the confidence of other professionals.

ASSEMBLY BILL NO. 408 -- "Amends provisions of laws relating to industrial insurance."

Mr. Joe Nusbaum, chairman of the Nevada Industrial Commission, submitted a written statement for the committee. (Exhibit F.) In response to Senator Raggio, Mr. Nusbaum said that he would prefer that the NIC not be allowed to invest in first mortgages for real estate, with no restrictions, as his past experience illustrated that this results in the commission undergoing political pressure to finance local investments which established financial institutions would not handle.

Mr. John Crossley, the legislative auditor for the Legislative Counsel Bureau, pointed out to the committee the specific recommendations of A.B. No. 408 made by a legislative audit.

Mr. Nusbaum added that the commission would like to have Sections 6 and 13 amended by deleting lines 5-15 in Section 6, and deleting lines 28-46 in Section 13.

ASSEMBLY BILL NO. 409 -- "Amends provisions relating to occupational safety and health."

Mr. Nusbaum read a statement into the record outlining the sections of A.B. No. 409. (Exhibit G.)

Mr. Gordon Cronenberger, public member of the OSHA Review Board, asked that the record reflect his endorsement of Section 5 of A.B. No. 409.

Mr. Claude Evans, Secretary-Treasurer of the Nevada AFL-CIO, stated his organization's support of both A.B. No. 408 and A.B. No. 409.

ASSEMBLY BILL NO. 475 -- "Changes fees for licensing and administrative fines chargeable by Nevada state board of optometry."

Dr. Robert Myers, president of the Nevada state board of optometry, said the board requested A.B. No. 475 in order to assist in the board's financial operations. The board

SENATE COMMITTEE ON COMMERCE AND LABOR
May 13, 1981

is self-supporting. The board's revenue is derived from license and examination fees.

Dr. Bill Van Patten, optometrist in Carson City, addressed an amendment to repeal NRS 636.350 which the board of optometry opposes. Dr. Van Patten distributed a copy of the U.S. Supreme Court decision regarding the constitutionality of the prohibition of the practice of optometry under a trade name. (Exhibit H.) The doctor said the board concurs with this decision and does not want the trade name ban, codified in NRS 636.350, repealed. This deletion was an amendment from the Assembly.

SENATE BILL NO. 548 -- "Reorganizes system of labor and industrial insurance."

Mr. Richard Staub, staff counsel for the state insurance commissioner, discussed the amendments to S.B. No. 548. Mr. Staub said on page 25 of the First Reprint, line 7, "must" should be changed to "may". On page 26, lines 37-38, "based upon expected annual claims expenditures" should be placed directly after "assessment rates". And, this same change should be made on line 10, page 26. Page 101, lines 29-30, the "subsequent injury fund" should be inserted as "L".

Mr. Bob Gibb, general counsel for the Nevada industrial commission (NIC), said there is an additional amendment that has been suggested. Mr. Gibb said on page 89, Section 279, line 26, the council should meet "twice annually". And, inserting on line 2: "Special meetings not to exceed six annually may be held at the call of the chairman, the director, or the majority of the council."

Mr. Norman Anthonisen, SUMMA Corporation, questioned which organization will have the responsibility for preparing and promulgating the regulations pertaining to worker's compensation insurance. Mr. Anthonisen said he would request on page 24, line 12, of the original bill, the word "regulate" be changed to "monitor". Line 14, page 24, "compliance with statutes and department regulations" should be changed to "applicable regulations". And, in Section 94, subsection 2, line 13, after the addition on 616.338, the period should be removed and replaced by a semi-colon, then inserting "a duty for the commissioner of insurance and preparing and promulgating worker's compensation insurance regulations."

SENATE COMMITTEE ON COMMERCE AND LABOR
May 13, 1981

Mr. Anthonisen said he would prefer that the insurance commissioner be responsible for writing the regulations. However, the enforcement would be with the department of industrial relations.

Mr. Nusbaum said the original reason for drafting this legislation was to stop the dual regulation process over the self-insured between the NIC and the insurance commissioner. To Mr. Nusbaum, Mr. Anthonisen's suggestion simply further divides the regulating authority rather than stopping this split. He said he is not aware of any other state in the nation which follows the practice of having one agency write the regulations and another carry out the enforcement.

Mr. Anthonisen commented in regard to the appointment of members to the state insurance fund board of directors, that major employers should be considered as well as competent members of organized labor. Mr. Nusbaum said he felt the Governor will make a fair selection of the members. Mr. Nusbaum also stated that at least one member should represent the smaller employers as their viewpoint may differ from the major employers. The committee discussed inserting language to assure that at least one member of the board of directors be a major policyholder. Or, remove the word "organized" in reference to labor, in order to balance the composition of the board.

Mr. Tom Stuart, Gibbens Company, questioned where the money would come from to fund the subsequent injury reserve fund. Mr. Stuart said the transfer of funds into the state treasurer's office from the NIC as compared to the self-insured is inequitable. Mr. Nusbaum said within the NIC, most of the subsequent injury is between policyholders under the NIC, which differs from the self-insureds because anytime an employee goes to another employer and is injured, it is outside of that self-insured's financing. Mr. Staub of the insurance commissioner's office stated the problem described by Mr. Stuart has credence. However, after the new department is created, the assessments will all be based upon expenditures for the NIC, and the self-insureds may receive credit for their fund and not even be assessed for the second year. Therefore, the way the law is written, the assessments, based upon expenditures, will be equitable by the second year of operation.

SENATE COMMITTEE ON COMMERCE AND LABOR
May 13, 1981

The chairman opened the remainder of the meeting for a committee work session.

S.B. No. 548

The chairman asked for committee concurrence on the proposed amendments to S.B. No. 548 as presented by Mr. Staub and Mr. Gibb. (The chairman is not including the policy questions and issues discussed later by Mr. Anthonisen and others.)

Senator Hernstadt moved that the amendments agreed upon by the NIC and the state insurance commissioner for S.B. No. 548 be adopted and re-refer.

Senator Raggio seconded the motion.

The motion carried.

The committee then discussed the policy issue of having the insurance commissioner write the regulations and the department of industrial relations handle the enforcement. Senator Blakemore did not support this concept and stated he endorsed the idea of uniformity presented by Mr. Nusbaum (current status of the bill). The committee also discussed the composition of the board of directors of the state insurance fund.

Senator Raggio moved that S.B. No. 548 be further amended in Section 80, page 21, subsection 2, to read that the board of directors be composed as follows: Three members represent labor, two of which represent organized labor; three members represent policyholders, two of which be major policyholders.

Senator McCorkle seconded the motion.

The motion carried.

A.B. No. 475

Chairman Wilson asked that the record reflect him not voting on either A.B. No. 475 or A.B. No. 442 due to a conflict of interest.

SENATE COMMITTEE ON COMMERCE AND LABOR
May 13, 1981

A.B. No. 475 (Cont.)

Senator Raggio moved to amend A.B. No. 475 by conforming to the original bill by deleting the Assembly's amendment to repeal NRS 636.350 and deleting the reciprocity section.

Senator Blakemore seconded the motion.

The motion did not carry. (Senators Hernstadt, Don Ashworth, McCorkle voted "No"; Senator Wilson voted to "Abstain".)

Senator Don Ashworth moved to "Do Pass" Assembly Bill No. 475 in its original form and "Amend" by deleting Section 5. (Exhibit I.)

Senator McCorkle seconded the motion.

The motion carried. (Senator Wilson voted to "Abstain".)

A.B. No. 409 -- Exhibit J

Senator Raggio moved to "Do Pass" Assembly Bill No. 409.

Senator Blakemore seconded the motion.

The motion carried.

A.B. No. 408 -- Exhibit K

Senator Don Ashworth moved to "Amend and Do Pass" Assembly Bill No. 408 by deleting lines 5-15 of Section 6 and deleting lines 28-46 of Section 13.

Senator Hernstadt seconded the motion.

The motion carried.

S.B. No. 649

Chairman Wilson suggested that the committee not process S.B. No. 649, but draft a resolution which would encourage

SENATE COMMITTEE ON COMMERCE AND LABOR
May 13, 1981

the state board of psychological examiners to proceed under the existing statutory law to qualify the institutional psychologists, and develop criteria for Master's qualifications.

Senator Close moved not to process Senate Bill No. 649 and to draft a Senate Resolution requesting the state board of psychological examiners proceed under the existing statutory law to qualify the institutional psychologists.

Senator Blakemore seconded the motion.

The motion carried. (Senator Hernstadt voted "No".)

S.B. No. 547 -- "Provides that term "employment" for purposes of unemployment comeprnsation does not include services performed for profitable enterprise under certain circumstances."

Senator Close moved to "Amend and Do Pass" by deleting lines 6-32. (Exhibit L.)

Senator McCorkle seconded the motion.

The motion carried.

BDR 56-1789 -- The committee moved for committe introduction. There being no further business, the meeting adjourned at 6:50 p.m.
(S.B. 626)

Respectfully submitted,


Betty Steele, Committee Secretary

APPROVED:


Senator Thomas R. C. Wilson, Chairman

DATE: _____

R E V I S E D

EXHIBIT A

SENATE AGENDA

COMMITTEE MEETINGS

Committee on Commerce and Labor, Room 213.

Day Wednesday, Date May 13, 1981, Time 1:30 p.m.

S.B. No. 649--Revises certain provisions on certification of psychologists.

A.B. No. 408--Amends provisions of laws relating to industrial insurance.

A.B. No. 409--Amends provisions relating to occupational safety and health.

A.B. No. 442--Makes various changes in law concerning dispensing opticians.

A.B. No. 475--Changes fees for licensing and administrative fines chargeable by Nevada state board of optometry.

S.B. No. 548--Reorganizes system of labor and industrial insurance.

