

Amendment No. 520

Senate Amendment to Senate Bill No. 37
(BDR 54-250)

Proposed by: Senate Committee on Commerce and Labor

Amendment Box: Replaces Amendment No. 85.

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. 37 (§ 14).

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.



SENATE BILL NO. 37—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF THE BOARD OF EXAMINERS FOR MARRIAGE AND FAMILY THERAPISTS
AND CLINICAL PROFESSIONAL COUNSELORS)

PREFILED NOVEMBER 19, 2018

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to the regulation of marriage and family therapists and clinical professional counselors. (BDR 54-250)

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 professions; revising the scope of the practice of clinical professional counseling and the practice of marriage and family therapy; ~~revising the composition of the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors;~~ revising the expiration date of certain licenses issued by the Board; revising provisions relating to the issuance of a license by endorsement; revising provisions governing the fees the Board is authorized to charge; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors to regulate the practice of marriage and family therapy and clinical professional counseling. (Chapter 641A of NRS) Existing law defines the scope of practice for both marriage and family therapy and clinical professional counseling. (NRS 641A.065, 641A.080) **Sections 1 and 2** of this bill remove certain exclusions from the scope of the practice of marriage and family therapy and the practice of clinical professional counseling, thereby allowing the inclusion of those activities within the scope of practice in circumstances that the Board determines are appropriate.

~~Existing law prescribes the membership of the Board and the qualifications necessary to be appointed as a member of the Board. (NRS 641A.100) Section 3 of this bill: (1) decreases the number of licensed marriage and family therapists on the Board from four to three; and (2) increases the number of representatives of the general public on the Board from two to three. Existing law also requires the payment of the compensation and expenses of Board members and employees of the Board out of money derived from fees and penalties paid to the Board. (NRS 641A.200)~~ **Section 4** of this bill clarifies that the payment of compensation and expenses of employees of the Board must be paid out of money possessed by the Board.

Section 6 of this bill changes the expiration of a license to practice as a marriage and family therapist or a clinical professional counselor from annually on January 1 to biennially on January 1 of every even-numbered year. (NRS 641A.235) **Sections 12 and 13** of this bill eliminate the automatic expiration of a license as a marriage and family therapist intern or a

clinical professional counselor intern in existing law if the intern changes his or her approved supervisor. (NRS 641A.2872, 641A.2882) **Sections 12 and 13** also clarify the requirements for the renewal of a license as a marriage and family therapist intern or a clinical professional counselor intern.

Existing law authorizes a marriage and family therapist or a clinical professional counselor to obtain an expedited license by endorsement to practice marriage and family therapy or clinical professional counseling, as applicable, in this State if the marriage and family therapist or clinical professional counselor holds a valid and unrestricted license to practice in the District of Columbia or another state or territory of the United States and meets certain other requirements. (NRS 641A.241) **Section 7** of this bill extends the deadline by which the Board is required to make a decision on an application for a license by endorsement from 45 days after receipt of the application to 45 days after receipt of all the information from the applicant required by the Board to complete the application.

Under existing law, a person applying for reinstatement of a license that has lapsed continuously for 5 years is required to reapply under the laws and regulations in effect at the time of reapplication. (NRS 641A.280) Existing law also establishes a procedure by which a licensee in good standing with the Board may place his or her license on inactive status. (NRS 641A.285) **Sections 10 and 11** of this bill clarify that the provisions relating to lapsed licenses and inactive licenses only apply to licenses to practice as a marriage and family therapist or clinical professional counselor and not to licenses to practice as a marriage and family therapist intern or clinical professional counselor intern. **Section 11** also authorizes the Board to impose a fee for the renewal of an inactive license to practice as a marriage and family therapist or clinical professional counselor.

