

CHAPTER.....

AN ACT relating to behavioral health; providing for the licensure and regulation of behavioral health and wellness practitioners; requiring the establishment of a Behavioral Health and Wellness Practitioner Advisory Group; authorizing the Board of Psychological Examiners to investigate and impose discipline on a behavioral health and wellness practitioner; prohibiting the unlicensed practice of behavioral health promotion and prevention; establishing a privilege for certain confidential communications between a patient and a behavioral health and wellness practitioner under certain circumstances; requiring Medicaid to cover behavioral health promotion and prevention services provided by a behavioral health and wellness practitioner; providing penalties; requiring certain allocations and transfers of money and authorizing certain expenditures; 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, 641.196) The Board also registers psychological assistants, psychological interns and psychological trainees. (NRS 641.226)

Section 10 of this bill defines “behavioral health and wellness practitioner” to mean a person who is licensed to practice behavioral health promotion and prevention. **Section 11** of this bill defines “behavioral health promotion and prevention” to mean the supervised clinical use of prevention and intervention strategies relating to mental and behavioral health. **Section 20** of this bill applies those definitions to the provisions of existing law governing licensure by the Board.

Sections 13-19 and 21-49 of this bill provide for the licensure and regulation of behavioral health and wellness practitioners by the Board. **Section 13:** (1) requires the Board to adopt certain regulations governing behavioral health and wellness practitioners; and (2) authorizes the Board to accept gifts, grants, donations and other funds to assist in carrying out the provisions relating to behavioral health and wellness practitioners. **Section 28** authorizes the Board to adopt additional regulations governing the practice of behavioral health promotion and prevention. **Section 14** requires the Board to establish a Behavioral Health and Wellness Practitioner Advisory Group to provide the Board with expertise and assistance relating to the regulation of behavioral health and wellness practitioners. **Section 83** eliminates the Advisory Group on December 31, 2028. **Section 37.5** of this bill makes a conforming change to remove a reference to the Advisory Group after it ceases to exist. **Section 15** prescribes the required qualifications to obtain a license as a behavioral health and wellness practitioner, and **section 30** requires an applicant for such a license to undergo a fingerprint-based background check. **Sections 16 and 17** prescribe procedures relating to the expiration and renewal of such a license. **Section 18** authorizes certain providers of health care, including an advanced practice registered nurse who has psychiatric training and experience, to supervise a behavioral health and wellness practitioner. **Section 5** of this bill



requires the State Board of Nursing to adopt regulations establishing the psychiatric training and experience necessary for an advanced practice registered nurse to provide such supervision. **Section 33** establishes the maximum fees for the issuance or renewal of a license to practice behavioral health promotion and prevention.

Sections 21-23, 25 and 35-47 make the procedures for the investigation and discipline of psychologists and the grounds for disciplinary action against psychologists also apply to behavioral health and wellness practitioners. **Section 48:** (1) prohibits a person from representing himself or herself as a behavioral health and wellness practitioner unless he or she is licensed as a behavioral health and wellness practitioner; and (2) authorizes certain persons in a course of study to practice behavioral health promotion and prevention to engage in the supervised practice of behavioral health promotion and prevention without a license. **Section 49** makes the practice of behavioral health promotion and prevention without a license or under a false or assumed name a gross misdemeanor. **Section 12** of this bill provides that provisions governing psychologists and persons who provide behavioral health promotion and prevention services do not apply to certain government employees. **Section 59** of this bill provides that any privilege for communications between a patient and the supervisor of a behavioral health and wellness practitioner also applies to communications between the patient and the behavioral health and wellness practitioner and other persons involved in the provision of behavioral health promotion and prevention services under the supervision of the behavioral health and wellness practitioner.

Sections 19, 24, 26, 31 and 32 make conforming changes to include behavioral health and wellness practitioners within existing provisions where appropriate and exclude behavioral health and wellness practitioners from existing provisions that apply only to psychologists. **Sections 1-4, 6, 34, 50, 52, 54, 56-58 and 60-62** of this bill make various revisions to treat behavioral health and wellness practitioners in the same manner as other similar providers of health care in certain circumstances. **Section 7** of this bill clarifies that a music therapist is not authorized to practice behavioral health promotion and prevention. **Sections 8, 51, 53 and 55** of this bill provide that a behavioral health and wellness practitioner acting within his or her scope of practice is not violating provisions governing certain other providers of health care.

Existing law requires the Department of Health and Human Services to develop and administer a State Plan for Medicaid which includes a list of specific medical services required to be provided to Medicaid recipients. (NRS 422.063, 422.270) **Section 66** of this bill requires Medicaid to include coverage for behavioral health promotion and prevention services provided by a behavioral health and wellness practitioner. **Section 63** of this bill makes a conforming change to require the Director of the Department to administer the provisions of **section 66** in the same manner as other provisions relating to Medicaid. To carry out the purposes of **section 66**, **section 79.5** of this bill requires the transfer of money from the Account to Improve Health Care Quality and Access in the State General Fund to the Nevada Medicaid budget account and authorizes the expenditure of certain federal funding. Existing law: (1) creates the Account to Improve Health Care Quality and Access to hold the revenue collected from assessments and penalties imposed in certain circumstances against an operator of an agency to provide personal care services in the home or a medical facility that is required to obtain a license; and (2) requires the Division of Health Care Financing and Policy of the Department of Health and Human Services to administer the Account. (NRS 422.3791-422.3795)

Existing law: (1) creates the Fund for a Resilient Nevada to hold the proceeds of certain litigation by this State concerning the manufacture, distribution, sale or marketing of opioids; and (2) requires the Director of the Department of Health and



Human Services to administer the Fund. (NRS 433.732-433.740) **Section 80** of this bill requires the Director to make allocations, as reimbursement during the 2025-2027 biennium from the Fund, to the Nevada System of Higher Education and certain institutions within the System for the costs of the establishment of: (1) programs for the education and training of behavioral health and wellness practitioners; (2) an accredited internship program for psychologists with an emphasis in child psychology; and (3) scholarships for students enrolled in programs for the education and training of providers of health care who may supervise behavioral health and wellness practitioners.

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

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

Section 1. NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by a specific statute:

1. “Provider of health care” means:

(a) A physician licensed pursuant to chapter 630, 630A or 633
of NRS;

(b) A physician assistant;

(c) An anesthesiologist assistant;

(d) A dentist;

(e) A dental therapist;

(f) A dental hygienist;

(g) A licensed nurse;

(h) A person who holds a license as an attendant or who is certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS or authorized to practice as an emergency medical technician, advanced emergency medical technician or paramedic in this State under the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by NRS 450B.145;

(i) A dispensing optician;

(j) An optometrist;

(k) A speech-language pathologist;

(l) An audiologist;

(m) A practitioner of respiratory care;

(n) A licensed physical therapist;

(o) An occupational therapist;

(p) A podiatric physician;

(q) A licensed psychologist;

(r) A licensed marriage and family therapist;

(s) A licensed clinical professional counselor;

(t) A music therapist;



- (u) A chiropractic physician;
- (v) An athletic trainer;
- (w) A perfusionist;
- (x) A doctor of Oriental medicine in any form;
- (y) A medical laboratory director or technician;
- (z) A pharmacist;
- (aa) A licensed dietitian;
- (bb) An associate in social work, a social worker, a master social worker, an independent social worker or a clinical social worker licensed pursuant to chapter 641B of NRS;
- (cc) An alcohol and drug counselor or a problem gambling counselor who is certified pursuant to chapter 641C of NRS;
- (dd) An alcohol and drug counselor or a clinical alcohol and drug counselor who is licensed pursuant to chapter 641C of NRS;
- (ee) A behavior analyst, assistant behavior analyst or registered behavior technician;
- (ff) A naprapath; ~~{or}~~
- (gg) *A behavioral health and wellness practitioner; or*
- (hh) A medical facility as the employer of any person specified in this subsection.

2. For the purposes of NRS 629.400 to 629.490, inclusive, the term includes a person who holds a current license or certificate to practice his or her respective discipline pursuant to the applicable provisions of law of another state or territory of the United States.

Sec. 2. NRS 629.550 is hereby amended to read as follows:

629.550 1. If a patient communicates to a mental health professional an explicit threat of imminent serious physical harm or death to a clearly identified or identifiable person and, in the judgment of the mental health professional, the patient has the intent and ability to carry out the threat, the mental health professional shall place the patient on a mental health crisis hold pursuant to NRS 433A.160, petition for a court to order the placement of the patient on a mental health crisis hold pursuant to NRS 433A.155 or make a reasonable effort to communicate the threat in a timely manner to:

- (a) The person who is the subject of the threat;
 - (b) The law enforcement agency with the closest physical location to the residence of the person; and
 - (c) If the person is a minor, the parent or guardian of the person.
2. A mental health professional shall be deemed to have made a reasonable effort to communicate a threat pursuant to subsection 1 if:



(a) The mental health professional actually communicates the threat in a timely manner; or

(b) The mental health professional makes a good faith attempt to communicate the threat in a timely manner and the failure to actually communicate the threat in a timely manner does not result from the negligence or recklessness of the mental health professional.

3. A mental health professional who exercises reasonable care in determining that he or she:

(a) Has a duty to take an action described in subsection 1 is not subject to civil or criminal liability or disciplinary action by a professional licensing board for disclosing confidential or privileged information.