SENATE COMMITTEE ON COMMERCE AND LABOR

EXHIBIT B

DATE: Wednesday, May 13, 1981

PLEASE PRINT PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME ORGANIZATION & ADDRESS TELEPHONE

ROBERT McQUEEN NEV. Bd. of PSYCH. EXAM. SB649

ALEX LEMBERES NEV. Bd of PSYCH. EXAM. SB649

JAMES DOORNIK NEV. CERTIFIED PSYCHOLOGIST SB649

Gordon Crossenberger OSHA Review Bd.

Max Blumstein Kennicott Minerals Co.

Louis Martellan ^{Most...} NIC REHABILITATION CENTER PSYCHOLOGIST SB649

Donald Hayhurst Public SB649

John Crossley LCB - Auto AB408

Dwight J. J... ASSEMBLY DIST 21 AB 408 + 40

CHARLES THOMAS NEV. ST. CONT. BOARD SB 634

CHUCK KING CEN TEL ^{Central Telephone 3} 313-5521

R. R. BURTON VA. HOSPITAL SB 649

Richard WEINER ^{Private} 755 FIRST ST. Reno SB 649

SPENCER GALANTOWITZ Psychologist / Reno 649

DICK LEWIS " " 649

Terry Weyl " " 649

Joe... Chairman N.I.C.

D. H. ... N.I.C. (spelling)

Robert T. Myers Nev. State Board of Prof. AB475

... Isometric - ... AB 475

SB 649

DR. LOUIS F. MORTILLARO

EXHIBIT C

1. Current law is for private practice only
2. What makes psychology as a profession so different from medicine, dentistry, optometry, chiropractic, law etc. that only its private practice practitioners are certified?
3. Psychology is ^{an} ~~an~~ ^{encompassing} ~~encompassing~~ ^{large} body of knowledge
 - a. ~~an~~ ^{an} ~~encompassing~~ ^{encompassing} body of knowledge
 - b. practiced by people with both a Master's & doctoral degree (unlike the other professions)
 - c. within different specialty levels other than clinical psychology such as counseling, school, educational, social, industrial, & academic psychology
4. NRS 641 is a certification, ^{is supposed to} not a licensing law. A certification law regulates the use of the title psychologist. A licensing law is supposed to regulate the profession of psych. NRS 641, in effect, does both.
5. However, it really only regulates private, not public practice. Exemption of public agency &
6. The Consumer in the State of Nevada using MH Centers, Schools, Spec. Children's Clinic, Welfare, etc. where state psychologists are employed, have no guarantee that 1936 state personnel has hired qualified persons to fill MA & Ph.D. level psychologist positions
7. Also, another discrepancy exists - state/county & can only call themselves psychologists from

8AM - 5PM Monday thru Friday. To do so any other time would be a potential ^{inconvenience} ~~inconvenience~~.

8. Public practice Ψ , if not certified for private practice, can not collect for their agencies 3rd party or insurance payments. Thus, the State could suffer a potential loss of revenue.
9. As long as public practice Ψ are not also certified there will remain a discrepancy to other professions w/in the state thus undermining the credibility of all professional psychologists
10. MA level Ψ , esp. Ψ employed by school district or school Ψ & by MH centers will continue to exist in a professional limbo or a ~~void~~ vacuum of professional identity
11. State personnel

Propose legislation change:

(1) certify all Ψ in the State of Nevada - public / private practice as well as at the MA/Ph. D. levels

(2) acknowledge different specialty areas other than clinical such as counseling, school, educational, academic, industrial, & social psychology.

Committee to iron out difficulties

5/15 - OK
by D. ...
et al. 6/2/68

1. NRS 641.120 - EVALUATION OF SCHOOLS, COURSES OF STUDY

EXHIBIT D

641.120 Evaluation of schools, courses of study. The board shall determine which schools in and out of this state do or do not have courses of study for the preparation of psychologists which are sufficient and thorough for certification purposes. Published lists of educational institutions accredited by recognized accrediting organizations may be used in the evaluation of such courses of study.

(Added to NRS by 1963, 189)

Add the following sentence to this section:

"No educational institution shall be denied recognition as an accredited or approved academic institution solely because its program is not accredited by any professional organization of psychologists, and nothing in this act or in the administration of this act shall require the registration with the board by regionally accredited educational institutions of their departments of psychology or their doctoral programs in psychology."

2. NRS 641.170 - APPLICANTS QUALIFICATIONS

641.170 Applicant's qualifications. Each applicant shall furnish evidence satisfactory to the board that he:

1. Is at least 21 years of age.
2. Is of good moral character.
3. Is a citizen of the United States, or is a lawful permanent resident of the United States.
4. Has received a doctorate in psychology from an educational institution approved by the board, or has training deemed equivalent by the board in both subject matter and extent of training.
5. Has at least 1 year of post-doctoral experience satisfactory to the board.

(Added to NRS by 1963, 191; A 1971, 221)

Replace number four in this section with the following:

"Has received a doctorate degree or training from a regionally accredited or approved university, college, professional school or any other educational institution approved by the Board in clinical, counseling, industrial, or academic psychology or in education with the field of specialization in counseling, school or educational psychology or has training deemed equivalent by the Board in both subject matter and extent of training."

3. NRS 641.180 - EXAMINATIONS

641.180 Examinations. Each applicant for a certificate shall be given a written examination by the board on his knowledge of psychology. In addition, the board may require an oral examination. The examination shall be given at least once a year, and may be given more often if deemed necessary by the board. The examination shall be given at a time and place, and under such supervision, as the board may determine. A grade of 75 percent shall be a passing grade. The board may examine in whatever applied or theoretical fields it deems appropriate.

(Added to NRS by 1963, 191)

Omit the current written law in this section and replace with the following:

"Each applicant for certification shall be given both a written and oral examination by the Board on his/her knowledge of psychology. The written examination will assess the applicants knowledge of current Nevada laws regulating the practice of psychology, knowledge and awareness of ethical issues and problems in the applicants specialty area and for psychologists in general. Each applicant shall also be given an oral interview by at least three Board members that shall include questioning in the following areas:

- 1) Extent of the candidates professional training, supervision, and experience,
- 2) Plans for career and professional development as well as continuing education,
- 3) Areas in which the applicant considers himself/herself competent to offer psychological services,
- 4) Professional judgement and knowledge in the applicants stated specialty area(s).

A grade of 75 percent on both the written and oral examination shall be a passing grade. Any applicant shall have the right to discuss with the Board his/her performance on the examinations. Any applicant who fails to make a passing grade on either the written and/or oral examination, may be allowed to take the written and/or oral examination within six months. Any applicant who fails the written and/or oral examination the second time must obtain special permission from the Board to retake the examinations again. Examinations of applicants shall be held either in Las Vegas or Reno or at such other places as designated by the President of the Nevada Board of Psychological Examiners. Examinations are normally held twice a year with at least five months intervening between examinations."

read testimony
use for
Dr. Lewis J. Mottillaro

Examinations Dr. Lewis J. Mottillaro

EXHIBIT E

Currently - written exam taken administered by the Am. Assoc. of State Boards. Must pass a score of 75%.

Objection - ^{passing} written exam does not demonstrate a relationship between a candidate's professional skills and ^{level of} minimum competency to practice their psychological specialty. This test is equivalent to a psychological achievement test and does not assess a candidate's clinical skills. Thus, the consumer in the state of Nevada is not protected

- Proposed - 2 exams - 1 written - 1 oral - both to be passed w a score of 75%
 - written exam - on laws governing Ψ in the state of Nevada & professional ethics
 - oral exam on knowledge in ^{selected} specialty area(s), ~~and~~ ability to apply psychological skills (e.g. Ψ therapy, testing, hypnosis, biofeedback, etc.) in ~~a~~ hypothetical situations, plans for continuing education, & professional & career goals.

*Testimony - Joe Nusbbaum
use for minutes*

COMMENTS ON AB 408

JOE E. NUSBAUM, CHAIRMAN

NEVADA INDUSTRIAL COMMISSION

EXHIBIT F

The Advisory Board of Review, the Legislative Auditor and the Nevada Industrial Commission have recommended the proposed legislation which appears in AB 408. I will summarize the various provisions of this bill.

This bill can be broken down into three different types of amendments. First, there are a few miscellaneous amendments submitted by the Nevada Industrial Commission. Second, there are amendments concerning administrative and financial management matters which were recommended by the Advisory Board. Third, there are a number of housekeeping amendments recommended by the Legislative Auditor in his NIC compliance review report.

The Nevada Industrial Commission proposes the following administrative and financial management amendments several of which were discussed but not specifically addressed by recommendations of the Advisory Board or the Legislative Auditor.

1. Section 2 re 616.088 Adds "apprenticeship trainees" as a new class of deemed employees. This is supported by the Labor Commissioner and is of a housekeeping nature.

2. Section 3 re 616.49711 Allows the Nevada Industrial Commission to participate in securities lending programs. The securities lending program will allow the Nevada Industrial Commission to loan its securities and receive full collateral for the market value of those securities plus a fee for lending the securities.

3. Section 4 re 616.49712 Although the Nevada Industrial Commission is currently writing and selling options we are doing so under the authority of NRS 616.4985. We prefer to incorporate specific authorization for options into the NRS. The objectives of entering into an options program are reduced volatility and an attempt to achieve a higher rate of return at the nonoptioned level of risk or to receive an equivalent rate of return at a reduced risk.

4. Section 11 re 616.193 Clarifies the commission's authority to microphotograph records and files as long as it makes such microphotographs conveniently accessible. This allows for better management and storage of files.

5. Section 12 re 616.195 Allows for destruction of records once the procedures in Section 11 and NRS 239.050 have been followed. Again, this allows for better management and easier storage of files.

The second general category of amendments are recommendations of the Advisory Board concerning administrative and financial management matters. The Advisory Board suggested amendments as found in the following sections:

1. Section 5 re 616.49821 Allows NIC to invest up to 10% of its funds in a commingled real estate fund. Many of the real estate funds currently have cash yields in excess of the rates available on bonds and offer the potential of greater capital appreciation. The commission prefers to use a commingled real estate fund and not internal staff because a large commingled real estate pool will be exposed to more and better properties than a small in-house staff.

