

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.

~

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 expiration date
of certain licenses issued by the Board of Examiners for
Marriage and Family Therapists and Clinical Professional
Counselors; revising the prorating of certain fees for
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.

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.



Existing law requires the Board to issue to an applicant who meets the requirements for licensure a license to practice as a marriage and family therapist or a clinical professional counselor, as applicable. Existing law additionally provides that such a license expires on January 1 of each year. Existing law further authorizes the Board to prorate the fee for such a license if the license expires less than 6 months after the date of issuance. (NRS 641A.235) **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. **Section 6** additionally requires the Board to prorate the fee for such a license on a monthly basis for the period from the date of issuance until the expiration of the license on January 1 of each even-numbers year. **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 revises and sets the fee 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, 7-9 and 11-13** 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 ~~[-~~ **counseling** interventions to prevent, diagnose and treat mental, emotional or behavioral disorders and associated distresses which interfere with mental health. ~~[-and~~

~~—(b) The assessment or treatment of couples or 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 ~~[-~~

~~—(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~~ **the** use of ~~[psychological, neuropsychological or clinical tests designed to identify or classify abnormal or pathological human behavior;~~

~~—(g) The use of individually administered 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 or licensed clinical psychologist.]~~ **psychometric 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 [:

~~(a) The diagnosis or treatment of a psychotic disorder; or~~
~~(b) The~~ *the* use of ~~[a psychological or]~~ psychometric ~~[assessment test to determine intelligence, personality, aptitude, interests or addictions.]~~ *tests, assessments or measures, including, without limitation, psychological, neuropsychological, developmental, neurodevelopmental, cognitive, neurocognitive, intelligence, achievement, personality or projective tests.*

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

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

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

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

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

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

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

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

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

2. ~~[Except as otherwise provided in NRS 641A.2872 and 641A.2882, a]~~ A license to practice as a marriage and family



therapist or clinical professional counselor expires on January 1 of each even-numbered year.

3. The Board ~~may~~ *shall* prorate the fee for *the application for an initial license and the fee for the initial issuance of* a license to practice as a marriage and family therapist or clinical professional counselor ~~[which expires less than 6 months after]~~ *based on the number of months remaining in the period from* the date of issuance ~~[.] until the expiration of the license on January 1 of each even-numbered year.~~

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

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

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

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

(1) Satisfies the requirements of subsection 1;

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

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

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

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

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

(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. 7.5. NRS 641A.242 is hereby amended to read as follows:

641A.242 1. The Board may issue a license by endorsement to practice as a marriage and family therapist or clinical professional counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license as a marriage and family therapist or clinical professional counselor, as applicable, in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

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

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

(1) Satisfies the requirements of subsection 1;

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

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

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

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

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

(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,



1 the Board shall provide written notice to the applicant of any
2 additional information required by the Board to consider the
3 application. Unless the Board denies the application for good cause,
4 the Board shall approve the application and issue a license by
5 endorsement to practice as a marriage and family therapist or
6 clinical professional counselor, as applicable, to the applicant not
7 later than 45 days after receiving all the additional information
8 required by the Board to complete the application.

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

13 5. At any time before making a final decision on an application
14 for a license by endorsement pursuant to this section, the Board may
15 grant a provisional license authorizing an applicant to practice as a
16 marriage and family therapist or clinical professional counselor, as
17 applicable, in accordance with regulations adopted by the Board.

18 6. As used in this section, "veteran" has the meaning ascribed
19 to it in NRS 417.005.

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

21 641A.260 1. To renew a license to practice as a marriage and
22 family therapist or clinical professional counselor issued pursuant to
23 this chapter, each person must, on or before 10 business days after
24 the date of expiration of ~~the~~ his or her current license:

25 (a) Apply to the Board for renewal;

26 (b) Pay the fee for *the biennial* renewal *of a license* set by the
27 Board;

28 (c) Submit evidence to the Board of completion of the
29 requirements for continuing education as set forth in regulations
30 adopted by the Board ~~;~~, unless the Board has granted a waiver
31 pursuant to NRS 641A.265; and

32 (d) Submit all information required to complete the renewal.