(b) Does not have a duty to take an action described in subsection 1 is not subject to civil or criminal liability or disciplinary action by a professional licensing board for any damages caused by the actions of a patient.

4. The provisions of this section do not:

(a) Limit or affect the duty of the mental health professional to report child abuse or neglect pursuant to NRS 432B.220 or the commercial sexual exploitation of a child pursuant to NRS 432C.110; or

(b) Modify any duty of a mental health professional to take precautions to prevent harm by a patient:

(1) Who is in the custody of a hospital or other facility where the mental health professional is employed; or

(2) Who is being discharged from such a facility.

5. As used in this section, “mental health professional” includes:

(a) A physician or psychiatrist licensed to practice medicine in this State pursuant to chapter 630 or 633 of NRS;

(b) A psychologist who is licensed to practice psychology pursuant to chapter 641 of NRS or authorized to practice psychology in this State pursuant to the Psychology Interjurisdictional Compact enacted in NRS 641.227;

(c) *A behavioral health and wellness practitioner licensed to practice behavioral health promotion and prevention pursuant to chapter 641 of NRS;*

(d) A social worker who:

(1) Holds a master’s degree in social work;

(2) Is licensed as a clinical social worker pursuant to chapter 641B of NRS; and



(3) Is employed by the Division of Public and Behavioral Health of the Department of Health and Human Services;

~~(d)~~ (e) A registered nurse who:

(1) Is licensed to practice professional nursing pursuant to chapter 632 of NRS; and

(2) Holds a master's degree in psychiatric nursing or a related field;

~~(e)~~ (f) A marriage and family therapist licensed pursuant to chapter 641A of NRS;

~~(f)~~ (g) A clinical professional counselor licensed pursuant to chapter 641A of NRS; and

~~(g)~~ (h) A person who is working in this State within the scope of his or her employment by the Federal Government, including, without limitation, employment with the Department of Veterans Affairs, the military or the Indian Health Service, and is:

(1) Licensed or certified as a physician, psychologist, marriage and family therapist, clinical professional counselor, alcohol and drug counselor or clinical alcohol and drug counselor in another state;

(2) Licensed as a social worker in another state and holds a master's degree in social work; or

(3) Licensed to practice professional nursing in another state and holds a master's degree in psychiatric nursing or a related field.

Sec. 3. NRS 629.580 is hereby amended to read as follows:

629.580 1. A person who provides wellness services in accordance with this section, but who is not licensed, certified or registered in this State as a provider of health care, is not in violation of any law based on the unlicensed practice of health care services or a health care profession unless the person:

(a) Performs surgery or any other procedure which punctures the skin of any person;

(b) Sets a fracture of any bone of any person;

(c) Prescribes or administers X-ray radiation to any person;

(d) Prescribes or administers a prescription drug or device or a controlled substance to any person;

(e) Recommends to a client that he or she discontinue or in any manner alter current medical treatment prescribed by a provider of health care licensed, certified or registered in this State;

(f) Makes a diagnosis of a medical disease of any person;

(g) Performs a manipulation or a chiropractic adjustment of the articulations of joints or the spine of any person;



(h) Treats a person's health condition in a manner that intentionally or recklessly causes that person recognizable and imminent risk of serious or permanent physical or mental harm;

(i) Holds out, states, indicates, advertises or implies to any person that he or she is a provider of health care;

(j) Engages in the practice of medicine in violation of chapter 630 or 633 of NRS, the practice of homeopathic medicine in violation of chapter 630A of NRS, the practice of naprapathy in violation of chapter 634B of NRS or the practice of podiatry in violation of chapter 635 of NRS, unless otherwise expressly authorized by this section;

(k) Performs massage therapy as that term is defined in NRS 640C.060, reflexology as that term is defined in NRS 640C.080 or structural integration as that term is defined in NRS 640C.085;

(l) Provides mental health services that are exclusive to the scope of practice of a psychiatrist licensed pursuant to chapter 630 or 633 of NRS, or a psychologist licensed pursuant to chapter 641 of NRS; ~~for~~

(m) Engages in the practice of applied behavior analysis in violation of chapter 641D of NRS ~~H~~; or

(n) Engages in the practice of behavioral health promotion and prevention in violation of chapter 641 of NRS.

2. Any person providing wellness services in this State who is not licensed, certified or registered in this State as a provider of health care and who is advertising or charging a fee for wellness services shall, before providing those services, disclose to each client in a plainly worded written statement:

(a) The person's name, business address and telephone number;

(b) The fact that he or she is not licensed, certified or registered as a provider of health care in this State;

(c) The nature of the wellness services to be provided;

(d) The degrees, training, experience, credentials and other qualifications of the person regarding the wellness services to be provided; and

(e) A statement in substantially the following form:

It is recommended that before beginning any wellness plan, you notify your primary care physician or other licensed providers of health care of your intention to use wellness services, the nature of the wellness services to be provided and any wellness plan that may be utilized. It is also recommended that you ask your primary care physician or other licensed providers of health care about any potential



drug interactions, side effects, risks or conflicts between any medications or treatments prescribed by your primary care physician or other licensed providers of health care and the wellness services you intend to receive.

↪ A person who provides wellness services shall obtain from each client a signed copy of the statement required by this subsection, provide the client with a copy of the signed statement at the time of service and retain a copy of the signed statement for a period of not less than 5 years.

3. A written copy of the statement required by subsection 2 must be posted in a prominent place in the treatment location of the person providing wellness services in at least 12-point font. Reasonable accommodations must be made for clients who:

- (a) Are unable to read;
- (b) Are blind or visually impaired;
- (c) Have communication impairments; or
- (d) Do not read or speak English or any other language in which the statement is written.

4. Any advertisement for wellness services authorized pursuant to this section must disclose that the provider of those services is not licensed, certified or registered as a provider of health care in this State.

5. A person who violates any provision of this section is guilty of a misdemeanor. Before a criminal proceeding is commenced against a person for a violation of a provision of this section, a notification, educational or mediative approach must be utilized by the regulatory body enforcing the provisions of this section to bring the person into compliance with such provisions.

6. This section does not apply to or control:

(a) Any health care practice by a provider of health care pursuant to the professional practice laws of this State, or prevent such a health care practice from being performed.

(b) Any health care practice if the practice is exempt from the professional practice laws of this State, or prevent such a health care practice from being performed.

(c) A person who provides health care services if the person is exempt from the professional practice laws of this State, or prevent the person from performing such a health care service.

(d) A medical assistant, as that term is defined in NRS 630.0129 and 633.075, an advanced practitioner of homeopathy, as that term is defined in NRS 630A.015, or a homeopathic assistant, as that term is defined in NRS 630A.035.



7. As used in this section, “wellness services” means healing arts therapies and practices, and the provision of products, that are based on the following complementary health treatment approaches and which are not otherwise prohibited by subsection 1:

- (a) Anthroposophy.
- (b) Aromatherapy.
- (c) Traditional cultural healing practices.
- (d) Detoxification practices and therapies.
- (e) Energetic healing.
- (f) Folk practices.
- (g) Gerson therapy and colostrum therapy.
- (h) Healing practices using food, dietary supplements, nutrients and the physical forces of heat, cold, water and light.
- (i) Herbology and herbalism.
- (j) Reiki.
- (k) Mind-body healing practices.
- (l) Nondiagnostic iridology.
- (m) Noninvasive instrumentalities.
- (n) Holistic kinesiology.

Sec. 4. NRS 629.600 is hereby amended to read as follows:

629.600 1. A psychotherapist shall not provide any conversion therapy to a person who is under 18 years of age regardless of the willingness of the person or his or her parent or legal guardian to authorize such therapy.

2. Any violation of subsection 1 is a ground for disciplinary action by a state board that licenses a psychotherapist as defined in subsection 3.

3. As used in this section:

(a) “Conversion therapy” means any practice or treatment that seeks to change the sexual orientation or gender identity of a person, including, without limitation, a practice or treatment that seeks to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward persons of the same gender. The term does not include counseling that:

(1) Provides assistance to a person undergoing gender transition; or

(2) Provides acceptance, support and understanding of a person or facilitates a person’s ability to cope, social support and identity exploration and development, including, without limitation, an intervention to prevent or address unlawful conduct or unsafe sexual practices that is neutral as to the sexual-orientation of the person receiving the intervention and does not seek to change



the sexual orientation or gender identity of the person receiving the intervention.

(b) “Psychotherapist” means:

(1) A psychiatrist licensed to practice medicine in this State pursuant to chapter 630 of NRS;

(2) A homeopathic physician, advanced practitioner of homeopathy or homeopathic assistant licensed or certified pursuant to chapter 630A of NRS;

(3) A psychiatrist licensed to practice medicine in this State pursuant to chapter 633 of NRS;

(4) A psychologist *or behavioral health and wellness practitioner* licensed to practice in this State pursuant to chapter 641 of NRS;

(5) A social worker licensed in this State as an independent social worker or a clinical social worker pursuant to chapter 641B of NRS;

(6) A registered nurse holding a master’s degree in the field of psychiatric nursing and licensed to practice professional nursing in this State pursuant to chapter 632 of NRS;

(7) A marriage and family therapist or clinical professional counselor licensed in this State pursuant to chapter 641A of NRS; or

(8) A person who provides counseling services as part of his or her training for any of the professions listed in subparagraphs (1) to (7), inclusive.

