

Amendment No. 121

Senate Amendment to Senate Bill No. 162
(BDR 54-614)

**Proposed by:** Senate Committee on Commerce, Labor and Energy

**Amends:** Summary: No    Title: Yes    Preamble: No    Joint Sponsorship: No    Digest: Yes

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of S.B. 162 (§§ 5, 9.5).

| ASSEMBLY ACTION |                          |      | Initial and Date         | SENATE ACTION |              |                          | Initial and Date |                          |       |
|-----------------|--------------------------|------|--------------------------|---------------|--------------|--------------------------|------------------|--------------------------|-------|
| Adopted         | <input type="checkbox"/> | Lost | <input type="checkbox"/> | _____         | Adopted      | <input type="checkbox"/> | Lost             | <input type="checkbox"/> | _____ |
| Concurred In    | <input type="checkbox"/> | Not  | <input type="checkbox"/> | _____         | Concurred In | <input type="checkbox"/> | Not              | <input type="checkbox"/> | _____ |
| Receded         | <input type="checkbox"/> | Not  | <input type="checkbox"/> | _____         | Receded      | <input type="checkbox"/> | Not              | <input type="checkbox"/> | _____ |

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of **green bold underlining** is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

BJF



Date: 4/7/2017

S.B. No. 162—Revises provisions relating to psychological assistants, psychological interns and psychological trainees. (BDR 54-614)





## SENATE BILL NO. 162--SENATOR GANSERT

PREFILED FEBRUARY 13, 2017

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Revises provisions relating to psychological assistants, psychological interns and psychological trainees. (BDR 54-614)

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

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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 psychology; requiring the registration of psychological assistants ~~by the Board of Psychological Examiners; authorizing the registration of~~ psychological interns and psychological trainees by the Board ~~; of Psychological Examiners;~~ requiring an applicant for such a registration to submit an application ~~, an application fee~~ and his or her fingerprints; ~~requiring~~ prescribing the fee for the initial registration and annual renewal of such a registration; requiring a licensed psychologist to supervise any activity or service provided by a psychological assistant, psychological intern or psychological trainee; authorizing a psychologist who supervises the performance of certain services by a ~~registrant~~ psychological assistant, psychological intern or psychological trainee to be reimbursed for such services under the State Plan for Medicaid ~~by~~ , to the extent authorized by federal law; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides for the licensure of psychologists by the Board of Psychological Examiners. (NRS 641.160, 641.170) Under existing regulations: (1) a person who wishes to obtain certain postdoctoral experience in psychology must register with the Board as a psychological assistant and perform certain activities only under the supervision of a licensed psychologist; and (2) a person who is in a doctoral program in psychology and who is engaged in an internship is not required to register with the Board but may perform certain activities under the supervision of a licensed psychologist. (NAC 641.1507-641.161)

**Sections 1-10** of this bill provide for the registration of psychological assistants, psychological interns and psychological trainees. **Section 5** of this bill ~~:(1) requires~~ authorizes a person who wishes to obtain certain postdoctoral experience in psychology to register with the Board as a psychological assistant; (2) authorizes a person who is in a doctoral program or certain doctorate-level training in psychology and who wishes to engage in an internship to register with the Board as a psychological intern; and (3) authorizes a person who is in a doctoral program or certain doctorate-level training and who wishes to perform certain activities or services which are not part of an internship program to register with the Board as a psychological trainee. **Section 5** further requires an applicant for such a registration to

submit to the Board: (1) an application; ~~(2) an application fee;~~ and ~~(3) a complete set of~~ fingerprints and a fee for obtaining a criminal background check on the applicant. Under section 5, a person registered as a psychological assistant, psychological intern or psychological trainee must renew his or her registration annually. However, the registration may not be renewed if the renewal would cause the psychological assistant, psychological intern or psychological trainee to be registered for more than 3 years.

Section 9.5 of this bill establishes a fee of not more than \$250 for the initial registration of a psychological assistant, psychological intern or psychological trainee and a fee of not more than \$150 for the annual renewal of such a registration. However, under section 9.5, the Board is required to waive the fee for the initial registration as a psychological assistant, psychological intern or psychological trainee if the applicant has previously been registered as a psychological assistant, psychological intern or psychological trainee.

Section 9 of this bill requires an applicant for a registration to include in the application his or her social security number and a statement relating to compliance with certain child support orders. Section 10 of this bill requires the Board to suspend a registration if the registered person fails to comply with certain requirements related to child support orders. Under section 5, a person registered as a psychological assistant, psychological intern or psychological trainee is authorized to perform professional activities and services only under the supervision of a licensed psychologist. Section 7 of this bill authorizes the Board to adopt regulations relating to the registration of persons as psychological assistants, psychological interns and psychological trainees, and to suspend or revoke such a registration under certain circumstances.

Existing law requires the Director of the Department of Health and Human Services to adopt a State Plan for Medicaid, to be implemented by the Division of Health Care Financing and Policy of the Department. (NRS 422.063) Existing law also requires that various services rendered by certain providers of health care be reimbursable under the State Plan for Medicaid. (NRS 422.2717-422.27241) Section 11 of this bill authorizes the Department, through the Division ~~and to the extent authorized by federal law,~~ to reimburse a psychologist for certain services rendered by a registered psychological assistant, psychological intern or psychological trainee under the supervision of the psychologist.