Existing law establishes the maximum fees the Board is authorized to charge for certain items. (NRS 641A.290) **Section 14** of this bill increases the maximum fee allowable for certain items and authorizes the Board to charge various new fees for certain items, including, without limitation: (1) the biennial renewal or reinstatement of a license on inactive status; (2) the renewal of an intern's license; and (3) items relating to the approval of a course or program of continuing education and the approval of a provider of such a course or program. **Section 8** of this bill provides for a 10-day grace period for the payment of a renewal fee by a marriage and family therapist or clinical professional counselor upon the expiration of his or her license. **Sections 12 and 13** provide a similar grace period for the payment of a renewal fee by a marriage and family therapist intern or a clinical professional counselor intern. **Sections 5 and 9** of this bill make conforming changes.

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

Section 1. NRS 641A.065 is hereby amended to read as follows:

641A.065 1. "Practice of clinical professional counseling" means the provision of treatment, assessment and counseling, or equivalent activities, to a person or group of persons to achieve mental, emotional, physical and social development and adjustment.

2. The term includes ~~the~~ **and**

~~—(a) Counseling~~ **counseling** interventions to prevent, diagnose and treat mental, emotional or behavioral disorders and associated distresses which interfere with mental health. ~~the~~ **and**

~~—(b) The, including, without limitation, the assessment or treatment of couples or and families —, if the assessment or treatment is provided by a person who, through the completion of course work or supervised training or experience, has demonstrated competency in the assessment or treatment of couples or families as determined by the Board.]~~

3. The term does not include ~~the~~ **and**

~~—(a) The practice of psychology or medicine;~~

~~—(b) The prescription of drugs or electroconvulsive therapy;~~

~~— (c) The treatment of physical disease, injury or deformity;~~
~~— (d) The diagnosis or treatment of a psychotic disorder;~~
~~— (e) The use of projective techniques in the assessment of personality;~~
~~— (f) The use of ~~the~~ ~~a~~ psychological, neuropsychological or clinical tests designed to identify or classify abnormal or pathological human behavior;~~
~~— (g) The use of individually administered ~~psychometric~~ ~~assessment test to determine intelligence tests, academic achievement tests or neuropsychological tests; or~~~~
~~— (h) The use of psychotherapy to treat the concomitants of organic illness except in consultation with a qualified physician, personality, aptitude, interests or licensed clinical psychologist, ~~additions,~~ tests, assessments or measures, including, without limitation, psychological, neuropsychological, developmental, neurodevelopmental, cognitive, neurocognitive, intelligence, achievement, personality or projective tests.~~

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

641A.080 1. "Practice of marriage and family therapy" means the diagnosis and treatment of mental and emotional disorders, whether cognitive, affective or behavioral, within the context of interpersonal relationships, including, without limitation, marital and family systems, and involves the professional application or use of psychotherapy, counseling, evaluation, assessment instruments, consultation, treatment planning, supervision, research and prevention of mental and emotional disorders.

2. The term includes, without limitation, the rendering of professional marital and family therapy services to a person, couple, family or family group or other group of persons.

~~[2.]~~ 3. The term does not include ~~the~~:

~~— (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 additions,~~ tests, assessments or measures, including, without limitation, psychological, neuropsychological, developmental, neurodevelopmental, cognitive, neurocognitive, intelligence, achievement, personality or projective tests.~~

Sec. 3. ~~[NRS 641A.100 is hereby amended to read as follows:~~

~~641A.100 1. The Governor shall appoint to the Board:~~

~~— (a) ~~[Four]~~ ~~Three~~ members who are licensed marriage and family therapists and are in good standing with or acceptable for membership in their local or state societies and associations when they exist;~~

~~— (b) ~~Three~~ members who are licensed clinical professional counselors and are in good standing with or acceptable for membership in their local or state societies and associations when they exist; and~~

~~— (c) ~~[Two]~~ ~~Three~~ members who are representatives of the general public. These members must not be:~~

~~— (1) A marriage and family therapist;~~

~~— (2) A clinical professional counselor; or~~

~~— (3) The spouse or the parent or child, by blood, marriage or adoption, of a marriage and family therapist or clinical professional counselor.~~

~~2. The Governor may, after notice and hearing, remove any member of the Board for misconduct in office, incompetence, neglect of duty or other sufficient cause.~~ (Deleted by amendment.)