2. Section 16 re NRS 616.460(2) and (3) Allows deposits to be secured up to the daily average balance of each month rather than requiring that they be fully secured at all times. Due to the volatility of commission funds in banks and present banking practices, it is not feasible to completely meet the present requirement at all times.

3. Section 17 re NRS 616.4981 Allows the commission to purchase stocks which have not paid cash dividends for each of the preceding five fiscal years but which, despite said fact, would be a good investment. The present language is too restrictive and does not allow the commission to make profitable purchases.

4. Section 18 re NRS 616.4982 Deletes the definition, restriction and limitation of first mortgages on improved unencumbered real property investments of NIC funds. It deletes the 1/12 of 1/2% maximum payment to Mortgage Service Companies. The 50 percent restriction and the \$25,000 limitation are too restrictive to allow NIC to adequately participate in this market. Also the 1/12 of 1/2% (per month) payment to Mortgage Service Companies may in the near future be too restrictive.

The following sections of the bill draft deal with recommendations of the Legislative Auditor to amend NRS Chapters 616 (occupational injuries) and 617 (occupational diseases) to eliminate conflicts in definitions in the respective chapters. For example, the definition of a "casual" laborer in NRS Chapter 616 is different than the definition in NRS Chapter 617. To resolve these differences, please refer to the following sections:

1. Section 8 re 616.090 Makes the definitions of "employer" found in NRS Chapters 616 and 617 consistent.
2. Section 19 re 617.030 Brings the definition of "casual" into line with the updated definition found in 616.030.
3. Section 20 re 617.060 Conforms the definition of total disability to that found in NRS 616.117.
4. Section 21 re 617.080 A fifth paragraph should be added referring to voluntary ski patrolmen so as to coincide with NRS 616.060.
5. Section 22 re 617.100 Drops the last 7 words of the section so as to coincide with the definition found in NRS 616.085.
6. Section 23 re 617.110 Makes the definition of "employer" in NRS Chapter 617 coincide with the definition of "employer" found in NRS Chapter 616.

7. Section 24 re 617.145 Adds one last sentence to 617.145 so that the "sole proprietor" definition is consistent with that of NRS 616.114.

The Legislative Auditor also recommended the amendments proposed in the following sections.

1. Section 9 re 616.150 Limits travel expenses of commissioners to those expenses provided by law.

2. Section 10 re 616.190 Restructures the composition of the Medical Review Board to allow medical specialists to review cases in the field of their expertise thus making use of the Medical Review Board more practical and valuable. (The Advisory Board also made this recommendation.)

3. Section 14 re 616.317(2) Requires sole proprietors electing coverage to take an initial physical exam as opposed to annual physical examinations.

4. Section 15 re 616.400(b) Allows routine mailings concerning employer account delinquency notices to be sent by first class rather than certified mail. This could save \$80,000 annually. (The Advisory Board concurred in this recommendation.)

NIC proposed two minor amendments in the Assembly which we believed the Assembly Committee accepted. However, they were not put on the bill. We again recommend them:

1. Amend Section 6, page 2, by deleting lines 5-15. This section regards the Rehabilitation Center. This subject has been treated more thoroughly in AB 115.

2. Amend Section 13, page 4, by deleting lines 28-46. This section regards subpoena powers and has been accomplished in AB 117.

The section numbers will have to be renumbered to correspond to the above deletions.

AB-409 5/13 - second testimony - Joe N. use of min.

COMMENTS ON AB 409

JOE E. NUSBAUM, CHAIRMAN

NEVADA INDUSTRIAL COMMISSION

EXHIBIT G

AB 409 deals exclusively with matters concerning the Department of Occupational Safety and Health. The proposed amendments are important so that the Nevada Department of Occupational Safety and Health can receive full certification from the federal government.

1. Sec. 1 merely updates references to the federal law; no substantive change.

2. Sec. 2 re NRS 618.367 "The Advisory Board unanimously recommends legislation to expand the authority of DOSH to protect the identity of employees whose names appear on employers' records to include those employees who have made statements regarding the employer as well as those who have filed complaints." This change provides greater protection to employees so they may air complaints concerning safety and health hazards more freely to DOSH personnel.

3. Sec. 3 re NRS 618.415 "A majority of the Advisory Board recommends legislation to delete the right of an employer to apply for a temporary, ex parte variance from its standards." By this change, affected employees must be given notice and an opportunity to participate in the variance hearing.

4. Sec. 4 re NRS 618.465 The Advisory Board of Review endorsed the NIC proposal for issuing "notices of violations" in the field for nonserious safety violations. This procedure reduces paperwork and should assure quicker abatement of minor safety problems. Federal OSHA has approved the procedure on a trial basis. Sec. 4, line 48 assures a statutory basis for this desirable procedure.

5. Sec. 5 re 618.585 The bill provides that the Occupational Safety and Health Review Board have authority to employ legal counsel. While the Board already has legal counsel, this amendment is proposed to clarify that the Review Board specifically, as opposed to the Nevada Industrial Commission, can employ its own legal counsel.

6. Sec. 6 re NRS 618.625 "The Advisory Board unanimously recommends legislation to broaden the authority of DOSH to collect fines so that fines not exceeding \$750 can be collected in any court of competent jurisdiction (including small claims court)." The present law requires that fines be recovered in district court, which makes recovery of small amounts difficult.

1, upheld Ban on Trade Name *Dr. Van Tatten read*
use for minutes



American Optometric Association

EXHIBIT H

BULLETIN
from
OFFICE OF COUNSEL.

VOLUME XXXVII, BULLETIN NO. 37

February 26, 1979

TO: O, T, DEC-C, EMS, E, NE, GC, C, State Association Presidents, Executives, Legal-Legislative Chairmen, Attorneys, Legislative Counsel, Optometric Legislators, IAB-EC, State Board Presidents Secretaries, Attorneys, Administrative Heads of Schools and Colleges, Mr. Adams, Mrs. Martin, Mr. Andrew, FAHRB Board

FROM: Thomas E. Eichhorst, Counsel

SUBJECT: U. S. Supreme Court Decision in Friedman v. Rogers case

The Supreme Court of the United States has upheld the constitutionality of two major provisions of the Texas Optometry Act: Section 5.13(d), which prohibits the practice of optometry under a trade name, and Section 2.02, which requires that four of the six members of the Texas Optometry Board be members of the Texas Optometric Association (TOA).

Justice Powell delivered the opinion of the court February 20 in the case known as Friedman et al v. Rogers, et al. N. Jay Rogers, O.D., a state board member who was ineligible for TOA membership because of non-compliance with the code of ethics required for membership, has brought the original action in the U.S. District Court for the Eastern District of Texas, from which the appeals to the high court had been taken. E. Richard Friedman, O.D., past president of the International Association of Boards of Examiners in Optometry, is the chairman of the Texas Optometry Board.

The AOA filed an amicus curiae brief in support of the Texas Optometry Board and the TOA.

The Supreme Court by a vote of 7-2, with Justices Blackmun and Marshall dissenting, upheld the constitutionality of the prohibition of the practice of optometry under a trade name, declaring that, "The use of a trade name in connection with Optometrical practice conveys no information about the price and nature of the services offered by an optometrist until it acquires meaning over a period of time by associations formed in the minds of the public between the name and some standard of price or quality. Because these ill-defined associations of trade names with price and quality information can be manipulated by the users of trade names, there is a significant

American Optometric Association
243 North Lindbergh Blvd.
Saint Louis, Missouri 63141
314 991 4100

Executive Offices in St. Louis and Washington, D.C.

possibility that trade names will be used to mislead the public.

"The State's interest in protecting the public from such deceptive and misleading use of optometrical trade names is substantial and well demonstrated in this case, and the prohibition against the use of trade names is a constitutionally permissible regulation in furtherance of this interest. Rather than stifling commercial speech such prohibition ensures that information regarding optometrical services will be communicated more fully and accurately to consumers than it had been in the past." the court said,

In an unusual unanimous vote of 9-0, the court held that the composition of the Texas state board was also constitutional, noting that:

"The history of the Texas Optometry Act shows that such provision is related reasonably to the State's legitimate purpose of securing a regulatory board that will administer the Act faithfully.

"While Rogers has a constitutional right to a fair and impartial hearing against him by the Texas Optometry Board, his challenge to the fairness of the Board does not arise from any disciplinary proceeding against him."

A copy of the opinion of the Court by Justice Powell and copy of the opinion of Justice Blackmun, with whom Justice Marshall joins, concurring in part and dissenting in part, and the syllabus (headnote) are enclosed.

The dissenting opinion, at page 9, minimizes the professional character of an optometrist's services, while the majority opinion of the Court notes that "it is clear from the requirements for licensing imposed by the Act that the Texas Legislature considers optometry to be a professional service requiring in the public interest a high level of knowledge and training."

TEE/val
enclosures

NOTE: Where it is feasible, a syllabus (headnote) will be prepared, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Lumber Co.*, 300 U.S. 321, 327.

SUPREME COURT OF THE UNITED STATES

Syllabus

FRIEDMAN ET AL. V. ROGERS ET AL.

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TEXAS

No. 77-1163. Argued November 8, 1978—Decided February 20, 1979*

Section 5.13 (d) of the Texas Optometry Act prohibits the practice of optometry under a trade name and § 2.02 requires that four of the six members of the Texas Optometry Board, which regulates the practice of optometry in the State, be members of the Texas Optometric Association (TOA), a professional organization of optometrists. Rogers, a Board member but ineligible for membership in TOA because of non-compliance with the code of ethics required for membership, brought an action challenging the constitutionality of these provisions. A three-judge District Court held that § 2.02 is related reasonably to the State's purpose of ensuring enforcement of the Act and therefore constitutional under the Equal Protection Clause of the Fourteenth Amendment, but that § 5.13 (d) is an unconstitutional restriction of the "free flow of commercial information" under the First Amendment. *Held:*

1. Section 5.13 (d) is constitutional. *Virginia State Board of Pharmacy v. Virginia Citizens Consumers Council*, 425 U.S. 748, and *Rates v. State Bar of Arizona*, 433 U.S. 320, distinguished. Pp. 6-14.

