

SENATE BILL NO. 218—SENATOR SCHNEIDER (BY REQUEST)

FEBRUARY 18, 1999

Referred to Committee on Commerce and Labor

SUMMARY—Makes various changes to provisions relating to marriage and family therapists.
(BDR 54-1178)

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

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

AN ACT relating to 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:

- 1 **Section 1.** Chapter 641A of NRS is hereby amended by adding thereto
2 a new section to read as follows:
3 ***1. The board or any member thereof may issue subpoenas for the***
4 ***attendance of witnesses and the production of books and papers.***
5 ***2. The district court, in and for the county in which any hearing is***
6 ***held, may compel the attendance of witnesses, the giving of testimony***
7 ***and the production of books and papers as required by any subpoena***
8 ***issued by the board.***
9 ***3. If any witness refuses to attend or testify or produce any books or***
10 ***papers required by a subpoena, the board may file a petition ex parte***
11 ***with the district court, setting forth that:***
12 ***(a) Notice has been given of the time and place for the attendance of***
13 ***the witness or the production of the books or papers;***
14 ***(b) The witness has been subpoenaed by the board pursuant to this***
15 ***section;***
16 ***(c) The witness has failed or refused to attend or produce the books or***
17 ***papers required by the subpoena before the board in the cause or***

1 *proceeding named in the subpoena, or has refused to answer questions*
2 *propounded to him in the course of the hearing; and*

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

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

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

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

18 641A.080 *1.* “Practice of marriage and family therapy” means the
19 application of established principles of learning, motivation, perception,
20 thinking, emotional, marital and sexual relationships and adjustments by
21 persons trained in psychology, social work, psychiatry or marriage and
22 family therapy. The application of ~~[such]~~ *these* principles includes:

23 ~~[1.—Therapy and]~~

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

27 ~~[2.—Doing research on]~~

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

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

33 *2. The term does not include:*

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

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

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

38 641A.320 The board may discipline the holder of any license whose
39 default has been entered or who has been heard by the board and found
40 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 license for not more than 1 year.

- 1 3. Revoking his license.
- 2 4. Administering a private or public reprimand.
- 3 5. Limiting his practice.
- 4 6. Imposing an administrative fine of not more than \$5,000.
- 5 7. Requiring him to complete successfully another examination.
- 6 **8. *Requiring him to pay the costs incurred by the board to conduct***
- 7 ***the hearing.***

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