Sec. 5. NRS 632.120 is hereby amended to read as follows:

632.120 1. The Board shall:

(a) Adopt regulations establishing reasonable standards:

(1) For the denial, renewal, suspension and revocation of, and the placement of conditions, limitations and restrictions upon, a license to practice professional or practical nursing or a certificate to practice as a nursing assistant or medication aide - certified.

(2) Of professional conduct for the practice of nursing.

(3) For prescribing and dispensing controlled substances and dangerous drugs in accordance with applicable statutes.

(4) For the psychiatric training and experience necessary for an advanced practice registered nurse to be authorized to **{make}** :

(I) Make the diagnoses, evaluations and examinations described in NRS 432B.6078, 432B.60816, 433A.162, 433A.240, 433A.335, 433A.390, 433A.430, 484C.300 and 484C.320 to 484C.350, inclusive, the certifications described in NRS 432B.6075, 432B.60814, 433A.170, 433A.195 and 433A.200 and the sworn statements or declarations described in NRS 433A.210 and 433A.335 **{; and}**



(II) Supervise a behavioral health and wellness practitioner pursuant to section 18 of this act.

(b) Prepare and administer examinations for the issuance of a license or certificate under this chapter.

(c) Investigate and determine the eligibility of an applicant for a license or certificate under this chapter.

(d) Carry out and enforce the provisions of this chapter and the regulations adopted pursuant thereto.

(e) Develop and disseminate annually to each registered nurse who cares for children information concerning the signs and symptoms of pediatric cancer.

2. The Board may adopt regulations establishing reasonable:

(a) Qualifications for the issuance of a license or certificate under this chapter.

(b) Standards for the continuing professional competence of licensees or holders of a certificate. The Board may evaluate licensees or holders of a certificate periodically for compliance with those standards.

3. The Board may adopt regulations establishing a schedule of reasonable fees and charges, in addition to those set forth in NRS 632.345, for:

(a) Investigating licensees or holders of a certificate and applicants for a license or certificate under this chapter;

(b) Evaluating the professional competence of licensees or holders of a certificate;

(c) Conducting hearings pursuant to this chapter;

(d) Duplicating and verifying records of the Board; and

(e) Surveying, evaluating and approving schools of practical nursing, and schools and courses of professional nursing,
➡ and collect the fees established pursuant to this subsection.

4. For the purposes of this chapter, the Board shall, by regulation, define the term “in the process of obtaining accreditation.”

5. The Board may adopt such other regulations, not inconsistent with state or federal law, as may be necessary to carry out the provisions of this chapter relating to nursing assistant trainees, nursing assistants and medication aides - certified.

6. The Board may adopt such other regulations, not inconsistent with state or federal law, as are necessary to enable it to administer the provisions of this chapter.

Sec. 6. NRS 632.472 is hereby amended to read as follows:

632.472 1. The following persons shall report in writing to the Executive Director of the Board any conduct of a licensee or



holder of a certificate which constitutes a violation of the provisions of this chapter:

(a) Any physician, dentist, dental hygienist, expanded function dental assistant, naprapath, chiropractic physician, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, nursing assistant, medication aide - certified, perfusionist, physician assistant licensed pursuant to chapter 630 or 633 of NRS, anesthesiologist assistant, psychiatrist, psychologist, **behavioral health and wellness practitioner**, marriage and family therapist, clinical professional counselor, alcohol or drug counselor, peer recovery support specialist, peer recovery support specialist supervisor, music therapist, holder of a license or limited license issued pursuant to chapter 653 of NRS, driver of an ambulance, paramedic or other person providing medical services licensed or certified to practice in this State.

(b) Any personnel of a medical facility or facility for the dependent engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a medical facility or facility for the dependent upon notification by a member of the staff of the facility.

(c) A coroner.

(d) Any person who maintains or is employed by an agency to provide personal care services in the home.

(e) Any person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(f) Any person who maintains or is employed by an agency to provide nursing in the home.

(g) Any employee of the Department of Health and Human Services.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect or exploitation of an older person and refers them to persons and agencies where their requests and needs can be met.

(k) Any social worker.

(l) Any person who operates or is employed by a community health worker pool or with whom a community health worker pool



contracts to provide the services of a community health worker, as defined in NRS 449.0027.

2. Every physician who, as a member of the staff of a medical facility or facility for the dependent, has reason to believe that a nursing assistant or medication aide - certified has engaged in conduct which constitutes grounds for the denial, suspension or revocation of a certificate shall notify the superintendent, manager or other person in charge of the facility. The superintendent, manager or other person in charge shall make a report as required in subsection 1.

3. A report may be filed by any other person.

4. Any person who in good faith reports any violation of the provisions of this chapter to the Executive Director of the Board pursuant to this section is immune from civil liability for reporting the violation.

5. As used in this section:

(a) “Agency to provide personal care services in the home” has the meaning ascribed to it in NRS 449.0021.

(b) “Community health worker pool” has the meaning ascribed to it in NRS 449.0028.

(c) “Peer recovery support specialist” has the meaning ascribed to it in NRS 433.627.

(d) “Peer recovery support specialist supervisor” has the meaning ascribed to it in NRS 433.629.

Sec. 7. NRS 640D.060 is hereby amended to read as follows:

640D.060 “Music therapy” means the clinical use of music interventions by a licensee to accomplish individualized goals within a therapeutic relationship by a credentialed professional who has completed a music therapy program approved by the Board. The term does not include:

1. The practice of psychology , **behavioral health promotion and prevention** or medicine;

2. The psychological assessment or treatment of couples or families;

3. The prescribing of drugs or electroconvulsive therapy;

4. The medical treatment of physical disease, injury or deformity;

5. The diagnosis or psychological treatment of a psychotic disorder;

6. The use of projective techniques in the assessment of personality;

7. The use of psychological, neuropsychological, psychometric assessment or clinical tests designed to identify or classify abnormal



or pathological human behavior or to determine intelligence, personality, aptitude, interests or addictions;

8. The use of individually administered intelligence tests, academic achievement tests or neuropsychological tests;

9. The use of psychotherapy to treat the concomitants of organic illness;

10. The diagnosis of any physical or mental disorder; or

11. The evaluation of the effects of medical and psychotropic drugs.

Sec. 8. NRS 640E.090 is hereby amended to read as follows:

640E.090 1. The provisions of this chapter do not apply to:

(a) Any person who is licensed or registered in this State as a physician pursuant to chapter 630, 630A or 633 of NRS, dentist, nurse, dispensing optician, optometrist, occupational therapist, practitioner of respiratory care, physical therapist, podiatric physician, psychologist, **behavioral health and wellness practitioner**, marriage and family therapist, chiropractic physician, naprapath, athletic trainer, massage therapist, reflexologist, structural integration practitioner, perfusionist, doctor of Oriental medicine in any form, medical laboratory director or technician or pharmacist who:

(1) Practices within the scope of that license or registration;

(2) Does not represent that he or she is a licensed dietitian or registered dietitian; and

(3) Provides nutrition information incidental to the practice for which he or she is licensed or registered.

(b) A student enrolled in an educational program accredited by the Accreditation Council for Education in Nutrition and Dietetics, or its successor organization, if the student engages in the practice of dietetics under the supervision of a licensed dietitian or registered dietitian as part of that educational program.

(c) A registered dietitian employed by the Armed Forces of the United States, the United States Department of Veterans Affairs or any division or department of the Federal Government in the discharge of his or her official duties, including, without limitation, the practice of dietetics or providing nutrition services.

(d) A person who furnishes nutrition information, provides recommendations or advice concerning nutrition, or markets food, food materials or dietary supplements and provides nutrition information, recommendations or advice related to that marketing, if the person does not represent that he or she is a licensed dietitian or registered dietitian. While performing acts described in this



paragraph, a person shall be deemed not to be engaged in the practice of dietetics or the providing of nutrition services.

(e) A person who provides services relating to weight loss or weight control through a program reviewed by and in consultation with a licensed dietitian or physician or a dietitian licensed or registered in another state which has equivalent licensure requirements as this State, as long as the person does not change the services or program without the approval of the person with whom he or she is consulting.

2. As used in this section, “nutrition information” means information relating to the principles of nutrition and the effect of nutrition on the human body, including, without limitation:

- (a) Food preparation;
- (b) Food included in a normal daily diet;
- (c) Essential nutrients required by the human body and recommended amounts of essential nutrients, based on nationally established standards;
- (d) The effect of nutrients on the human body and the effect of deficiencies in or excess amounts of nutrients in the human body; and
- (e) Specific foods or supplements that are sources of essential nutrients.

Sec. 9. Chapter 641 of NRS is hereby amended by adding thereto the provisions set forth as sections 10 to 18, inclusive, of this act.