(a) The use of a trade name in connection with optometrical practice conveys no information about the price and nature of the services offered by an optometrist until it acquires meaning over a period of time by associations formed in the minds of the public between the name and some standard of price or quality. Because these ill-defined associations of trade names with price and quality information can be manipulated by the users of trade names, there is a significant possibility that trade names will be used to mislead the public. Pp. 9-11.

(b) The State's interest in protecting the public from such deceptive

*Together with No. 77-1161, *Rogers et al. v. Friedman et al.*; and No. 77-1186, *Texas Optometric Assn., Inc. v. Rogers et al.*, also on appeal from the same court.

with price and quality information can be manipulated by the users of trade names, there is a significant possibility that trade names will be used to mislead the public.

The possibilities for deception are numerous. ¹The trade name of an optometrical practice can remain unchanged despite changes in the staff of optometrists upon whose skill and care the public depends when it patronizes the practice. Thus, the public may be attracted by a trade name that reflects the reputation of an optometrist no longer associated with the practice. ²A trade name frees an optometrist from dependence on his personal reputation to attract clients and even allows him to assume a new trade name if negligence or misconduct casts a shadow over the old one. ³By using different trade names at shops under his common ownership, an optometrist can give the public the false impression of competition among the shops. The use of a trade name also facilitates the advertising essential to large-scale commercial practices with numerous branch offices, conduct the State rationally may wish to discourage while not prohibiting commercial optometrical practice altogether.

The concerns of the Texas Legislature about the deceptive and misleading uses of optometrical trade names were not speculative or hypothetical, but were based on experience in

determine that the deceptive or misleading use of the name cannot be remedied by any means short of its prescription. But a property interest in a means of communication does not enlarge or diminish the First Amendment protection of that communication. Accordingly, there is no First Amendment rule, comparable to the limitation on § 5, requiring a State to allow deceptive or misleading commercial speech whenever the publication of additional information can clarify or offset the effects of the spurious communication.

There is no claim in this case that Rogers or other optometrists practicing under trade names have been deprived of property without due process of law, or indeed that their property has been taken at all. Accordingly, we do not have occasion to consider whether § 5.13 (k), the limited grandfather clause applicable to § 5.13 (d), would defeat such claims.

EXHIBIT I

ASSEMBLY BILL NO. 475

EXHIBIT J

ASSEMBLY BILL NO. 409

EXHIBIT K

ASSEMBLY BILL NO. 408

EXHIBIT L

SENATE BILL NO. 547

Falli

SENATE COMMERCE AND LABOR COMMITTEE

May 13, 1981

SB 649

NPS Chap 641

AB 612

AB 614

SB 523

Note: I recognize the dilemma posed by closed Boards as allegations are in a psychological — SB 649

I also recognize the problem of not being able to get our own physicians to practice the rural areas, hence SB 523.

The job, as always is to find the balance, as to weighted problems!

T. R. C. Wilson, Chairman

(AB 612)

(AB 614)

Please note the attached outline history relating to NRS Chapters 641 (and 641A) Psychologists (and Marriage and Family Counseling).

AB 612 was heard Monday evening in Assembly Commerce Committee. The sponsor of the bill stated that the bill did not do what the proponents wanted. Chairman Robinson chose not to hear the bill until such time as the proponents came up with something that they wanted. The result is --- Dr. Robert Whittemore and a F. Prizner from Habit Control Institute in Reno are working on something to present to the committee the end of this week, about the 15th of May. (I am unable to be here the remainder of week).

Please consider the implications as outlined on the attached *3 page* note I presented to the co-sponsors of AB 612 dealing with the licensing of hypnotists, and particularly vis a vis the once-again-attempted diminishing of standards for qualifications for certification of psychologists, in SB 649.

Please note that AB 614 passed the Assembly today, Tuesday the 12th of May, with the stated precipitated event being the influx of foreign physicians into this country.

Mrs. Katie-Ann Galli

Does not address that problem however; a problem potentially made worse by SB 523 which expands class of foreign grads.

ASSEMBLY BILL NO. 614—COMMITTEE ON COMMERCE

MAY 5, 1981

Referred to Committee on Commerce

SUMMARY—Repeals provision for special licensing of physicians who are specialists. (BDR 54-2002)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to physicians; repealing provision for special licensing of specialists; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 630.195 is hereby amended to read as follows:
2 630.195 1. The applicant for a license to practice medicine who is
3 a graduate of a foreign medical school shall submit to the board through
4 its secretary:
5 (a) Proof that he is a citizen of the United States, or that he is law-
6 fully entitled to remain and work in the United States.
7 (b) Proof that he has received the degree of Doctor of Medicine or
8 its equivalent, as determined by the board, from a foreign medical school
9 recognized by the Educational Commission for Foreign Medical Grad-
10 uates.
11 (c) Proof that he has completed 3 years of postgraduate training satis-
12 factory to the board.
13 (d) Proof that he has passed, with a grade acceptable to the board,
14 an examination designated by the board.
15 2. In addition to the proofs required by subsection 1, the board may
16 take such further evidence and require such further proof of the pro-
17 fessional and moral qualifications of the applicant as in its discretion
18 may be deemed proper.
19 3. [If the applicant is a diplomate of an approved specialty board
20 recognized by the American Medical Association, the requirements of
21 paragraphs (c) and (d) of subsection 1 may be waived by the board.
22 4.] Before issuance of a license to practice medicine, the applicant
23 who presents the proof required by subsection 1 [shall] *must* appear
24 personally before the board and satisfactorily pass a written or oral
25 examination, or both, as to his qualifications to practice medicine.

Assemblyman Paul Prengaman
Assemblyman Robert Sader

AB 612
(SB 649)

Please note outline items of history relating to NRS Chapters 641 (and 641A) Psychologists (and Marriage and Family Counseling).

- A) 1973 - SB 384 (see attached copy of bill)
- 1) Included in definition of psychotherapy the use of hypnosis. Effective July 1, 1973.
 - 2) Removed psychologists from supervision of or collaboration with qualified physicians. Effective July 1, 1973.
- B) 1979 - AB 191 (see attached copies of bill and reprints, and my notes on Chapters 641 and 641A as regards AB 191, and AG/letter opinion 2-23-77)
- 1) Authorized psychologists to employ assistants to perform certain services. Amended out.
 - 2) Increased fees. Effective June 2, 1979.
 - 3) Provided confidentiality of personnel records. Effective 6/2/79.
 - 4) Lowered standards required for certification. Amended to retain prior higher standards. Effective June 2, 1979.
- C) 1979 - SB 425 (see attached copy of bill)
- 1) Allowed ministers (broad category) students of..., etc. to practice psychological techniques (which included hypnosis.) Failed in committee.

D) 1981 - AB 612 (see attached copy of bill)

1) Licenses hypnotists - Board of psychological examiners.

E) 1981 - SB 649 (see attached copy of bill)

1) Lowers standards for certification of psychologists

- a) educational institution does not need approval of Board of Psychological Examiners;
- b) postdoctoral experience not necessary;
- c) requires Board, upon request, to grant certificate for psychology if applicant is licensed or certified by another state regardless of equivalency of requirements;
- d) lowers grade requirements to below that of national mean.

I was not in Nevada in 1973, but would have lobbied against SB 384, item A)1) and 2). In 1979 I did lobby against AB 191, item B)1) successfully, and lobbied to retain high standards item B)4) successfully. I also lobbied against SB 425, item C)1) successfully. I am against AB 612 and SB 649, calendared May 11 and May 13 this Session, along the following lines:

The proposals taken together and with current on-the-books:

- 1) lower standards to certify psychologists;
- 2) allow individuals certificated through lowered standards to license hypnotists;
- 3) allow individuals to be licensed as hypnotists:
 - a) without citizenship requirement;

(continued next page)

- b) without training requirements or proficiency requirements;
- c) without adequate monitoring, historically lacking in psychology profession in Nevada, and potentially made worse by virtue of lowered standards.

The subculture of psychologists (psychiatrists, behaviorists, and sociologists) has over the years set itself up as judge of what is normal and what is not normal in almost every facet of human activity. It has over those years managed to obtain legislation and to influence the process of other laws, rules and regulations, and policies, to ensure it the authority to continue judgment of and influence upon almost every facet of societal development and activity. Now as itemized in the foregoing, it would ask to LICENSE mental control and influence by one human being over another human being. The implications are far reaching.

I strongly urge you to withdraw your sponsorship of AB 612 and to lobby against it and against SB 649.

If you would like further information, please do let me know.

Mrs. Katie-Ann Galli

(REPRINTED WITH ADOPTED AMENDMENTS)
FIRST REPRINT

S. B. 384

SENATE BILL NO. 384—COMMITTEE ON HEALTH,
WELFARE AND STATE INSTITUTIONS

MARCH 7, 1973

Referred to Committee on Health, Welfare and State Institutions

SUMMARY—Changes law governing the licensing and conduct of
psychologists. Fiscal Note: No. (BDR 54-1395)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is
material to be omitted.

AN ACT relating to psychologists; expanding the meaning of "practice of psychol-
ogy"; making the uncertified practice of psychology a misdemeanor; enabling
a psychotherapist to perform without supervision or collaboration of a phy-
sician.

People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:

SECTION 1. NRS 641.020 is hereby amended to read as follows:

641.020 Unless otherwise indicated by the context, words and
phrases or variants thereof employed in this chapter shall be construed
to have the meanings, for the purpose of this chapter, in accordance with
the following definitions:

"Board" means the board of psychological examiners.