Sec. 4. NRS 641A.205 is hereby amended to read as follows:

641A.205 All money coming into possession of the Board must be kept or deposited by the Secretary-Treasurer in banks, credit unions, savings and loan associations or savings banks in the State of Nevada to be expended for payment of

1 compensation and expenses of *the members and employees of the* Board
2 ~~[members]~~ and for other necessary or proper purposes in the administration of this
3 chapter.

4 **Sec. 5.** NRS 641A.210 is hereby amended to read as follows:

5 641A.210 1. Each person desiring a license must apply to the Board upon a
6 form, and in a manner, prescribed by the Board. The application must be
7 accompanied by the ~~[application]~~ fee *for the application for and initial issuance of*
8 *the license* prescribed by the Board and all information required to complete the
9 application.

10 2. The Board shall prescribe forms for applying for the issuance or renewal of
11 a license. The forms must:

12 (a) Be available to be completed on the Internet website maintained by the
13 Board;

14 (b) Provide immediate, automatic feedback to the applicant concerning
15 whether the applicant has submitted all required information; and

16 (c) Automatically store the data submitted by the applicant upon completion of
17 the application.

18 **Sec. 6.** NRS 641A.235 is hereby amended to read as follows:

19 641A.235 1. The Board shall issue a license *to practice as a marriage and*
20 *family therapist or clinical professional counselor to* an applicant who meets the
21 requirements imposed pursuant to this chapter.

22 2. ~~[Except as otherwise provided in NRS 641A.2872 and 641A.2882, a]~~ A
23 license *to practice as a marriage and family therapist or clinical professional*
24 *counselor* expires on January 1 of each *even-numbered* year.

25 3. The Board may prorate the fee for a license *to practice as a marriage and*
26 *family therapist or clinical professional counselor* which expires less than ~~[6~~
27 ~~months]~~ *1 year* after the date of issuance.

28 **Sec. 7.** NRS 641A.241 is hereby amended to read as follows:

29 641A.241 1. The Board may issue a license by endorsement to practice as a
30 marriage and family therapist or clinical professional counselor to an applicant who
31 meets the requirements set forth in this section. An applicant may submit to the
32 Board an application for such a license if the applicant holds a corresponding valid
33 and unrestricted license as a marriage and family therapist or clinical professional
34 counselor, as applicable, in the District of Columbia or any state or territory of the
35 United States.

36 2. An applicant for a license by endorsement pursuant to this section must
37 submit to the Board with his or her application:

38 (a) Proof satisfactory to the Board that the applicant:

39 (1) Satisfies the requirements of subsection 1;

40 (2) Is a citizen of the United States or otherwise has the legal right to work
41 in the United States;

42 (3) Has not been disciplined or investigated by the corresponding
43 regulatory authority of the District of Columbia or any state or territory in which
44 the applicant currently holds or has held a license as a marriage and family therapist
45 or clinical professional counselor, as applicable; and

46 (4) Has not been held civilly or criminally liable for malpractice in the
47 District of Columbia or any state or territory of the United States;

48 (b) An affidavit stating that the information contained in the application and
49 any accompanying material is true and correct;

50 (c) The fees prescribed by the Board pursuant to NRS 641A.290 for the
51 application for and initial issuance of a license; and

52 (d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a marriage and family therapist or clinical professional counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a marriage and family therapist or clinical professional counselor, as applicable, to the applicant not later than 45 days after receiving *all the additional information required by the Board to complete* the application.