Sec. 10. *“Behavioral health and wellness practitioner” means a person who is licensed pursuant to this chapter to practice behavioral health promotion and prevention.*

Sec. 11. *“Behavioral health promotion and prevention” means the supervised clinical use of prevention and intervention strategies to identify persons at risk of mental or behavioral health issues and accomplish individualized goals relating to the mental and behavioral health of the person as part of a therapeutic relationship. The term does not include:*

- 1. The practice of psychology or medicine;*
- 2. The psychological assessment or treatment of children, couples or families;*
- 3. Prescribing drugs or electroconvulsive therapy;*
- 4. Medical treatment of physical disease, injury or deformity;*
- 5. Diagnosis or psychological treatment of a psychotic disorder;*
- 6. The administration and interpretation of projective techniques in the assessment of personality;*



7. The administration and interpretation of a psychological, neuropsychological or psychometric assessment or clinical tests designed to diagnose abnormal or pathological human behavior or to determine intelligence, personality, aptitude, interests or addictions;

8. The administration and interpretation of individually administered intelligence tests, academic achievement tests or neuropsychological tests;

9. The administration and interpretation of psychotherapy to treat the concomitants of organic illness;

10. The diagnosis of any physical or mental disorder;

11. The evaluation of the effects of medical and psychotropic drugs;

12. The practice of clinical professional counseling, as defined in NRS 641A.065; or

13. The practice of marriage and family therapy, as defined in NRS 641A.080.

Sec. 12. A person who is employed by:

1. The Federal Government and who practices psychology within the scope of that employment is not subject to the provisions of this chapter.

2. The State or Federal Government and who provides behavioral health promotion and prevention services within the scope of that employment is not subject to the provisions of this chapter.

Sec. 13. 1. The Board shall adopt such regulations as it deems necessary to carry out the provisions of sections 13 to 18, inclusive, of this act. The regulations may include, without limitation:

(a) Standards of training for a behavioral health and wellness practitioner;

(b) Standards for a person performing services or participating in activities as part of a supervised course of study in an accredited or approved educational program in behavioral health promotion and prevention;

(c) Requirements for an educational program in behavioral health promotion and prevention to be approved by the Board;

(d) An alternative to the examination required by section 15 of this act which provides an applicant a process to demonstrate that the applicant is competent to practice as a behavioral health and wellness practitioner;



(e) Requirements for continuing education for a behavioral health and wellness practitioner, in addition to those prescribed by section 16 of this act; and

(f) Standards of practice for a behavioral health and wellness practitioner, including, without limitation, the requirements for supervision of a behavioral health and wellness practitioner by a provider of health care listed in section 18 of this act.

2. The Board may accept gifts, grants, donations and contributions from any source to assist in carrying out the provisions of sections 13 to 18, inclusive, of this act.

Sec. 14. 1. The Board shall establish a Behavioral Health and Wellness Practitioner Advisory Group consisting of persons familiar with the practice of behavioral health promotion and prevention to provide the Board with expertise and assistance relating to the regulation of behavioral health and wellness practitioners. The Board shall:

- (a) Determine the number of members of the Advisory Group;
 - (b) Appoint the members of the Advisory Group;
 - (c) Establish the terms of the members of the Advisory Group;
- and

(d) Determine the duties of the Advisory Group.

2. The members of the Advisory Group serve without compensation.

Sec. 15. 1. The Board shall issue a license to practice behavioral health promotion and prevention to an applicant who:

- (a) Is of good moral character, as determined by the Board;
- (b) Is at least 18 years of age; and
- (c) Submits to the Board:
 - (1) A completed application on a form provided by the Board and the fee prescribed by the Board;
 - (2) Proof that the applicant:
 - (I) Holds a bachelor's degree or higher in psychology, social work, human services or a related field; and
 - (II) Has successfully completed an educational program in behavioral health promotion and prevention approved by the Board;
 - (3) The name and occupation of the provider of health care who will supervise the applicant pursuant to section 18 of this act and, if the provider of health care is not a psychologist, documentation from the professional licensing board that licenses the provider of health care stating that he or she has an active license in good standing; and
 - (4) Proof that the applicant has:



(I) Passed any examination approved by the Board on the practice of behavioral health promotion and prevention; or

(II) Demonstrated his or her competency through the alternative to examination authorized by the regulations adopted by the Board pursuant to section 13 of this act.

2. Within 120 days after receiving an application and the accompanying evidence from an applicant, the Board shall:

(a) Evaluate the application and accompanying evidence and determine whether the applicant is qualified pursuant to this section for licensure; and

(b) Issue a written statement to the applicant of its determination.

3. If the Board determines that the qualifications of the applicant are insufficient for licensure, the written statement issued to the applicant pursuant to subsection 2 must include a detailed explanation of the reasons for that determination.

Sec. 16. Each license to practice behavioral health promotion and prevention must be renewed 3 years after the date on which it was issued and every 3 years thereafter. The holder of such a license may renew the license before that date by submitting to the Board:

1. A completed application for renewal on a form prescribed by the Board;

2. Proof that the applicant has completed not less than 20 hours of continuing education within the immediately preceding 3 years. Such continuing education must include, without limitation:

(a) At least 2 hours of continuing education in ethics;

(b) At least 2 hours of continuing education in prevention science; and

(c) Any additional continuing education required by the Board pursuant to section 13 of this act; and

3. The renewal fee prescribed by the Board.

Sec. 17. 1. A license to practice behavioral health promotion and prevention that is not renewed on or before the date prescribed by section 16 of this act is delinquent. The Board shall, within 30 days after the license becomes delinquent, send a notice to the licensee by certified mail, return receipt requested, to the address of the licensee as indicated in the records of the Board.

2. A licensee may renew a delinquent license within 60 days after the license becomes delinquent by submitting to the Board the documents required by section 16 of this act.



3. A license to practice behavioral health promotion and prevention expires 60 days after it becomes delinquent if it is not renewed within that period.

Sec. 18. A behavioral health and wellness practitioner may be supervised by:

1. A psychiatrist licensed pursuant to chapter 630 or 633 of NRS;

2. An advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120;

3. A psychologist;

4. A clinical professional counselor;

5. A marriage and family therapist; or

6. A clinical social worker.

Sec. 19. NRS 641.010 is hereby amended to read as follows:

641.010 The ~~practice~~ practices of psychology ~~is~~ and behavioral health promotion and prevention are hereby declared to be ~~to~~ learned ~~profession,~~ professions, affecting public safety, health and welfare and subject to regulation to protect the public from the practice of psychology and behavioral health promotion and prevention by unqualified persons and from unprofessional conduct by persons licensed to practice psychology ~~to~~ and behavioral health promotion and prevention.

Sec. 20. 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 641.021 to 641.027, inclusive, and sections 10 and 11 of this act have the meanings ascribed to them in those sections.

Sec. 21. NRS 641.022 is hereby amended to read as follows:

641.022 “Community” means the entire area customarily served by psychologists or behavioral health and wellness practitioners among whom a patient may reasonably choose, not merely the particular area inhabited by the patients of an individual psychologist or behavioral health and wellness practitioner or the particular city or place where the psychologist or behavioral health and wellness practitioner has his or her office.

Sec. 22. NRS 641.023 is hereby amended to read as follows:

641.023 “Gross malpractice” means malpractice where the failure to exercise the requisite degree of care, diligence or skill consists of:

1. Practicing psychology, ~~to~~ psychotherapy or behavioral health promotion and prevention with a patient while the psychologist or behavioral health and wellness practitioner is



under the influence of an alcoholic beverage as defined in NRS 202.015 or any controlled substance;

2. Gross negligence;

3. Willful disregard of established methods and procedures in the practice of psychology ~~H~~ *or behavioral health promotion and prevention, as applicable*; or

4. Willful and consistent use of methods and procedures considered by psychologists *or behavioral health and wellness practitioners, as applicable*, in the community to be inappropriate or unnecessary in the cases where used.

Sec. 23. NRS 641.024 is hereby amended to read as follows:

641.024 “Malpractice” means failure on the part of a psychologist *or a behavioral health and wellness practitioner* to exercise the degree of care, diligence and skill ordinarily exercised by psychologists *or behavioral health and wellness practitioners, as applicable*, in good standing in the community.

Sec. 24. NRS 641.0245 is hereby amended to read as follows:

641.0245 “Patient” means a person who ~~consults~~:

1. *Consults* or is examined or interviewed by a psychologist for purposes of diagnosis or treatment ~~H~~; *or*

2. *Receives behavioral health promotion and prevention services from a behavioral health and wellness practitioner.*

Sec. 25. NRS 641.026 is hereby amended to read as follows:

641.026 “Professional incompetence” means lack of ability to practice psychology *or behavioral health promotion and prevention* safely and skillfully arising from:

1. Lack of knowledge or training;

2. Impaired physical or mental ability; or

3. Dependence upon an alcoholic beverage as defined in NRS 202.015 or any controlled substance.

Sec. 26. NRS 641.029 is hereby amended to read as follows:

641.029 The provisions of this chapter do not apply to:

1. A physician who is licensed to practice in this State;

2. A person who is licensed to practice dentistry in this State;

3. A person who is licensed as a marriage and family therapist or marriage and family therapist intern pursuant to chapter 641A of NRS;

4. A person who is licensed as a clinical professional counselor or clinical professional counselor intern pursuant to chapter 641A of NRS;

5. A person who is licensed to engage in social work pursuant to chapter 641B of NRS;



6. A person who is licensed as an occupational therapist or occupational therapy assistant pursuant to chapter 640A of NRS;

7. A person who is licensed as a clinical alcohol and drug counselor, licensed or certified as an alcohol and drug counselor or certified as an alcohol and drug counselor intern, a clinical alcohol and drug counselor intern, a problem gambling counselor or a problem gambling counselor intern, pursuant to chapter 641C of NRS;

8. A person who provides or supervises the provision of peer recovery support services in accordance with the provisions of NRS 433.622 to 433.641, inclusive;

9. A person who is licensed as a behavior analyst or an assistant behavior analyst or registered as a registered behavior technician pursuant to chapter 641D of NRS, while engaged in the practice of applied behavior analysis as defined in NRS 641D.080; or

10. Any member of the clergy,

↪ if such a person does not commit an act described in NRS 641.440 or represent himself or herself as a psychologist **H or a behavioral health and wellness practitioner.**

Sec. 27. NRS 641.040 is hereby amended to read as follows:

641.040 1. The Governor shall appoint to the Board:

(a) Four members who are licensed psychologists in the State of Nevada with at least 5 years of experience in the practice of psychology after being licensed.