"Certificate" means a certificate of registration as a psychologist.

"Certificatee" means a person certified as a psychologist by the

"Person" means any individual, partnership, association or cor-

"Practice of psychology" means the application of established prin-
ciples of learning, motivation, perception, thinking and emotional rela-
tions to problems of personnel evaluation, group relations and
personal adjustment. [by persons trained in psychology.] The application
of principles includes, but is not restricted to:

Counseling and the use of psychotherapeutic measures, including
counseling with persons or groups with adjustment problems in the areas
of family, school or personal relationships.

Measuring and testing of personality, intelligence, aptitudes, emo-
tional opinion, attitudes and skills.

Doing research on problems relating to human behavior.]

392	697
393	107
394	110
395	229
396	130
397	410
398	520
399	630
400	735
384	118
385	120
386	130
387	140
388	150
389	160
390	170
391	180

1 6. "Psychologist" means a person who describes himself, or his
2 ices, to the public by any title or description which incorporates the
3 "psychological," "psychologist" or "psychology," and [under such
4 offers to render or renders *psychological* services to individuals, partnerships, associations, corporations or other members of the public for
5 remuneration.

6 SEC. 2. NRS 641.390 is hereby amended to read as follows:
7 641.390 1. No person shall represent himself as a psychologist
8 within the meaning of this chapter or engage in the practice of psychology
9 unless he is certified under the provisions of this chapter, except that
10 psychological scientist employed by an accredited educational institution
11 or public agency which has set explicit standards may represent himself
12 by the title conferred upon him by such institution or agency.

13 2. Nothing contained in this section shall be construed as granting
14 approval for any person to offer his services as a psychologist to any other
15 person as a consultant, and to accept remuneration for such psychological
16 services, other than that of his institutional salary, unless he has been
17 certified under the provisions of this chapter.

18 3. A student of psychology, a psychological intern, and any other
19 person preparing for the profession of psychology under the supervision
20 of a qualified psychologist in training institutions or facilities recognized
21 by the board may be designated by the title "psychology trainee," or any
22 other title which clearly indicates his training status.

23 SEC. 3. NRS 641.400 is hereby amended to read as follows:
24 641.400 1. Nothing in this chapter shall in any way restrict the use
25 of the term "social psychologist" by any person who has received a
26 doctoral degree in sociology from an institution whose credits in sociology
27 are acceptable to the University of Nevada System, and who has passed
28 comprehensive examinations in the field of social psychology as a part of
29 the requirements for the doctoral degree, or has had equivalent
30 training in social psychology, and who has notified the board of his
31 intention to use the term "social psychologist" and filed a statement
32 the fact demonstrating his compliance with this section.

33 2. Nothing in this chapter shall be construed to prevent any person
34 member of another licensed profession from using psychological
35 techniques if such person does not represent himself as a psychologist
36 or hold himself out by a title or description incorporating "psychologist"
37 "psychologist" or "psychology."

38 SEC. 4. NRS 641.420 is hereby amended to read as follows:
39 641.420 No person, other than a person certified under this chapter,
40 may engage in the practice of psychology, or employ or use the title
41 "psychologist," or the words "psychological" or "psychology" in connection
42 with his work, or in any way imply that he is certified by the board,
43 unless he is certified under this chapter, except as specified in
44 641.390, 641.400 and 641.410.

45 SEC. 5. 641.430 is hereby amended to read as follows:
46 641.430 1. Nothing in this chapter shall authorize the administration
47 or prescription of drugs, or authorize any person to engage in any activity
48 in the practice of medicine or optometry as defined in the laws of the
49

1 state. A psychologist who engages in psychological therapy, commonly
2 called psychotherapy, shall [perform such services under the direct supervision
3 of or in genuine collaboration with a qualified physician.] make
4 adequate provision for the treatment of medical problems through appropriate
5 medical consultation or referral, or both. In the event of suspected
6 violation of this section by any person certified under this chapter, the
7 board of medical examiners of the State of Nevada may conduct an
8 investigation to determine the facts surrounding the alleged violation. To
9 assist the board of medical examiners in this investigation, the board of
10 psychological examiners shall make available to the board of medical
11 examiners any information in its possession bearing upon the alleged
12 violation. Upon finding that a violation has in fact occurred, the board of
13 medical examiners may either:

14 (a) Recommend appropriate disciplinary action to the board of psychological
15 examiners; or

16 (b) Initiate appropriate action in a court of law.

17 2. The board of medical examiners of the State of Nevada is empowered
18 to review the application and any supporting documentation of a
19 certificate's qualifications which have been submitted to the board of
20 psychological examiners, or any other evidence bearing upon a certificate's
21 qualifications to be certified as a psychologist in the State of Nevada,
22 and may, on the basis of its review, recommend to the board of
23 psychological examiners the suspension or revocation of the certificate
24 of any certificatee deemed to be unqualified by the board of medical examiners.
25 Upon such recommendation, the board of psychological examiners
26 shall review the certificatee's credentials to determine whether the certificate
27 of the certificatee in question should be suspended or revoked or
28 remain in effect.

29 SEC. 6. NRS 641.440 is hereby amended to read as follows:

30 641.440 Any person who violates any of the provisions of this chapter
31 or, having had his certificate suspended or revoked, continues to represent
32 himself as a psychologist, or engages in the practice of psychology
33 guilty of a misdemeanor.

34 P.3.
35 lines 2-5 removes psychologists
36 from supervision or collaboration
37 with qualified physician.

1961
385
386
387
388
389
390

AB 191

Definition: "Psychotherapy" (not precise)

Less qualifications for assistants with more responsibility increases hazard to client, patient.

AB 191 will enlarge the scope for those qualified to perform psychotherapy defined here, 641.020 (5)(a)(b) (assistants)

In the face of diminished qualifications for certified psychologists per AB 191 Sec. 3 641.180, the Board of Psychological Examiners is given freedom on design of Rules and Regulations for assistants.

In view of the fact that the Board failed to file ^{approval} Rules and Regulations with Secretary of State as per statute ^{NRS 233B.01} thru ^{233B.150} 233B.150 in the years subsequent to commencement of this requirement, monitoring of psychologists was effectively precluded. Along those same lines, monitoring of assistants allowed by AB 191 via Rules and Regulations may be questionable.

Attorney General Opinion dated 2-23-77 regarding license for hypnosis requirement limited to 641.020(5)(a).

Note: according to AGO, persons involved in behavior adjustment/hypnosis need not be licensed by Board; should be a case by case decision as to therapy involved. "Behavior adjustment" is an extremely open and broad classification used by innumerable segments of industry and business and medical professions from marketing to entertainment to crime which should be scrutinized. /Underlined mine/

Note: NRS 641A.080 - MARRIAGE AND FAMILY COUNSELING
ACCORDING TO AGO PERSONS LICENSED
UNDER THIS SECTION MAY USE HYPNOSIS
WITHOUT BEING LICENSED BY THE BOARD
OF PSYCHOLOGICAL EXAMINERS.
i.e. "behavior adjustment" \cong "human behavior"

7-24-77

OFFICE OF THE ATTORNEY GENERAL

ROBERT LIST
ATTORNEY GENERAL

Carl E. Lovell, Jr.,
City Attorney
400 East Stewart
Las Vegas, Nevada 89101

Re: What Persons Must be Licensed
as Psychologists in Order to
Practice Hypnosis in the State
of Nevada

Dear Mr. Lovell:

Your office has requested an opinion concerning
NRS 641.020(5). Specifically, you inquire as to what per-
sons practicing hypnosis in the State of Nevada are re-
quired to be licensed under the Board of Psychology or other
agencies.

NRS 641.020(5) defines the practice of psychology
as follows:

"(5) 'Practice of psychology' means the
application of established principles of
learning, motivation, perception, thinking
and emotional relationships to problems of
personal evaluation, group relations and
behavior adjustment. The application of
such principles including hypnosis is not re-
stricted to:

(a) Counseling and treatment of psycho-
theoretic problems. The practice of hypnosis,
when used in the treatment of the individual,
family, or social relationships is not restricted to:

(b) Diagnosis and treatment of personality,
development, behavior, perception, and
emotional relationships. [Hypnosis
is not restricted to:]

It is our understanding that your question arises from the use of the phrase "including hypnosis". In order to resolve your inquiry, it is necessary to review the rules of statutory construction.

The primary rule of statutory construction is that the intention of the Legislature is to be sought and, where possible, given effect. State v. Smith, 1 Nev. 409 (1865). In seeking the legislative intent, the initial step is to analyze the language of the statute. Where such language is clear and unambiguous, the courts will give effect to it. Virginia and T.R.R. v. State, 69 Nev. 66 (1975); State v. Hiko County, 10 Nev. 109 (1867). The general rule of statutory construction which has been considered are the requirement that all words used in statutes are to be given effect if possible, State v. Carson Valley Bank, 56 Nev. 133 (1935); that the language of the statute is to be construed so as to give effect, rather than to nullify effect, State ex rel. Kaufman v. Martin, 31 Nev. 407 (1909); and that in seeking the meaning of words used in a statute, such words should be examined and considered in context, Western Pac. R.R. v. State, 69 Nev. 66 (1975); that statutes should not be construed to impose new duties upon individuals in addition to the duties required by common law, Boyd v. Stevenson, 2 Nev. 231 (1865); that statutes should be construed so that their operations will be beneficial and not oppressive, O'Neil v. Maxfield, Winnemuck Mining Co., 3 Nev. 141 (1867); and that statutes should be construed so as to avoid absurd results, State ex rel. Keith v. Davison & Va. Toll-Road Co., 10 Nev. 109 (1867).

