

Senate Bill No. 218—Senator Schneider (by request)

CHAPTER.....

AN ACT relating to professions; revising the definition of “practice of marriage and family therapy”; authorizing the board of examiners for marriage and family therapists to issue subpoenas for the attendance of witnesses and the production of books and papers; 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. Chapter 641A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board or any member thereof may issue subpoenas for the attendance of witnesses and the production of books and papers.

2. The district court, in and for the county in which any hearing is held, may compel the attendance of witnesses, the giving of testimony and the production of books and papers as required by any subpoena issued by the board.

3. If any witness refuses to attend or testify or produce any books or papers required by a subpoena, the board may file a petition ex parte with the district court, setting forth that:

(a) Notice has been given of the time and place for the attendance of the witness or the production of the books or papers;

(b) The witness has been subpoenaed by the board pursuant to this section;

(c) The witness has failed or refused to attend or produce the books or papers required by the subpoena before the board in the cause or proceeding named in the subpoena, or has refused to answer questions propounded to him in the course of the hearing; and

(d) The board therefore requests an order of the court compelling the witness to attend and testify or produce the books or papers before the board.

4. The court, upon such a petition, shall enter an order directing the witness to appear before the court at a time and place fixed by the court in the order, and then and there to show cause why he has not attended or testified or produced the books or papers before the board. The time may not be more than 10 days after the date of the order. A certified copy of the order must be served upon the witness.

5. If the court determines that the subpoena was regularly issued by the board, the court shall thereupon enter an order that the witness appear before the board at the time and place fixed in the order, and testify or produce the required books or papers. Failure to obey the order is a contempt of the court that issued the order.

Sec. 2. NRS 641A.080 is hereby amended to read as follows:

641A.080 **1.** “Practice of marriage and family therapy” means the application of established principles of learning, motivation, perception, thinking, emotional, marital and sexual relationships and adjustments by persons trained in psychology, social work, psychiatry or marriage and family therapy. The application of ~~{such}~~ **these** principles includes:

~~{1.—Therapy and}~~

(a) *Diagnosis, therapy, treatment,* counseling and the use of psychotherapeutic measures with persons or groups with adjustment problems in the areas of marriage, family or personal relationships.

~~{2.—Doing research on}~~

(b) *Conducting research concerning* problems related to marital relationships and human behavior.

~~{3.—}~~ **(c)** Consultation with ~~{others doing}~~ **other persons engaged in the practice of** marriage and family therapy if the consultation is determined by the board to include the application of any of these principles.

2. The term does not include:

(a) *The diagnosis or treatment of a psychotic disorder; or*

(b) *The use of a psychological or psychometric assessment test to determine intelligence, personality, aptitude, interests or addictions.*

Sec. 3. NRS 641A.320 is hereby amended to read as follows:

641A.320 The board may discipline the holder of any license whose default has been entered or who has been heard by the board and found guilty, by any of the following methods:

1. Placing him upon probation for a period to be determined by the board.

2. Suspending his license for not more than 1 year.

3. Revoking his license.

4. Administering a private or public reprimand.

5. Limiting his practice.

6. Imposing an administrative fine of not more than \$5,000.

7. Requiring him to complete successfully another examination.

8. *Requiring him to pay the costs incurred by the board to conduct the hearing.*

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