(b) One member who is a licensed psychologist in the State of Nevada with at least 5 years of experience in the practice of psychology after being licensed and who is a core faculty member at a doctorate-level program or internship location that is accredited by the American Psychological Association for at least 3 years before the time of appointment. If such a licensed psychologist is not available to serve, the Governor shall appoint one member who meets the requirements set forth in paragraph (a).

(c) One member who has resided in this State for at least 5 years and who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care.

(d) One member who is a representative of the general public.

2. A person is not eligible for appointment unless he or she is:

(a) A citizen of the United States; and

(b) A resident of the State of Nevada.

3. The member who is a representative of the general public must not be a psychologist **H or behavioral health and wellness**



practitioner, an applicant or a former applicant for licensure as a psychologist ~~or~~ *or behavioral health and wellness practitioner*, a member of a health profession, the spouse or the parent or child, by blood, marriage or adoption, of a psychologist ~~or~~ *or behavioral health and wellness practitioner*, or a member of a household that includes a psychologist ~~or~~ *or a behavioral health and wellness practitioner*.

4. Board members must not have any conflicts of interest or the appearance of such conflicts in the performance of their duties as members of the Board.

Sec. 28. NRS 641.100 is hereby amended to read as follows:

641.100 1. The Board shall adopt regulations:

(a) Prescribing uniform standards concerning the locations at which persons obtaining supervised experience that is required for licensure by the Board provide services;

(b) Authorizing the remote supervision, including, without limitation, electronic supervision, of persons obtaining supervised experience that is required for licensure by the Board who are working at remote sites and prescribing standards concerning such remote supervision; and

(c) Prescribing a manner by which the qualifications for the issuance or renewal of a license under the provisions of this chapter will be made available to the public such that those qualifications are clearly defined and easily understood.

2. The Board may make and promulgate any other 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 and the ~~practice~~ *practices* of psychology ~~and~~ *and behavioral health promotion and prevention*.

3. On the date that the Board gives notice pursuant to NRS 233B.060 of its intent to adopt, amend or repeal a regulation, the Board shall submit the regulation to the Commission on Behavioral Health for review. The Commission shall review the regulation and make recommendations to the Board concerning the advisability of adopting, amending or repealing the regulation and any changes that the Commission deems advisable.

Sec. 29. NRS 641.111 is hereby amended to read as follows:

641.111 ~~All~~ *Except as otherwise provided in section 13 of this act, 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 board members and for other necessary or proper purposes in the administration of this chapter.

Sec. 30. NRS 641.160 is hereby amended to read as follows:

641.160 1. Each person desiring a license must:

(a) Make application to the Board upon a form, and in a manner, prescribed by the Board pursuant to NRS 641.117. The application must be accompanied by the application fee prescribed by the Board and include all information required to complete the application.

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

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

(2) Submit to the Board:

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

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

2. The Board may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to sub-subparagraph (II) of subparagraph (2) of paragraph (b) of subsection 1, submit those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Board deems necessary; and

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



3. An application is not considered complete and received for purposes of evaluation pursuant to subsection 2 of NRS 641.170 *or subsection 2 of section 15 of this act, as applicable*, until the Board receives a complete set of fingerprints or verification that the fingerprints have been forwarded electronically or by other means to the Central Repository for Nevada Records of Criminal History, and written authorization from the applicant pursuant to this section.

Sec. 31. NRS 641.220 is hereby amended to read as follows:

641.220 1. To renew a license *as a psychologist* issued pursuant to this chapter, each person must, on or before the first day of January of each odd-numbered year:

(a) Apply to the Board for renewal;

(b) Pay the biennial fee for the renewal of a license ~~§~~ *as a psychologist*;

(c) Submit evidence to the Board of completion of the requirements for continuing education as set forth in regulations adopted by the Board; and

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

2. Upon renewing his or her license, a psychologist shall declare his or her areas of competence, as determined in accordance with NRS 641.112.

3. The Board shall, as a prerequisite for the renewal of a license ~~§~~ *as a psychologist*, require each holder to comply with the requirements for continuing education adopted by the Board.

4. The requirements for continuing education adopted by the Board pursuant to subsection 3 must include, without limitation:

(a) A requirement that the holder of a license *as a psychologist* 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. The hours of instruction required by this paragraph must be completed within 2 years after initial licensure and at least every 4 years thereafter.

(b) A requirement that the holder of a license *as a psychologist* must biennially receive at least 6 hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction:

(1) May include the training provided pursuant to NRS 449.103, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:



(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that the holder of a license **as a psychologist** may need to better understand, as determined by the Board.

Sec. 32. NRS 641.222 is hereby amended to read as follows:

641.222 1. The license of any ~~person~~ **psychologist** who fails to pay the biennial fee for the renewal of a license **to practice psychology** within 60 days after the date when it is due is automatically suspended. The Board may, within 2 years after the date the license is so suspended, reinstate the license upon payment to the Board of the amount of the then current biennial fee for the renewal of a license **to practice psychology** and the amount of the fee for the restoration of a license so suspended. If the license is not reinstated within 2 years, the Board may reinstate the license only if it also determines that the holder of the license is competent to practice psychology.

2. A notice must be sent to any ~~person~~ **psychologist** who fails to pay the biennial fee, informing the ~~person~~ **psychologist** that the license is suspended.

Sec. 33. 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 to practice psychology	25
For the issuance of an initial license by endorsement to practice psychology	125



For the biennial renewal of a license of a psychologist.....	\$850
For the restoration of a license <i>of a psychologist</i> suspended for the nonpayment of the biennial fee for the renewal of a license.....	200
For the restoration of a license <i>of a psychologist</i> suspended for the nonsubmission of evidence to the Board of completion of the requirements for continuing education as required for the renewal of the license	200
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
For the initial registration of a psychological assistant, psychological intern or psychological trainee.....	250
For the renewal of a registration of a psychological assistant, psychological intern or psychological trainee	150
<i>For the issuance of an initial license to practice behavioral health promotion and prevention.....</i>	<i>200</i>
<i>For the triennial renewal of a license to practice behavioral health promotion and prevention</i>	<i>200</i>

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. 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.

4. Except as otherwise provided in subsection 5, if an applicant submits an application for a license by endorsement pursuant to NRS 641.196, the Board shall charge and collect:

(a) Not more than the fee specified in subsection 1 for the issuance of an initial license by endorsement; and



(b) 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.

5. If 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 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 by endorsement.

6. If an applicant submits an application for initial registration as a psychological assistant, psychological intern or psychological trainee pursuant to NRS 641.226 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.

7. As used in this section, “veteran” has the meaning ascribed to it in NRS 417.005.

Sec. 34. NRS 641.2291 is hereby amended to read as follows:

641.2291 1. A program of education for mental health professionals approved by the Board, a mental health professional or a person receiving training for mental health professionals is not required to retain a recording of the provision of mental health services by a psychologist **or a behavioral health and wellness practitioner** to a patient that meets the requirements of subsection 2 if:

(a) The recording is used for a training activity that is part of a program of education for mental health professionals approved by the Board;

(b) The patient has provided informed consent in writing on a form that meets the requirements prescribed by the Board pursuant to subsection 3 to the use of the recording in the training activity;

(c) Destroying the recording does not result in noncompliance with the obligations described in subsection 4; and

(d) The recording is destroyed after the expiration of the period of time prescribed by the Board pursuant to paragraph (b) of subsection 3.

2. A recording of the provision of mental health services by a psychologist **or a behavioral health and wellness practitioner** to a patient used for the purpose described in paragraph (a) of subsection 1:

(a) Must meet all requirements of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191,



and any regulations adopted pursuant thereto, that are designed to prevent the reproduction, copying or theft of the recording; and

(b) Must not contain any personally identifiable information relating to the patient unless the patient has provided informed consent in writing specifically authorizing the inclusion of that information in the recording.

3. The Board shall adopt regulations:

(a) Prescribing requirements governing the provision of informed written consent pursuant to paragraph (b) of subsection 1, including, without limitation, requirements governing:

(1) The form on which such informed written consent must be provided; and

(2) The length of time that a psychologist *or a behavioral health and wellness practitioner* who obtains such informed written consent must maintain the informed written consent;

(b) Prescribing the length of time that a program of education for mental health professionals, a mental health professional or a person receiving training for mental health professionals that uses a recording of the provision of mental health services by a psychologist *or a behavioral health and wellness practitioner* to a patient for the purposes described in paragraph (a) of subsection 1 may retain the recording before destroying it; and

(c) Defining “training activity” for the purposes of this section.