When the above-stated rules of statutory construction are applied to the statutory section in question, it appears that the Legislature intended that only those persons using hypnosis in the course of consulting persons or groups with adjustment problems in the areas of work, family, school or personal relationships need be licensed by the Board of Psychological Examiners. This conclusion results from the fact that the phrase "including hypnosis" was not placed in the main body of 641.020(4), but was, rather, inserted in the caption of 641.020(5). Since 641.020(5) is titled "Persons who are not subject to licensure" in the areas of work, family, school or personal relationships and the phrase "including hypnosis" in the caption is considered in context, a license from the Board of Psychological Examiners is required only if hypnosis is used in the areas specified in 641.020(4).

It should be noted that since hypnosis is not referenced in the main body of 641.020, it must be concluded that persons who use hypnosis in the field of law

Carl E. Lovell, Jr., Esq.
February 23, 1977
Page Three

Original document is of poor quality

havior adjustment need not be licensed as a psychologist. Such conclusion is compelled by the fact that "behavior adjustment" is referred to only in the main part of IRS 641.025 and is not modified or expanded by the phrase "including hypnosis".

It is, therefore, the opinion of this office that only persons using hypnosis in controlling persons or groups of persons with adjustment problems in the areas of work, family, school or personal relationships need be licensed as psychologists. This office realizes that there may be a very thin line between adjustment problems in the areas of health or personal relationships and behavior adjustment problems. It is therefore our position that the question of whether a person using hypnosis is required to be licensed by the Board of Psychological and Family Examiners must be considered on a case-by-case basis.

Should you have any questions concerning this or any other matter, please do not hesitate to contact us concerning the same.

Very truly yours,

JOHN W. TEST
Attorney General

By *Michael E. Dyer*
Michael E. Dyer
Deputy Attorney General

MWD:sc

cc: Dr. Robert M. Queen

ASSEMBLY BILL NO. 612—ASSEMBLYMEN
PRENGAMAN AND SADER -

MAY 5, 1981

Referred to Committee on Commerce

SUMMARY—Authorizes board of psychological examiners to license persons who practice hypnosis. (BDR 54-1635)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to hypnosis; authorizing the board of psychological examiners to license persons who practice hypnosis; providing a penalty; and providing other matters properly relating thereto.

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 the provisions set forth as sections 2 to 4, inclusive, of this act.
- 3 SEC. 2. 1. *A person who is not a psychologist shall not practice*
4 *hypnosis in this state unless he is licensed under the provisions of this*
5 *chapter.*
- 6 2. *A person who is not a psychologist desiring to practice hypnosis*
7 *in this state shall apply for a license to the board upon a form, and in a*
8 *manner prescribed by the board. The application must be accompanied*
9 *by a fee prescribed by the board.*
- 10 SEC. 3. *The board shall refuse to grant a license, or shall suspend or*
11 *revoke a license, for any of the following reasons:*
- 12 1. *Conviction of a felony, or of any offense involving moral turpi-*
13 *tude.*
- 14 2. *Habitual drunkenness or addiction to the use of morphine, opium,*
15 *cocaine or other drugs having a similar effect.*
- 16 3. *Impersonating a licensed hypnotist or allowing another person to*
17 *use his license.*
- 18 4. *Using fraud or deception in applying for a license.*
- 19 5. *Practicing hypnosis in a dishonest, fraudulent or negligent man-*
20 *ner.*
- 21 SEC. 4. *A complaint may be made against a licensee by an agent or*
22 *inspector employed by the board, any other licensee or any aggrieved*
23 *person, charging one or more of the causes for which his license may be*

1 *revoked or suspended with such particularity as to enable the licensee to*
2 *prepare a defense thereto.*

3 SEC. 5. NRS 641.020 is hereby amended to read as follows:

4 641.020 [Unless otherwise indicated by the context, words and
5 phrases or variants thereof employed in this chapter shall be construed
6 and given meanings, for the purpose of this chapter, in accordance with
7 the following definitions:] *As used in this chapter, unless the context*
8 *otherwise requires:*

- 9 1. "Board" means the board of psychological examiners.
- 10 2. "Certificate" means a certificate of registration as a psychologist.
- 11 3. ["Certificatee" means a person certified as a psychologist by the
12 board.
- 13 4.] "License" means a license to practice hypnosis.
- 14 4. "Licensee" means a person licensed as a hypnotist by the board.
- 15 5. "Person" means any [individual.] *natural person*, partnership,
16 association or corporation.

17 [5.] 6. "Practice of psychology" means the application of estab-
18 lished principles of learning, motivation, perception, thinking and emo-
19 tional relationships to problems of personnel evaluation, group relations
20 and behavior adjustment. The application of such principles includes, but
21 is not restricted to:

- 22 (a) Counseling and the use of psychotherapeutic measures, including
23 hypnosis, with persons or groups with adjustment problems in the areas
24 of work, family, school or personal relationships.
- 25 (b) Measuring and testing of personality, intelligence, aptitudes, emo-
26 tions, public opinion, attitudes and skills.

27 [6.] 7. "Psychologist" means a person who describes himself, or his
28 services, to the public by any title or description which incorporates the
29 word "psychological," "psychologist" or "psychology," and offers to ren-
30 der or renders psychological services to [individuals.] *natural persons*,
31 partnerships, associations, corporations or other members of the public
32 for remuneration.

33 SEC. 6. NRS 641.090 is hereby amended to read as follows:

- 34 641.090 1. The secretary-treasurer shall make and keep on behalf
35 of the board:
- 36 (a) A record of all its meetings and proceedings.
- 37 (b) A record of all violations and prosecutions under the provisions
38 of this chapter.
- 39 (c) A record of all examinations of applicants [.] *for certificates.*
- 40 (d) A register of all certificates.
- 41 (e) A register of all certificate holders.
- 42 (f) *A register of all licenses.*
- 43 (g) *A register of all licensees.*
- 44 (h) An inventory of the property of the board and of the state in the
45 board's possession.

46 2. These records must be kept in the office of the board and are
47 subject to public inspection during normal working hours upon reason-
48 able notice.

49 3. The board may keep the personnel records of applicants confi-
50 dential.

1 SEC. 7. NRS 641.100 is hereby amended to read as follows:
2 641.100 The board may [make and promulgate rules and] adopt
3 regulations not inconsistent with the provisions of this chapter governing
4 its procedure, the examination and certification or licensing of applicants,
5 the granting, refusal, revocation or suspension of certificates [.] and
6 licenses, and the practice of psychology [.] and hypnosis.

7 SEC. 8. NRS 641.110 is hereby amended to read as follows:
8 641.110 The board may, under the provisions of this chapter:
9 1. Examine and pass upon the qualifications of the applicants for
10 certification [.] and review applicants for licensing.
11 2. Certify or license qualified applicants.
12 3. Revoke or suspend certificates [.] and licenses.
13 4. Collect all fees and make disbursements pursuant to this chapter.

14 SEC. 9. NRS 641.170 is hereby amended to read as follows:
15 641.170 Each applicant for a certificate shall furnish evidence satis-
16 factory to the board that he:
17 1. Is at least 21 years of age.
18 2. Is of good moral character.
19 3. Is a citizen of the United States, or is lawfully entitled to remain
20 and work in the United States.

21 4. Has received a doctorate in psychology from an educational insti-
22 tution [approved by the board] or has training deemed equivalent by the
23 board in both subject matter and extent of training.
24 5. Has at least 1 year of postdoctoral experience satisfactory to the

25 board.
26 SEC. 10. NRS 641.190 is hereby amended to read as follows:
27 641.190 The board [may] grant a certificate without any examination
28 to any person certified or licensed as a psychologist by a board of psy-
29 chological examiners of another state [if the board determines that the
30 requirements in [such] that state are at least equivalent to the require-
31 ments of this chapter.]

32 SEC. 11. NRS 641.220 is hereby amended to read as follows:
33 641.220 Every [person certified by the board shall be required to]
34 holder of a certificate or license shall submit biennially a completed reg-
35 istration form and pay the biennial registration fee provided for in this
36 chapter.

37 SEC. 12. NRS 641.240 is hereby amended to read as follows:
38 641.240 The board may discipline the holder of any certificate [.]
39 or license, whose default has been entered or who has been heard by the
40 board and found guilty, by any of the following methods:
41 1. Placing him upon probation for a period to be determined by the
42 board.
43 2. Suspending his certificate or license for a period not exceeding 1
44 year.
45 3. Revoking his certificate [.] or license.

46 SEC. 13. NRS 641.270 is hereby amended to read as follows:
47 641.270 As soon as practicable after the filing of a complaint, the
48 board shall fix a date for the hearing thereof, which date [shall] must
49 be not less than 30 days thereafter. The secretary-treasurer shall imme-
50 diately notify the defendant [certificatee] of the complaint and the date

Removed
by SB649
1981
and in line 22 after
bracket
licensed or
certified by the
state in which
it is located.

delete by SB649
add after bracket
shall, upon
request,
delete brackets
in lines 29-3
by SB649

1 and place fixed for the hearing thereof. A copy of the complaint [shall]
2 must be attached to the notice.

3 SEC. 14. NRS 641.280 is hereby amended to read as follows:
4 641.280 The hearing of a complaint [shall] must be conducted pub-

5 licly by the board. The defendant [certificatee shall] must be accorded
6 the right to appear in person and by legal counsel, and [shall] must be
7 given adequate opportunity to confront the witnesses against him, to
8 testify and introduce the testimony of witnesses in his behalf, and to sub-
9 mit argument and brief in person or by his counsel.

10 SEC. 15. NRS 641.300 is hereby amended to read as follows:
11 641.300 If the board revokes or suspends a certificate or license for

12 a fixed time, the [certificatee] holder of the certificate or license may
13 apply for a rehearing within 10 days and the board may grant [such] the
14 application within 30 days thereafter.