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

**Section 1.** Chapter 641 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 ~~and~~ to 5, inclusive, of this act.

**Sec. 2.** *“Psychological assistant” means a person registered with the Board as a psychological assistant pursuant to subsection 1 of section 5 of this act.*

**Sec. 3.** *“Psychological intern” means a person registered with the Board as a psychological intern pursuant to subsection 2 of section 5 of this act.*

**Sec. 4.** *“Psychological trainee” means a person registered with the Board as a psychological trainee pursuant to subsection 3 of section 5 of this act.*

**Sec. 5.** *1. A person who wishes to obtain any postdoctoral supervised experience that is required for licensure as a psychologist pursuant to paragraph (e) of subsection 1 of NRS 641.170 must register with the Board as a psychological assistant.*

*2. A person who ~~is~~ :*  
*(a) Is in a doctoral training program in psychology at an accredited educational institution approved by the Board ~~and who wishes~~ or in doctorate-level training from an accredited educational institution deemed equivalent by the Board in both subject matter and extent of training; and*

*(b) Wishes to engage in a predoctoral internship pursuant to the requirements of the training program ~~must~~.*

1 may register with the Board as a psychological intern.

2 3. A person who ~~is~~:

3 (a) Is in a doctoral training program in psychology at an accredited  
4 educational institution approved by the Board ~~and who wishes~~ or in doctorate-  
5 level training from an accredited educational institution deemed equivalent by the  
6 Board in both subject matter and extent of training; and

7 (b) Wishes to perform professional activities or services under the  
8 supervision of a psychologist ~~trust~~.

9 may register with the Board as a psychological trainee.

10 4. A person desiring to register as a psychological assistant, psychological  
11 intern or psychological trainee must:

12 (a) Make application to the Board on a form, and in a manner, prescribed by  
13 the Board. The application must be accompanied by the application fee  
14 prescribed by the Board and include all information required to complete the  
15 application.

16 (b) As part of the application and at his or her own expense:

17 (1) Arrange to have a complete set of fingerprints taken by a law  
18 enforcement agency or other authorized entity acceptable to the Board; and

19 (2) Submit to the Board:

20 (I) A complete set of fingerprints, a fee for the processing of  
21 fingerprints established by the Board and written permission authorizing the  
22 Board to forward the fingerprints to the Central Repository for Nevada Records  
23 of Criminal History for submission to the Federal Bureau of Investigation for a  
24 report on the applicant's background, and to such other law enforcement  
25 agencies as the Board deems necessary for a report on the applicant's  
26 background; or

27 (II) Written verification, on a form prescribed by the Board, stating  
28 that the set of fingerprints of the applicant was taken and directly forwarded  
29 electronically or by other means to the Central Repository for Nevada Records of  
30 Criminal History and that the applicant provided written permission authorizing  
31 the law enforcement agency or other authorized entity taking the fingerprints to  
32 submit the fingerprints to the Central Repository for Nevada Records of Criminal  
33 History for submission to the Federal Bureau of Investigation for a report on the  
34 applicant's background, and to such other law enforcement agencies as the  
35 Board deems necessary for a report on the applicant's background.

36 5. The Board may:

37 (a) Unless the applicant's fingerprints are directly forwarded pursuant to  
38 sub-subparagraph (II) of subparagraph (2) of paragraph (b) of subsection 4,  
39 submit those fingerprints to the Central Repository for Nevada Records of  
40 Criminal History for submission to the Federal Bureau of Investigation and to  
41 such other law enforcement agencies as the Board deems necessary; and

42 (b) Request from each agency to which the Board submits the fingerprints  
43 any information regarding the applicant's background as the Board deems  
44 necessary.

45 6. An application for initial registration as a psychological assistant,  
46 psychological intern or psychological trainee is not considered complete and  
47 received until the Board receives a complete set of fingerprints or verification that  
48 the fingerprints have been forwarded electronically or by other means to the  
49 Central Repository for Nevada Records of Criminal History, and written  
50 authorization from the applicant pursuant to this section.

51 7. The registration of a psychological assistant, psychological intern or  
52 psychological trainee expires 1 year after the date of registration unless the  
53 registration is renewed pursuant to this subsection. The Board may not renew

such a registration if the renewal would cause the psychological assistant, psychological intern or psychological trainee to be registered for more than 3 years. To renew a registration, a psychological assistant, psychological intern or psychological trainee must, on or before the expiration of the registration:

(a) Apply to the Board for renewal;

(b) Pay the fee prescribed by the Board pursuant to NRS 641.228 for the annual renewal of a registration as a psychological assistant, psychological intern or psychological trainee; and

(c) Submit all information required to complete the renewal.

8. Any activity or service performed by a psychological assistant, psychological intern or psychological trainee must be performed under the supervision of a psychologist in accordance with regulations adopted by the Board.