4. The provisions of this section do not abrogate, alter or otherwise affect the obligation of a psychologist *or a behavioral health and wellness practitioner* to comply with the applicable requirements of chapter 629 of NRS, including, without limitation, the requirement to retain records concerning the mental health services that he or she provides to patients in accordance with NRS 629.051 to 629.069, inclusive.

5. Except where necessary for compliance with subsection 4, a recording of the provision of mental health services by a psychologist *or a behavioral health and wellness practitioner* to a patient that is used for a training activity by a program of education for mental health professionals, a mental health professional or a person receiving training for mental health professionals in accordance with the provisions of this section is not a health care record for the purposes of chapter 629 of NRS.

6. As used in this section, “mental health professional” means a psychologist, *a behavioral health and wellness practitioner*, a marriage and family therapist, a clinical professional counselor, a social worker, a master social worker, an independent social worker,



a clinical social worker, a clinical alcohol and drug counselor, an alcohol and drug counselor or problem gambling counselor.

Sec. 35. NRS 641.230 is hereby amended to read as follows:

641.230 1. The Board may suspend or revoke a person's license as a psychologist **or behavioral health and wellness practitioner** or registration as a psychological assistant, psychological intern or psychological trainee, place the person on probation, require remediation for the person or take any other action specified by regulation if the Board finds by a preponderance of the evidence that the person has:

(a) Been convicted of a felony relating to the practice of psychology **or behavioral health promotion and prevention** or to practicing as a psychological assistant, psychological intern or psychological trainee.

(b) Been convicted of any crime or offense that reflects the inability of the person to practice psychology **or behavioral health promotion and prevention** or to practice as a psychological assistant, psychological intern or psychological trainee with due regard for the health and safety of others.

(c) Been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

(d) Engaged in gross malpractice or repeated malpractice or gross negligence in the practice of psychology **or behavioral health promotion and prevention** or the practice as a psychological assistant, psychological intern or psychological trainee.

(e) Aided or abetted the practice of psychology **or behavioral health promotion and prevention** or the practice as a psychological assistant, psychological intern or psychological trainee by a person not licensed or registered by the Board.

(f) Made any fraudulent or untrue statement to the Board.

(g) Violated a regulation adopted by the Board.

(h) Had a license to practice psychology **or behavioral health promotion and prevention** or registration to practice as a psychological assistant, psychological intern or psychological trainee suspended or revoked or has had any other disciplinary action taken against the person by another state or territory of the United States, the District of Columbia or a foreign country, if at least one of the grounds for discipline is the same or substantially equivalent to any ground contained in this chapter.

(i) Failed to report to the Board within 30 days the revocation, suspension or surrender of, or any other disciplinary action taken against, a license or certificate to practice psychology **or behavioral**



health promotion and prevention or registration to practice as a psychological assistant, psychological intern or psychological trainee issued to the person by another state or territory of the United States, the District of Columbia or a foreign country.

(j) Violated or attempted to violate, directly or indirectly, or assisted in or abetted the violation of or conspired to violate a provision of this chapter.

(k) Performed or attempted to perform any professional service while impaired by alcohol, drugs or by a mental or physical illness, disorder or disease.

(l) Engaged in sexual activity with a patient or client.

(m) Been convicted of abuse or fraud in connection with any state or federal program which provides medical assistance.

(n) Been convicted of submitting a false claim for payment to the insurer of a patient or client.

(o) Operated a medical facility, as defined in NRS 449.0151, at any time during which:

(1) The license of the facility was suspended or revoked; or

(2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

➤ This paragraph applies to an owner or other principal responsible for the operation of the facility.

2. As used in this section, “preponderance of the evidence” has the meaning ascribed to it in NRS 233B.0375.

Sec. 36. NRS 641.245 is hereby amended to read as follows:

641.245 1. The Board, any member thereof, a panel of its members or a hearing officer may issue subpoenas to compel the attendance of witnesses and the production of books, papers, documents, the records of patients, and any other article related to the practice of psychology **or behavioral health promotion and prevention** or to the practice as a psychological assistant, psychological intern or psychological trainee.

2. If any witness refuses to attend or testify or produce any article as required by the subpoena, the Board may file a petition with the district court stating that:

(a) Due notice has been given for the time and place of attendance of the witness or the production of the required articles;

(b) The witness has been subpoenaed pursuant to this section; and

(c) The witness has failed or refused to attend or produce the articles required by the subpoena or has refused to answer questions propounded to him or her,



➡ and asking for an order of the court compelling the witness to attend and testify before the Board, a panel of its members or a hearing officer, or produce the articles as required by the subpoena.

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

4. If it appears to the court that the subpoena was regularly issued, the court shall enter an order that the witness appear before the Board, a panel of its members or a hearing officer at the time and place fixed in the order and testify or produce the required articles, and upon failure to obey the order the witness must be dealt with as for contempt of court.

Sec. 37. NRS 641.250 is hereby amended to read as follows:

641.250 1. The Board *or the Behavioral Health and Wellness Practitioner Advisory Group established pursuant to section 14 of this act*, or any of ~~its~~ *the* members ~~of the Board or Advisory Group~~, any review panel of a hospital or an association of psychologists *or behavioral health and wellness practitioners* which becomes aware that any one or combination of the grounds for initiating disciplinary action may exist as to a person practicing psychology *or behavioral health promotion and prevention* or practicing as a psychological assistant, psychological intern or psychological trainee in this State shall, and any other person who is so aware may, file a written complaint specifying the relevant facts with the Board.

2. *As soon as practicable after receiving a written complaint concerning a behavioral health and wellness practitioner who is not supervised by a psychologist, the Board shall:*

(a) Identify the licensing board of the supervisor of the behavioral health and wellness practitioner; and

(b) Notify that licensing board of the complaint.

3. The Board shall retain all complaints filed with the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 37.5. NRS 641.250 is hereby amended to read as follows:

641.250 1. The Board ~~for the Behavioral Health and Wellness Practitioner Advisory Group~~ or any of ~~the~~ *its* members ~~, [of the Board or Advisory Group,]~~, any review panel of a hospital or an association of psychologists or behavioral health and wellness practitioners which becomes aware that any one or combination of



the grounds for initiating disciplinary action may exist as to a person practicing psychology or behavioral health promotion and prevention or practicing as a psychological assistant, psychological intern or psychological trainee in this State shall, and any other person who is so aware may, file a written complaint specifying the relevant facts with the Board.

2. As soon as practicable after receiving a written complaint concerning a behavioral health and wellness practitioner who is not supervised by a psychologist, the Board shall:

(a) Identify the licensing board of the supervisor of the behavioral health and wellness practitioner; and

(b) Notify that licensing board of the complaint.

3. The Board shall retain all complaints filed with the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 38. NRS 641.2705 is hereby amended to read as follows:

641.2705 1. The Board, through the President of the Board and the investigator designated by the Board, shall conduct an investigation of each complaint filed pursuant to NRS 641.250 which sets forth reason to believe that a person has violated NRS 641.390.

2. If, after an investigation, the Board determines that a person has violated NRS 641.390, the Board:

(a) May issue and serve on the person an order to cease and desist from engaging in any activity prohibited by NRS 641.390 until the person obtains the proper license or registration from the Board;

(b) May issue a citation to the person; and

(c) Unless the Board determines that extenuating circumstances exist, shall forward to the appropriate law enforcement agency any substantiated information that has been submitted to the Board regarding a person who practices or offers to practice:

(1) Psychology in this State without the proper license issued by the Board pursuant to this chapter; ~~or~~

(2) *Behavioral health promotion and prevention in this State without the proper license issued by the Board pursuant to this chapter; or*

(3) As a psychological assistant, psychological intern or psychological trainee in this State without the proper registration issued by the Board pursuant to this chapter.

3. A citation issued pursuant to subsection 2 must be in writing and describe with particularity the nature of the violation. The citation also must inform the person of the provisions of



subsection 5. Each violation of NRS 641.390 constitutes a separate offense for which a separate citation may be issued.

4. For any person who violates the provisions of NRS 641.390, the Board shall assess an administrative fine of:

- (a) For a first violation, \$500.
- (b) For a second violation, \$1,000.
- (c) For a third or subsequent violation, \$1,500.

5. To appeal a citation issued pursuant to subsection 2, a person must submit a written request for a hearing to the Board within 30 days after the date of issuance of the citation.

Sec. 39. NRS 641.272 is hereby amended to read as follows:

641.272 1. Notwithstanding the provisions of chapter 622A of NRS, the Board may require the person named in a complaint to submit to a mental examination conducted by a panel of three psychologists designated by the Board or a physical examination conducted by a physician designated by the Board.

2. Every psychologist *and behavioral health and wellness practitioner* licensed under this chapter and every psychological assistant, psychological intern or psychological trainee registered under this chapter who accepts the privilege of practicing psychology *or behavioral health promotion and prevention* or practicing as a psychological assistant, psychological intern or psychological trainee in this State shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the Board. The testimony or reports of the examining psychologists or physician are privileged communications, except as to proceedings conducted pursuant to this chapter.