15 SEC. 16. NRS 641.310 is hereby amended to read as follows:
16 641.310 If the board grants a rehearing, the secretary-treasurer shall

17 immediately notify the [certificatee] holder of the certificate or license of
18 the date and place which the board has fixed for the rehearing, which date
19 [shall] must not be less than 10 days thereafter. The hearing [shall]
20 must be conducted in the same manner as the former hearing. Upon con-
21 clusion thereof, or as soon as practicable thereafter, the board shall make
22 and announce its decision.

23 SEC. 17. NRS 641.320 is hereby amended to read as follows:
24 641.320 One year from the date of a revocation of a certificate [.]

25 or license, application may be made to the board for reinstatement. The
26 board [shall have] has complete discretion to accept or reject an appli-
27 cation for reinstatement and may require a former holder of a certificate
28 to take an examination for [such] reinstatement.

29 SEC. 18. NRS 641.330 is hereby amended to read as follows:
30 641.330 The adjudication of insanity or mental illness or the volun-

31 tary commitment or admission to a hospital of any [certificatee] holder
32 of a certificate or license for mental illness [shall operate] operates as a
33 suspension of [the] his right to practice. [of such certificatee, and such
34 suspension shall] The suspension must continue until the certificate or
35 license is restored by action of the board. The board shall not restore
36 [such certificate] the certificate or license until it receives competent
37 evidence of the [certificatee's] fitness of the holder of the certificate or
38 license to resume his practice.

39 SEC. 19. NRS 641.340 is hereby amended to read as follows:
40 641.340 Each [person holding a certificate as a psychologist in this

41 state] holder of a certificate or license shall pay a biennial registration
42 fee to the board on or before the 1st day of January of each odd-
43 numbered year.

44 SEC. 20. NRS 641.350 is hereby amended to read as follows:
45 641.350 Failure to pay the biennial registration fee [shall] auto-

46 matically [effect] effects a revocation of the certificate or license after [a
47 period of] 60 days from the 1st day of January of each odd-numbered
48 year. The certificate [shall] or license may not be restored except upon

1 written application and the payment of the biennial registration fee and
2 the delinquency fee required by this chapter.

3 SEC. 21. NRS 641.370 is hereby amended to read as follows:
4 641.370 The board shall fix, by regulation, the amount of the fees
5 payable to it pursuant to this chapter, according to the following sched-
6 ule:

7	1. Examination fee.....	\$85
8	2. Certification or licensing fee.....	15
9	3. Biennial registration fee, not more than \$100.	
10	4. Restoration of a certificate or a license revoked for non-	
11	payment of the biennial registration fee, not more than \$100.	
12	5. Application fee.....	25
13	6. Certification by endorsement under the provisions of NRS	
14	641.190.....	50

15 SEC. 22. NRS 641.430 is hereby amended to read as follows:

16 641.430 1. Nothing in this chapter [shall authorize] authorizes the
17 administration or prescription of drugs, or [authorize] authorizes any
18 person to engage in any manner in the practice of medicine or optometry
19 as defined in the laws of this state. A psychologist who engages in psy-
20 chological therapy, commonly called psychotherapy, shall make adequate
21 provision for the treatment of medical problems through the appro-
22 priate medical consultation or referral, or both. In the event of a sus-
23 pected violation of this section by any person certified or licensed under
24 this chapter, the board of medical examiners of the State of Nevada may
25 conduct an investigation to determine the facts surrounding the alleged
26 violation. To assist the board of medical examiners in this investigation,
27 the board of psychological examiners shall make available to the board
28 of medical examiners any information in its possession bearing upon the
29 alleged violation. Upon finding that a violation has in fact occurred, the
30 board of medical examiners may either:

- 31 (a) Recommend appropriate disciplinary action to the board of psy-
- 32 chological examiners; or
- 33 (b) Initiate appropriate action in a court of law.

34 2. The board of medical examiners [of the State of Nevada is
35 empowered to] may review the application and any supporting docu-
36 mentation of [a certificatee's] the qualifications of a holder of a certifi-
37 cate or license which have been submitted to the board of psychological
38 examiners, or any other evidence bearing upon [a certificatee's] the
39 qualifications of a holder of a certificate to be certified as a psychologist
40 [in the State of Nevada.] or the qualifications of a licensee to be licensed
41 as a hypnotist, and may, on the basis of its review, recommend to the
42 board of psychological examiners the suspension or revocation of the cer-
43 tificate or license of any [certificatee] holder of a certificate or license
44 deemed to be unqualified by the board of medical examiners. Upon such
45 recommendation, the board of psychological examiners must review the
46 [certificatee's] credentials of the holder of the certificate or license to
47 determine whether [the certificate of the certificatee in question] his
48 certificate or license should be suspended or revoked or remain in effect.

49 SEC. 23. NRS 641.440 is hereby amended to read as follows:

1 641.440 Any person who violates any of the provisions of this chap-
2 ter or, having had his certificate *or license* suspended or revoked, con-
3 tinues to represent himself as a psychologist [.] *or as a hypnotist*, or
4 engages in the practice of *psychology or hypnosis*, is guilty of a misde-
5 meanor.

Ⓢ

SENATE BILL NO. 425—COMMITTEE ON COMMERCE AND LABOR

APRIL 5, 1979

Referred to Committee on Commerce and Labor

SUMMARY—Exempts members of clergy from provisions of law regulating practice of psychology. (BDR 54-1529)

FISCAL NOTE: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in italics is new; matter in brackets [] is material to be omitted.

AN ACT relating to psychology; exempting members of the clergy from provisions of law regulating the practice of psychology; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 641.400 is hereby amended to read as follows:
- 2 641.400 1. Nothing in this chapter [shall in any way restrict]
- 3 restricts the use of the term "social psychologist" by any person who has
- 4 received a doctoral degree in sociology from an institution whose credits
- 5 in sociology are acceptable to the University of Nevada System, and who
- 6 has passed comprehensive examinations in the field of social psychology
- 7 as a part of the requirements for the doctoral degree, or has had equiva-
- 8 lent specialized training in social psychology, and who has notified the
- 9 board of his intention to use the term "social psychologist" and filed a
- 10 statement of the fact demonstrating his compliance with this section.
- 11 2. Nothing in this chapter [shall be construed to prevent any mem-
- 12 ber] prevents any:
- 13 (a) Member of another licensed profession; [from]
- 14 (b) ~~Duly ordained bishop, priest, minister, rabbi or elder or student in~~
- 15 ~~training for such ordainment,~~
- 16 ~~from using psychological tests or techniques if such person does not rep-~~
- 17 ~~resent himself as a psychologist or hold himself out by a title or descrip-~~
- 18 ~~tion incorporating "psychological," "psychologist" or "psychology."~~

was ready to pass out do pass.

ASSEMBLY BILL NO. 191—COMMITTEE ON HEALTH AND WELFARE

JANUARY 24, 1979

Referred to Committee on Health and Welfare

SUMMARY—Revises laws regulating psychologists. (BDR 54-275)

FISCAL NOTE: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in italics is new; matter in brackets [] is material to be omitted.

AN ACT relating to psychologists; authorizing a psychologist to employ assistants to perform certain services under his direct supervision; revising the board's schedule of fees and the passing grade for examination; providing for confidentiality of applicants' records; and providing other matters properly relating thereto.

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 which shall read as follows:
- 3 1. *A certified psychologist may employ one or two assistants to carry*
- 4 *out psychological testing and counseling and perform psychotherapy*
- 5 *under his direct supervision.*
- 6 2. *Each assistant must register with the board.*
- 7 3. *The board shall adopt regulations governing the employment,*
- 8 *activities and supervision of these assistants.*
- 9 SEC. 2. NRS 641.090 is hereby amended to read as follows:
- 10 641.090 1. The secretary-treasurer shall make and keep [.] on
- 11 behalf of the board: [the following:]
- 12 (a) A record of all its meetings and proceedings.
- 13 (b) A record of all violations and prosecutions under the provisions
- 14 of this chapter.
- 15 (c) A record of all examinations of applicants.
- 16 (d) A register of all certificates.
- 17 (e) A register of all certificate holders.
- 18 (f) An inventory of the property of the board and of the state in the
- 19 board's possession.
- 20 2. [All records of the board shall] *These records must* be kept in
- 21 the office of the board and [shall be] *are* subject to public inspection [.]
- 22 during normal working hours [.] upon reasonable notice.

deleted in 2nd reprint

1 3. The board may keep the personnel records of applicants confi-
2 dential.

3 SEC. 3. NRS 641.180 is hereby amended to read as follows:
4 641.180 [Each] The board shall give each applicant for a certificate
5 [shall be given] a written examination [by the board] on his knowledge
6 of psychology. In addition, the board may require an oral examination.
7 The examination [shall] must be given at least once a year, and may be
8 given more often if deemed necessary by the board. The examination
9 [shall] must be given at a time and place, and under such supervision,
10 as the board may determine. A grade of [75 percent shall be] 70 percent
11 is a passing grade. The board may examine in whatever applied or theo-
12 retical fields it deems appropriate.

Revised
to 75% in
1st reprint.

13 SEC. 4. NRS 641.370 is hereby amended to read as follows:
14 641.370 The board shall fix, by regulation, the amount of the fees
15 payable to [the board] it pursuant to this chapter, [shall be fixed by the
16 board] according to the following schedule:

- 17 1. Examination fee..... [25] \$85
- 18 2. Certification fee..... 15
- 19 3. Biennial registration fee, not [less than \$20 nor more than \$80, as
20 determined by the board.] more than \$100.
- 21 4. Restoration of a certificate revoked for nonpayment of the bien-
22 nial registration fee, not [less than \$20 nor more than \$80, as determined
23 by the board.] more than \$100.
- 24 5. Application fee..... [10] 25
- 25 6. Certification by endorsement under the provisions of
26 NRS 641.190..... 50

27 SEC. 5. NRS 641.210 is hereby repealed.

28 SEC. 6. This act shall become effective upon passage and approval.

ASSEMBLY BILL NO. 191—COMMITTEE ON HEALTH AND WELFARE

JANUARY 24, 1979

Referred to Committee on Health and Welfare

SUMMARY—Revises laws regulating psychologists. (BDR 54-275)

FISCAL NOTE: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in italics is new; matter in brackets [] is material to be omitted.