**Sec. 6.** NRS 641.020 is hereby amended to read as follows:

641.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 641.0202 to 641.027, inclusive, **and sections 2, 3 and 4 of this act** and 689A.0435 have the meanings ascribed to them in those sections.

**Sec. 7.** NRS 641.100 is hereby amended to read as follows:

641.100 The Board may make and promulgate rules and regulations not inconsistent with the provisions of this chapter governing its procedure, the examination and licensure of applicants, the granting, refusal, revocation or suspension of licenses, **the registration of persons as psychological assistants, psychological interns or psychological trainees**, the practice of psychology and the practice of applied behavior analysis.

**Sec. 8.** NRS 641.110 is hereby amended to read as follows:

641.110 1. The Board may, under the provisions of this chapter:

(a) Examine and pass upon the qualifications of the applicants for licensure.

(b) License qualified applicants.

(c) **Register a person as a psychological assistant, psychological intern or psychological trainee.**

(d) Revoke or suspend licenses ~~and~~ **and registrations.**

~~and~~ (e) Collect all fees and make disbursements pursuant to this chapter.

2. The member of the Board who is a representative of the general public shall not participate in preparing, conducting or grading any examination required by the Board.

**Sec. 9.** NRS 641.175 is hereby amended to read as follows:

641.175 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license **or registration** shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license **or registration** shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license ~~and~~ **or registration**; or

(b) A separate form prescribed by the Board.

3. A license **or registration** may not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in

compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

**Sec. 9.5. NRS 641.228 is hereby amended to read as follows:**

641.228 1. The Board shall charge and collect not more than the following fees respectively:

|  |                   |
|--|-------------------|
| For the national examination, in addition to the actual cost to the Board of the examination.....  | \$100             |
| For any other examination required pursuant to the provisions of subsection 1 of NRS 641.180, in addition to the actual costs to the Board of the examination..... | 100               |
| For the issuance of an initial license, including a license by endorsement.....  | 25                |
| For the biennial renewal of a license of a psychologist.....   | 500               |
| For the biennial renewal of a license of a licensed behavior analyst.....  | 400               |
| For the biennial renewal of a license of a licensed assistant behavior analyst.....  | 275               |
| For the restoration of a license suspended for the nonpayment of the biennial fee for the renewal of a license .....   | 100               |
| For the registration of a firm, partnership or corporation which engages in or offers to engage in the practice of psychology .....                                | 300               |
| For the registration of a nonresident to practice as a consultant.....   | 100               |
| <b><u>For the initial registration of a psychological assistant, psychological intern or psychological trainee.....</u></b>  | <b><u>250</u></b> |
| <b><u>For the annual renewal of a registration of a psychological assistant, psychological intern or psychological trainee .....</u></b>                           | <b><u>150</u></b> |

2. An applicant who passes the national examination and any other examination required pursuant to the provisions of subsection 1 of NRS 641.180 and who is eligible for a license as a psychologist shall pay the biennial fee for the renewal of a license, which must be prorated for the period from the date the license is issued to the end of the biennium.

3. An applicant who passes the examination and is eligible for a license as a behavior analyst or assistant behavior analyst shall pay the biennial fee for the renewal of a license, which must be prorated for the period from the date the license is issued to the end of the biennium.

4. Except as otherwise provided in subsections 5 and 6 and NRS 641.195, in addition to the fees set forth in subsection 1, the Board may charge and collect a fee for the expedited processing of a request or for any other incidental service it provides. The fee must not exceed the cost to provide the service.

5. If an applicant submits an application for a license by endorsement pursuant to NRS 641.195, the Board shall charge and collect not more than the fee specified in subsection 1 for the issuance of an initial license.

6. If an applicant submits an application for a license by endorsement pursuant to NRS 641.196, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license.

7. If an applicant submits an application for initial registration as a psychological assistant, psychological intern or psychological trainee pursuant to section 5 of this act and the applicant has previously been registered as a psychological assistant, psychological intern or psychological trainee, the Board must waive the fee set forth in subsection 1 for the initial registration.

**Sec. 10.** NRS 641.242 is hereby amended to read as follows:

641.242 1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license *or registration* issued pursuant to this chapter, the Board shall deem the license *or registration* issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license *or registration* has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a license *or registration* issued pursuant to this chapter that has been suspended by a district court pursuant to NRS 425.540 if the Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license *or registration* was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

**Sec. 11.** Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. The Department, through the Division, may reimburse, under the State Plan for Medicaid ~~for~~ and to the extent authorized by the Federal Government, any psychologist licensed pursuant to chapter 641 of NRS who supervises a psychological assistant, psychological intern or psychological trainee for such services rendered under the authorized scope of practice of the psychological assistant, psychological intern or psychological trainee to persons eligible to receive that assistance if another provider of health care would be reimbursed for providing those same services.*

*2. As used in this section:*

*(a) "Psychological assistant" has the meaning ascribed to it in section 2 of this act.*

*(b) "Psychological intern" has the meaning ascribed to it in section 3 of this act.*

*(c) "Psychological trainee" has the meaning ascribed to it in section 4 of this act.*

**Sec. 12.** This act becomes effective on July 1, 2017.