3. Except in extraordinary circumstances, as determined by the Board, the failure of a psychologist, *behavioral health and wellness practitioner*, psychological assistant, psychological intern or psychological trainee to submit to an examination as provided in this section constitutes grounds for the immediate suspension of the psychologist's *or behavioral health and wellness practitioner's* license or the psychological assistant's, psychological intern's or psychological trainee's registration.

Sec. 40. NRS 641.273 is hereby amended to read as follows:

641.273 Notwithstanding the provisions of chapter 622A of NRS, if the Board has reason to believe that the conduct of any psychologist, *behavioral health and wellness practitioner*, psychological assistant, psychological intern or psychological trainee has raised a reasonable question as to competence to practice psychology *or behavioral health promotion and prevention* or to



practice as a psychological assistant, psychological intern or psychological trainee with reasonable skill and safety to patients, the Board may require the psychologist, **behavioral health and wellness practitioner**, psychological assistant, psychological intern or psychological trainee to take a written or oral examination to determine whether the psychologist, **behavioral health and wellness practitioner**, psychological assistant, psychological intern or psychological trainee is competent to practice psychology **or behavioral health promotion and prevention** or to practice as a psychological assistant, psychological intern or psychological trainee. If an examination is required, the reasons therefor must be documented and made available to the psychologist, **behavioral health and wellness practitioner**, psychological assistant, psychological intern or psychological trainee being examined.

Sec. 41. NRS 641.274 is hereby amended to read as follows:

641.274 Notwithstanding the provisions of chapter 622A of NRS, if the Board, a panel of its members or a hearing officer issues an order suspending the license of a psychologist **or behavioral health and wellness practitioner** or the registration of a psychological assistant, psychological intern or psychological trainee pending proceedings for disciplinary action and requires the psychologist, **behavioral health and wellness practitioner**, psychological assistant, psychological intern or psychological trainee to submit to a mental or physical examination or an examination of his or her competency to practice psychology **or behavioral health promotion and prevention** or to practice as a psychological assistant, psychological intern or psychological trainee, the examination must be conducted and the results obtained within 60 days after the Board, panel of its members or hearing officer issues the order.

Sec. 42. NRS 641.285 is hereby amended to read as follows:

641.285 Notwithstanding the provisions of chapter 622A of NRS, in any disciplinary proceeding before the Board, a panel of its members or a hearing officer:

1. Proof of actual injury need not be established where the complaint charges deceptive or unethical professional conduct, practice of psychology **or behavioral health promotion and prevention** or practice as a psychological assistant, psychological intern or psychological trainee harmful to the public.

2. A certified copy of the record of a court or a licensing agency showing a conviction or the suspension or revocation of a license to practice psychology **or behavioral health promotion and prevention** or registration to practice as a psychological assistant,



psychological intern or psychological trainee or an order containing any other disciplinary action entered by a court in the District of Columbia or any state or territory of the United States is conclusive evidence of its occurrence.

3. The entering of a plea of nolo contendere in a court of competent jurisdiction shall be deemed a conviction of the offense charged.

Sec. 43. NRS 641.312 is hereby amended to read as follows:

641.312 1. Any person who has been placed on probation or whose license or registration has been limited, suspended or revoked is entitled to judicial review of the order.

2. Every order which limits the practice of psychology **or behavioral health promotion or prevention** or the practice as a psychological assistant, psychological intern or psychological trainee or suspends or revokes a license or registration is effective from the date the Board certifies the order until the date the order is modified or reversed by a final judgment of the court.

3. The district court shall give a petition for judicial review of the order priority over other civil matters which are not expressly given priority by law.

Sec. 44. NRS 641.314 is hereby amended to read as follows:

641.314 Notwithstanding the provisions of chapter 622A of NRS:

1. Pending disciplinary proceedings before the Board, a panel of its members or a hearing officer, the court may, upon application by the Board or the Attorney General, issue a temporary restraining order or a preliminary injunction to enjoin any unprofessional conduct of a psychologist, **behavioral health and wellness practitioner**, psychological assistant, psychological intern or psychological trainee which is harmful to the public, to limit the psychologist's, **behavioral health and wellness practitioner's**, psychological assistant's, psychological intern's or psychological trainee's practice or to suspend the license to practice psychology **or behavioral health promotion and prevention** or registration to practice as a psychological assistant, psychological intern or psychological trainee, without proof of actual damage sustained by any person, this provision being a preventive as well as a punitive measure.

2. The disciplinary proceedings before the Board, a panel of its members or a hearing officer must be instituted and determined as promptly as the requirements for investigation of the case reasonably allow.



Sec. 45. NRS 641.316 is hereby amended to read as follows:

641.316 1. The Board through its President or Secretary-Treasurer or the Attorney General may maintain in any court of competent jurisdiction a suit for an injunction against any person practicing:

(a) Psychology without a license or authorization to practice psychology in this State pursuant to the Psychology Interjurisdictional Compact enacted in NRS 641.227; ~~for~~

(b) *Behavioral health promotion and prevention without a license; or*

(c) As a psychological assistant, psychological intern or psychological trainee without a registration.

2. Such an injunction:

(a) May be issued without proof of actual damage sustained by any person, this provision being a preventive as well as a punitive measure.

(b) Does not relieve any person from criminal prosecution for practicing without a license or registration.

Sec. 46. NRS 641.318 is hereby amended to read as follows:

641.318 In addition to any other immunity provided by the provisions of chapter 622A of NRS, the Board, a review panel of a hospital, an association of psychologists *or behavioral health and wellness practitioners* or any other person who or organization which initiates a complaint or assists in any lawful investigation or proceeding concerning the licensing of a psychologist *or behavioral health and wellness practitioner* or the registering of a psychological assistant, psychological intern or psychological trainee or the discipline of a psychologist, *behavioral health and wellness practitioner*, psychological assistant, psychological intern or psychological trainee for gross malpractice, repeated malpractice, professional incompetence or unprofessional conduct is immune from any civil action for that initiation or assistance or any consequential damages, if the person or organization acted without malicious intent.

Sec. 47. NRS 641.320 is hereby amended to read as follows:

641.320 1. Any person:

(a) Whose practice of psychology *or behavioral health promotion and prevention* or practice as a psychological assistant, psychological intern or psychological trainee has been limited;

(b) Whose license or registration has been revoked; or

(c) Who has been placed on probation,

→ by an order of the Board, a panel of its members or a hearing officer may apply to the Board after 1 year for removal of the



limitation or termination of the probation or may apply to the Board pursuant to the provisions of chapter 622A of NRS for reinstatement of the revoked license or registration.

2. In hearing the application, the Board:

(a) May require the person to submit to a mental or physical examination conducted by psychologists or by physicians whom it designates and submit such other evidence of changed conditions and of fitness as it considers proper.

(b) Shall determine whether under all the circumstances the time of the application is reasonable.

(c) May deny the application or modify or rescind its order as it considers the evidence and the public safety warrants.

Sec. 48. NRS 641.390 is hereby amended to read as follows:

641.390 1. Except as authorized by the Psychology Interjurisdictional Compact enacted in NRS 641.227, a person shall not represent himself or herself as a psychologist within the meaning of this chapter or engage in the practice of psychology unless he or she is licensed *as a psychologist* under the provisions of this chapter.

2. *Except as authorized by subsection 6, a person shall not represent himself or herself as a behavioral health and wellness practitioner within the meaning of this chapter or engage in the practice of behavioral health promotion and prevention unless he or she is licensed as a behavioral health and wellness practitioner under the provisions of this chapter.*

3. This chapter does not prevent the teaching of psychology or *behavioral health promotion and prevention or* psychological research at an accredited educational institution, unless the teaching or research involves the delivery or supervision of direct psychological services *or behavioral health promotion and prevention* to a person. Persons who have earned a doctoral degree in psychology from an accredited educational institution may use the title “psychologist” in conjunction with the activities permitted by this subsection.

~~3.1~~ 4. A graduate student in psychology whose activities are part of the course of study for a graduate degree in psychology at an accredited educational institution or a person pursuing postdoctoral training or experience in psychology to fulfill the requirements for licensure under the provisions of this chapter may use the terms “psychological trainee,” “psychological intern” or “psychological assistant” if the activities are performed under the supervision of a licensed psychologist in accordance with the regulations adopted by the Board.



~~14.1~~ 5. A person who is certified as a school psychologist by the State Board of Education may use the title “school psychologist” or “certified school psychologist” in connection with activities relating to school psychologists.