AN ACT relating to psychologists; authorizing a psychologist to employ assistants to perform certain services under his direct supervision; revising the board's schedule of fees; providing for confidentiality of applicants' records; and providing other matters properly relating thereto.

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 which shall read as follows:
- 3 *1. A certified psychologist may employ one or two assistants to carry*
- 4 *out psychological testing and counseling under his direct supervision.*
- 5 *2. Each assistant must register with the board.*
- 6 *3. The board shall adopt regulations governing the employment,*
- 7 *activities and supervision of these assistants.*
- 8 SEC. 2. NRS 641.090 is hereby amended to read as follows:
- 9 641.090 1. The secretary-treasurer shall make and keep [.] on
- 10 behalf of the board: [the following:]
- 11 (a) A record of all its meetings and proceedings.
- 12 (b) A record of all violations and prosecutions under the provisions
- 13 of this chapter.
- 14 (c) A record of all examinations of applicants.
- 15 (d) A register of all certificates.
- 16 (e) A register of all certificate holders.
- 17 (f) An inventory of the property of the board and of the state in the
- 18 board's possession.
- 19 2. [All records of the board shall] *These records must be kept in*
- 20 *the office of the board and [shall be] are subject to public inspection [.]*
- 21 *during normal working hours [.] upon reasonable notice.*

deleted in 2nd reprint

1 3. The board may keep the personnel records of applicants confi-
2 dential.

3 SEC. 3. NRS 641.180 is hereby amended to read as follows:

4 641.180 [Each] The board shall give each applicant for a certificate
5 [shall be given] a written examination [by the board] on his knowledge
6 of psychology. In addition, the board may require an oral examination.
7 The examination [shall] must be given at least once a year, and may be
8 given more often if deemed necessary by the board. The examination
9 [shall] must be given at a time and place, and under such supervision,
10 as the board may determine. A grade of 75 percent [shall be] is a pass-
11 ing grade. The board may examine in whatever applied or theoretical
12 fields it deems appropriate.

13 SEC. 4. NRS 641.370 is hereby amended to read as follows:

14 641.370 The board shall fix, by regulation, the amount of the fees
15 payable to [the board] it pursuant to this chapter, [shall be fixed by the
16 board] according to the following schedule:

- 17 1. Examination fee.....[\$25] \$85
- 18 2. Certification fee..... 15
- 19 3. Biennial registration fee, not [less than \$20 nor more than \$80, as
20 determined by the board.] more than \$100.
- 21 4. Restoration of a certificate revoked for nonpayment of the bien-
22 nial registration fee, not [less than \$20 nor more than \$80, as determined
23 by the board.] more than \$100.
- 24 5. Application fee..... [10] 25
- 25 6. Certification by endorsement under the provisions of
- 26 NRS 641.190..... 50

27 SEC. 5. NRS 641.210 is hereby repealed.

28 SEC. 6. This act shall become effective upon passage and approval.



ASSEMBLY BILL NO. 191—COMMITTEE ON
HEALTH AND WELFARE

JANUARY 24, 1979

Referred to Committee on Health and Welfare

SUMMARY—Revises laws regulating psychologists. (BDR 54-275)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to psychologists; revising the board's schedule of fees; providing for confidentiality of applicants' records; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

- 1 SECTION 1. NRS 641.090 is hereby amended to read as follows:
2 641.090 1. The secretary-treasurer shall make and keep [.] on
3 behalf of the board: [., the following:]
4 (a) A record of all *its* meetings and proceedings.
5 (b) A record of all violations and prosecutions under the provisions
6 of this chapter.
7 (c) A record of all examinations of applicants.
8 (d) A register of all certificates.
9 (e) A register of all certificate holders.
10 (f) An inventory of the property of the board and of the state in the
11 board's possession.
12 2. [All records of the board shall] *These records must be kept in*
13 *the office of the board and [shall be] are subject to public inspection [.]*
14 *during normal working hours [.] upon reasonable notice.*
15 3. *The board may keep the personnel records of applicants confi-*
16 *dential.*
17 SEC. 2. NRS 641.180 is hereby amended to read as follows:
18 641.180 [Each] *The board shall give each applicant for a certificate*
19 *[shall be given] a written examination [by the board] on his knowledge*
20 *of psychology. In addition, the board may require an oral examination.*
21 *The examination [shall] must be given at least once a year, and may be*
22 *given more often if deemed necessary by the board. The examination*
23 *[shal:] must be given at a time and place, and under such supervision,*

1 as the board may determine. A grade of 75 percent [shall be] is a pass-
2 ing grade. The board may examine in whatever applied or theoretical
3 fields it deems appropriate.

4 SEC. 3. NRS 641.370 is hereby amended to read as follows:

5 641.370 The board shall fix, by regulation, the amount of the fees
6 payable to [the board] pursuant to this chapter, [shall be fixed by the
7 board] according to the following schedule:

- 8 1. Examination fee.....[\$25] \$85
- 9 2. Certification fee..... 15
- 10 3. Biennial registration fee, not [less than \$20 nor more than \$80, as
11 determined by the board.] more than \$100.
- 12 4. Restoration of a certificate revoked for nonpayment of the bien-
13 nial registration fee, not [less than \$20 nor more than \$80, as determined
14 by the board.] more than \$100.
- 15 5. Application fee..... [10] 25
- 16 6. Certification by endorsement under the provisions of
- 17 NRS 641.190..... 50

18 SEC. 4. NRS 641.210 is hereby repealed.

19 SEC. 5. This act shall become effective upon passage and approval.

•

CHAPTER.....

AN ACT relating to psychologists; revising the board's schedule of fees; providing for confidentiality of applicants' records; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. NRS 641.090 is hereby amended to read as follows:

641.090 1. The secretary-treasurer shall make and keep [.] on behalf of the board: [., the following:]

- (a) A record of all its meetings and proceedings.
- (b) A record of all violations and prosecutions under the provisions of this chapter.
- (c) A record of all examinations of applicants.
- (d) A register of all certificates.
- (e) A register of all certificate holders.
- (f) An inventory of the property of the board and of the state in the board's possession.

2. [All records of the board shall] *These records must* be kept in the office of the board and [shall be] *are* subject to public inspection [.] during normal working hours [.] upon reasonable notice.

3. *The board may keep the personnel records of applicants confidential.*

SEC. 2. NRS 641.180 is hereby amended to read as follows:

641.180 [Each] *The board shall give each applicant for a certificate [shall be given] a written examination [by the board] on his knowledge of psychology. In addition, the board may require an oral examination. The examination [shall] must be given at least once a year, and may be given more often if deemed necessary by the board. The examination [shall] must be given at a time and place, and under such supervision, as the board may determine. A grade of 75 percent [shall be] is a passing grade. The board may examine in whatever applied or theoretical fields it deems appropriate.*

SEC. 3. NRS 641.370 is hereby amended to read as follows:

641.370 *The board shall fix, by regulation, the amount of the fees payable to [the board] it pursuant to this chapter, [shall be fixed by the board] according to the following schedule:*

- 1. Examination fee..... [S25] \$85
 - 2. Certification fee..... 15
 - 3. Biennial registration fee, not [less than \$20 nor more than \$80, as determined by the board.] *more than \$100.*
 - 4. Restoration of a certificate revoked for nonpayment of the biennial registration fee, not [less than \$20 nor more than \$80, as determined by the board.] *more than \$100.*
 - 5. Application fee..... [10] 25
 - 6. Certification by endorsement under the provisions of
- NRS 641.190..... 50

SEC. 4. NRS 641.210 is hereby repealed.

SEC. 5. This act shall become effective upon passage and approval.

Clay 644
ASB 6/12

SENATE BILL NO. 649—COMMITTEE ON HUMAN
RESOURCES AND FACILITIES

MAY 7, 1981

Referred to Committee on Commerce and Labor

SUMMARY—Revises certain provisions on certification of psychologists.
(BDR 54-2082)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to psychologists; making certain changes relating to their certification; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

- 1 SECTION 1. NRS 641.170 is hereby amended to read as follows:
- 2 641.170 Each applicant [shall] *must* furnish evidence satisfactory to
- 3 the board that he:
- 4 1. Is at least 21 years of age.
- 5 2. Is of good moral character.
- 6 3. Is a citizen of the United States, or is lawfully entitled to remain
- 7 and work in the United States.
- 8 4. Has received a doctorate in psychology from an educational insti-
- 9 tution [approved by the board.] *licensed or certified by the state in which*
- 10 *it is located*, or has training deemed equivalent by the board in both sub-
- 11 ject matter and extent of training.
- 12 [5. Has at least 1 year of postdoctoral experience satisfactory to the
- 13 board.]
- 14 SEC. 2. NRS 641.180 ~~is hereby amended~~ to read as follows:
- 15 641.180 The board shall give each applicant for a certificate a writ-
- 16 ten examination on his knowledge of psychology. In addition, the board
- 17 may require an oral examination. The examination must be given at least
- 18 once a year, and may be given more often if deemed necessary by the
- 19 board. The examination must be given at a time and place, and under
- 20 such supervision, as the board may determine. A grade [of 75 percent]
- 21 *which is one standard deviation below the national mean* is a passing
- 22 grade. The board may examine in whatever applied or theoretical fields it
- 23 deems appropriate.
- 24 SEC. 3. NRS 641.190 is hereby amended to read as follows:

1 641.190 The board [may] shall, upon request, grant a certificate
2 without any examination to any person certified or licensed by a board of
3 psychological examiners of another state. [if the board determines that
4 the requirements in such state are at least equivalent to the requirements
5 of this chapter.]

*no equivalence
how about some
sort of monitoring of
foreign practitioners*