4. A license by endorsement to practice as a marriage and family therapist or clinical professional counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 8. NRS 641A.260 is hereby amended to read as follows:

641A.260 1. To renew a license *to practice as a marriage and family therapist or clinical professional counselor* issued pursuant to this chapter, each person must, on or before *10 business days after* the date of expiration of ~~the~~ *his or her* current license:

- (a) Apply to the Board for renewal;
- (b) Pay the fee for renewal set by the Board;
- (c) Submit evidence to the Board of completion of the requirements for continuing education as set forth in regulations adopted by the Board ~~to~~ *, unless the Board has granted a waiver pursuant to NRS 641A.265;* and
- (d) Submit all information required to complete the renewal.

2. ~~The~~ *Except as otherwise provided in NRS 641A.265, the* Board shall, as a prerequisite for the renewal of a license ~~to~~ *to practice as a marriage and family therapist or clinical professional counselor*, require each holder to comply with the requirements for continuing education adopted by the Board, which must include, without limitation, a requirement that the holder receive at least 2 hours of instruction on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate.

Sec. 9. NRS 641A.270 is hereby amended to read as follows:

641A.270 Failure to pay the fee for renewal automatically effects a revocation of ~~the~~ *a* license ~~on~~ *to practice as a marriage and family therapist or clinical professional counselor 10 business days after* the date of expiration of the license. The license may not be reinstated except upon:

1. Written application;
2. Submission of evidence of the completion of the required continuing education for the period the license *to practice as a marriage and family therapist or clinical professional counselor* was revoked ~~to~~ *, unless the Board has granted a waiver pursuant to NRS 641A.265;* and
3. The payment of the fee for renewal and the fee for reinstatement required by this chapter.

Sec. 10. NRS 641A.280 is hereby amended to read as follows:

641A.280 After a license *to practice as a marriage and family therapist or clinical professional counselor* has lapsed continuously for 5 years, a person applying for reinstatement of *such* a license must reapply under the laws and regulations in effect at the time of application.

Sec. 11. NRS 641A.285 is hereby amended to read as follows:

641A.285 1. Upon written request to the Board and payment of the fee prescribed by the Board, a ~~licensee~~ *marriage and family therapist or clinical professional counselor* in good standing may have his or her name and license

transferred to an inactive list for a period not to exceed 3 continuous years. A ~~licensee~~ *marriage and family therapist or clinical professional counselor* shall not practice marriage and family therapy or clinical professional counseling, *as applicable*, during the time the license is inactive. If an inactive ~~licensee~~ *marriage and family therapist or clinical professional counselor* desires to resume the practice of marriage and family therapy or clinical professional counseling, *as applicable*, the Board must reactivate the license upon the:

(a) Completion of an application for reactivation;

(b) Payment of the fee for renewal of the license; and

(c) Demonstration, if deemed necessary by the Board, that the ~~licensee~~ *marriage and family therapist or clinical professional counselor* is then qualified and competent to practice.

Except as otherwise provided in subsection 2, the ~~licensee~~ *marriage and family therapist or clinical professional counselor* is not required to pay the delinquency fee or the renewal fee for any year while the license was inactive.

2. Any license *to practice as a marriage and family therapist or clinical professional counselor* that remains inactive for a period which exceeds 3 continuous years is deemed:

(a) To effect a revocation for the purposes of NRS 641A.270.

(b) To have lapsed at the beginning of that period for the purposes of NRS 641A.280.

3. The Board may adopt such regulations as it deems necessary to carry out the provisions of this section, including without limitation, regulations governing the renewal of *such* inactive licenses, *the imposition of a fee for the renewal of an inactive license* and any requirement of continuing education for inactive ~~licensees~~ *marriage and family therapists or clinical professional counselors*.

Sec. 12. NRS 641A.2872 is hereby amended to read as follows:

641A.2872 1. *The Board shall issue a license as a marriage and family therapist intern to an applicant who meets the requirements imposed pursuant to this chapter.*

2. A license as a marriage and family therapist intern:

~~1. Is~~

(a) *Except as otherwise provided in paragraph (b), is* valid for 3 years and may be renewed not more than once. ~~It and~~

~~2.~~ (b) Expires upon:

~~(a)~~ (1) The termination of the supervision agreement with an approved supervisor; *or*

~~(b) A change in the approved supervisor; or~~

~~(c)~~ (2) The issuance of a license as a marriage and family therapist to the holder of the license as a marriage and family therapist intern.