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

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

44 641A.270 Failure to pay the fee for renewal automatically
45 effects a revocation of ~~the~~ a license ~~for~~ to practice as a marriage



1 and family therapist or clinical professional counselor 10 business
2 days after the date of expiration of the license. The license may not
3 be reinstated except upon:

4 1. Written application;

5 2. Submission of evidence of the completion of the required
6 continuing education for the period the license to practice as a
7 marriage and family therapist or clinical professional counselor was
8 revoked ~~{;}~~, unless the Board has granted a waiver pursuant to NRS
9 641A.265; and

10 3. The payment of the fee for *the biennial renewal of a license*
11 and the fee for ~~{reinstatement}~~ *the late payment of the biennial*
12 *renewal* required by this chapter.

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

14 641A.280 After a license to practice as a marriage and family
15 therapist or clinical professional counselor has lapsed continuously
16 for 5 years, a person applying for reinstatement of such a license
17 must reapply under the laws and regulations in effect at the time of
18 application.

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

20 641A.285 1. Upon written request to the Board and payment
21 of the fee *for the placement of a license on inactive status*
22 prescribed by the Board, a ~~{licensee}~~ marriage and family therapist
23 or clinical professional counselor in good standing may have his or
24 her name and license transferred to an inactive list for a period not
25 to exceed 3 continuous years. A ~~{licensee}~~ marriage and family
26 therapist or clinical professional counselor shall not practice
27 marriage and family therapy or clinical professional counseling, as
28 applicable, during the time the license is inactive. If an inactive
29 ~~{licensee}~~ marriage and family therapist or clinical professional
30 counselor desires to resume the practice of marriage and family
31 therapy or clinical professional counseling, as applicable, the Board
32 must reactivate the license upon the:

33 (a) Completion of an application for reactivation;

34 (b) Payment of the fee for *the biennial* renewal of the license;
35 and

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

39 ➤ Except as otherwise provided in subsection 2, the ~~{licensee}~~
40 marriage and family therapist or clinical professional counselor is
41 not required to pay the ~~{delinquency}~~ fee ~~{or the}~~ *for the biennial*
42 renewal ~~{fee}~~ *of a license or the fee for the late payment of the*
43 *biennial renewal* 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. ~~[— 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 *the* renewal *of an intern's license* 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~~
~~-(e)]~~ (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 *the* renewal *of an intern's license* 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:]~~ *which must not exceed the following amounts:*

[(For application)] <i>Application</i> for [(a)]	
<i>an initial</i> license.....	[\$75] \$150
<i>Initial issuance of a license</i>	60
[(For examination of an applicant for	
a license].....	200
For issuance of a license].....	50
For annual] <i>Biennial</i> renewal of a	
license <i>to practice as a marriage</i>	
<i>and family therapist or clinical</i>	
<i>professional counselor</i>	[(150)] 450
[(For reinstatement of a license	
revoked for nonpayment of the	
fee] Fee for [(renewal)] <i>late</i>	
<i>payment of the biennial renewal</i>	[(100)] 125
[(For an)] <i>Placement of a license to</i>	
<i>practice as a marriage and</i>	
<i>family therapist or clinical</i>	
<i>professional counselor on</i>	
inactive [(license)] <i>status</i>	[(150)] 200
<i>Renewal of an intern's license</i>	150
<i>Issuance of a duplicate license</i>	10
<i>Reevaluation of an applicant's</i>	
<i>coursework</i>	50



<i>Application for approval as a</i>	
<i>supervisor.....</i>	<i>\$75</i>
<i>Approval of a course or program of</i>	
<i>continuing education.....</i>	<i>25</i>
<i>Approval of a provider of</i>	
<i>continuing education.....</i>	<i>150</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 6 of this act becomes effective on January 1, 2020.