3. *To renew a license as a marriage and family therapist intern, the holder of the license must, on or before 10 business days after the date of expiration of the current license:*

(a) *Apply to the Board for renewal;*

(b) *Pay the fee for renewal set by the Board; and*

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

Sec. 13. NRS 641A.2882 is hereby amended to read as follows:

641A.2882 1. *The Board shall issue a license as a clinical professional counselor intern to an applicant who meets the requirements imposed pursuant to this chapter.*

2. A license as a clinical professional counselor intern:

~~1. Is~~

(a) *Except as otherwise provided in paragraph (b), is valid for 3 years and may be renewed not more than once.* ~~[-; and~~

~~—2.] (b) Expires upon:~~

~~[(a)] (1) The termination of the supervision agreement with an approved supervisor; or~~

~~[(b)] A change in the approved supervisor; or~~

~~—(c)] (2) The issuance of a license as a clinical professional counselor to the holder of the license as a clinical professional counselor intern.~~

3. To renew a license as a clinical professional counselor intern, the holder of the license must, on or before 10 business days after the date of expiration of the current license:

(a) Apply to the Board for renewal;

(b) Pay the fee for renewal set by the Board; and

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

Sec. 14. NRS 641A.290 is hereby amended to read as follows:

641A.290 1. ~~[(The)] Except as otherwise provided in subsection 2, the~~ Board shall ~~[charge and collect not more than the following]~~ establish a schedule of fees ~~[-, respectively;-] for the following items and within the following ranges:~~

	<i>Not less than</i>	<i>Not more than</i>
[(For application)] <i>Application for and initial issuance of a license.....</i>	<i>\$125</i>	[(75)] <i>\$250</i>
[(For examination)] <i>Examination of an applicant for a license to practice as a marriage and family therapist or clinical professional counselor</i>	<i>200</i>	<i>400</i>
[(For issuance of a license)]	50	
[(For annual)] <i>Biennial renewal of a license to practice as a marriage and family therapist or clinical professional counselor</i>	<i>300</i>	[(150)] <i>600</i>
[(For reinstatement of a license revoked for nonpayment of the fee)] <i>Fee for [renewal] late payment of the biennial renewal</i>	<i>100</i>	<i>400</i>
[(For an)] <i>Placement of a license to practice as a marriage and family therapist or clinical professional counselor on inactive [license] status</i>	<i>100</i>	[(150)] <i>400</i>
<i>Renewal of an intern's license.....</i>	<i>100</i>	<i>200</i>
<i>Issuance of a duplicate license</i>	<i>10</i>	<i>100</i>
<i>Reevaluation of an applicant's coursework</i>	<i>50</i>	<i>125</i>
<i>Application for approval as a supervisor.....</i>	<i>75</i>	<i>300</i>

<i>Approval of a course or program of continuing education.....</i>	<i>10</i>	<i>100</i>
<i>Approval of a provider of continuing education.....</i>	<i>100</i>	<i>500</i>

2. If an applicant submits an application for a license by endorsement pursuant to NRS 641A.242, the Board shall collect not more than one-half of the fee ~~[set forth in]~~ *established pursuant to* subsection 1 for the *application for and* initial issuance of the license.

Sec. 15. 1. This section and sections 1, 2, 4, 5 and 7 to 14, inclusive, of this act become effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out those provisions, and on July 1, 2019, for all other purposes.

2. ~~[Section 3 of this act becomes effective upon the earlier of the first resignation of or first expiration of the term of a member of the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors who was appointed pursuant to paragraph (a) of subsection 1 of NRS 641A.100, as that section existed on June 30, 2019;~~

~~3.]~~ Section 6 of this act becomes effective on January 1, 2020.