6. *A person who is performing services or participating in activities as part of a supervised course of study in an accredited or approved educational program while pursuing study leading to a degree in or license to practice behavioral health promotion and prevention may, in accordance with the regulations adopted by the Board pursuant to section 13 of this act, engage in the supervised practice of behavioral health promotion and prevention without a license issued pursuant to this chapter if the person is designated by a title which clearly indicates the status of the person as a student or trainee.*

Sec. 49. NRS 641.440 is hereby amended to read as follows:

641.440 Any person who:

1. Presents as his or her own the diploma, license, registration or credentials of another;

2. Gives either false or forged evidence of any kind to the Board or any member thereof, in connection with an application for a license or registration;

3. Practices psychology *or behavioral health promotion and prevention* or practices as a psychological assistant, psychological intern or psychological trainee under a false or assumed name or falsely personates another psychologist, *behavioral health and wellness practitioner*, psychological assistant, psychological intern or psychological trainee of a like or different name;

4. Except as *otherwise* provided in NRS 641.0295, 641.390 and 641A.410, *and section 12 of this act*, represents himself or herself as a psychologist, or uses any title or description which incorporates the word “psychology,” “psychological,” “psychologist,” “psychometry,” “psychometrics,” “psychometrist” or any other term indicating or implying that he or she is a psychologist, unless he or she has been issued a license;

5. *Except as otherwise provided in section 12 of this act, represents himself or herself as a behavioral health and wellness practitioner or uses any title or description which incorporates the words “behavioral health and wellness practitioner” or any other term indicating or implying that he or she is a behavioral health and wellness practitioner, unless he or she has been issued a license;*

6. Except as otherwise provided in NRS 641.390, represents himself or herself as a psychological assistant, psychological intern



or psychological trainee, or uses any title or description which incorporates the words “psychological assistant,” “psychological intern” or “psychological trainee” or any other term indicating or implying that he or she is a psychological assistant, psychological intern or psychological trainee, unless he or she has been issued a registration;

~~16.1~~ 7. Practices psychology unless he or she has been issued a license; ~~for~~

~~17.1~~ 8. *Except as otherwise provided in NRS 641.390 and section 12 of this act, practices behavioral health promotion and prevention unless he or she has been issued a license; or*

9. Practices as a psychological assistant, psychological intern or psychological trainee unless he or she has been issued a registration,

↪ is guilty of a gross misdemeanor.

Sec. 50. NRS 641A.297 is hereby amended to read as follows:

641A.297 1. A program of education for mental health professionals approved by the Board, a mental health professional or a person receiving training for mental health professionals is not required to retain a recording of the provision of mental health services by a marriage and family therapist or clinical professional counselor to a client that meets the requirements of subsection 2 if:

(a) The recording is used for a training activity that is part of a program of education for mental health professionals approved by the Board;

(b) The client has provided informed consent in writing on a form that meets the requirements prescribed by the Board pursuant to subsection 3 to the use of the recording in the training activity;

(c) Destroying the recording does not result in noncompliance with the obligations described in subsection 4; and

(d) The recording is destroyed after the expiration of the period of time prescribed by the Board pursuant to paragraph (b) of subsection 3.

2. A recording of the provision of mental health services by a marriage and family therapist or clinical professional counselor to a client used for the purpose described in paragraph (a) of subsection 1:

(a) Must meet all requirements of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any regulations adopted pursuant thereto, that are designed to prevent the reproduction, copying or theft of the recording; and

(b) Must not contain any personally identifiable information relating to the client unless the client has provided informed consent



in writing specifically authorizing the inclusion of that information in the recording.

3. The Board shall adopt regulations:

(a) Prescribing requirements governing the provision of informed written consent pursuant to paragraph (b) of subsection 1, including, without limitation, requirements governing:

(1) The form on which such informed written consent must be provided; and

(2) The length of time that a marriage and family therapist or clinical professional counselor who obtains such informed written consent must maintain the informed written consent;

(b) Prescribing the length of time that a program of education for mental health professionals, a mental health professional or a person receiving training for mental health professionals that uses a recording of the provision of mental health services by a marriage and family therapist or clinical professional counselor to a client for the purposes described in paragraph (a) of subsection 1 may retain the recording before destroying it; and

(c) Defining “training activity” for the purposes of this section.

4. The provisions of this section do not abrogate, alter or otherwise affect the obligation of a marriage and family therapist or clinical professional counselor to comply with the applicable requirements of chapter 629 of NRS, including, without limitation, the requirement to retain records concerning the mental health services that he or she provides to clients in accordance with NRS 629.051 to 629.069, inclusive.

5. Except where necessary for compliance with subsection 4, a recording of the provision of mental health services by a marriage and family therapist or clinical professional counselor to a client that is used for a training activity by a program of education for mental health professionals, a mental health professional or a person receiving training for mental health professionals in accordance with the provisions of this section is not a health care record for the purposes of chapter 629 of NRS.

6. As used in this section, “mental health professional” means a psychologist, **a behavioral health and wellness practitioner**, a marriage and family therapist, a clinical professional counselor, a social worker, a master social worker, an independent social worker, a clinical social worker, a clinical alcohol and drug counselor, an alcohol and drug counselor or a problem gambling counselor.

Sec. 51. NRS 641B.040 is hereby amended to read as follows:
641B.040 The provisions of this chapter do not apply to:

1. A physician who is licensed to practice in this State;



2. A nurse who is licensed to practice in this State;
3. A person who is licensed as a psychologist pursuant to chapter 641 of NRS or authorized to practice psychology in this State pursuant to the Psychology Interjurisdictional Compact enacted in NRS 641.227;

4. *A person who is licensed as a behavioral health and wellness practitioner pursuant to chapter 641 of NRS;*

5. A person who is licensed as a marriage and family therapist or marriage and family therapist intern pursuant to chapter 641A of NRS;

~~15.1~~ 6. A person who is licensed as a clinical professional counselor or clinical professional counselor intern pursuant to chapter 641A of NRS;

~~16.1~~ 7. A person who is licensed as an occupational therapist or occupational therapy assistant pursuant to chapter 640A of NRS;

~~17.1~~ 8. A person who is licensed as a clinical alcohol and drug counselor, licensed or certified as an alcohol and drug counselor or certified as a clinical alcohol and drug counselor intern, an alcohol and drug counselor intern, a problem gambling counselor or a problem gambling counselor intern, pursuant to chapter 641C of NRS;

~~18.1~~ 9. A person who provides or supervises the provision of peer recovery support services in accordance with NRS 433.622 to 433.641, inclusive;

~~19.1~~ 10. Any member of the clergy;

~~110.1~~ 11. A county welfare director;

~~111.1~~ 12. Any person who may engage in social work or clinical social work in his or her regular governmental employment but does not hold himself or herself out to the public as a social worker; or

~~112.1~~ 13. A student of social work and any other person preparing for the profession of social work under the supervision of a qualified social worker in a training institution or facility recognized by the Board, unless the student or other person has been issued a provisional license pursuant to paragraph (b) of subsection 1 of NRS 641B.275. Such a student must be designated by the title “student of social work” or “trainee in social work,” or any other title which clearly indicates the student’s training status.

Sec. 52. NRS 641B.355 is hereby amended to read as follows:

641B.355 1. A program of education for mental health professionals approved by the Board, a mental health professional or a person receiving training for mental health professionals is not required to retain a recording of the provision of mental health



services by a social worker, a master social worker, an independent social worker or a clinical social worker to a client that meets the requirements of subsection 2 if:

(a) The recording is used for a training activity that is part of a program of education for mental health professionals approved by the Board;

(b) The client has provided informed consent in writing on a form that meets the requirements prescribed by the Board pursuant to subsection 3 to the use of the recording in the training activity;

(c) Destroying the recording does not result in noncompliance with the obligations described in subsection 4; and

(d) The recording is destroyed after the expiration of the period of time prescribed by the Board pursuant to paragraph (b) of subsection 3.

2. A recording of the provision of mental health services by a social worker, a master social worker, an independent social worker or a clinical social worker to a client used for the purpose described in paragraph (a) of subsection 1:

(a) Must meet all requirements of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any regulations adopted pursuant thereto, that are designed to prevent the reproduction, copying or theft of the recording; and

(b) Must not contain any personally identifiable information relating to the client unless the client has provided informed consent in writing specifically authorizing the inclusion of that information in the recording.

3. The Board shall adopt regulations:

(a) Prescribing requirements governing the provision of informed written consent pursuant to paragraph (b) of subsection 1, including, without limitation, requirements governing:

(1) The form on which such informed written consent must be provided; and

(2) The length of time that a social worker, a master social worker, an independent social worker or a clinical social worker who obtains such informed written consent must maintain the informed written consent;

(b) Prescribing the length of time that a program of education for mental health professionals, a mental health professional or a person receiving training for mental health professionals that uses a recording of the provision of mental health services by a social worker, a master social worker, an independent social worker or a clinical social worker to a client for the purposes described in



paragraph (a) of subsection 1 may retain the recording before destroying it; and

(c) Defining “training activity” for the purposes of this section.

4. The provisions of this section do not abrogate, alter or otherwise affect the obligation of a social worker, a master social worker, an independent social worker or a clinical social worker to comply with the applicable requirements of chapter 629 of NRS, including, without limitation, the requirement to retain records concerning the mental health services that he or she provides to clients in accordance with NRS 629.051 to 629.069, inclusive.

5. Except where necessary for compliance with subsection 4, a recording of the provision of mental health services by a social worker, a master social worker, an independent social worker or a clinical social worker to a client that is used for a training activity by a program of education for mental health professionals, a mental health professional or a person receiving training for mental health professionals in accordance with the provisions of this section is not a health care record for the purposes of chapter 629 of NRS.

6. As used in this section, “mental health professional” means a psychologist, *a behavioral health and wellness practitioner*, a marriage and family therapist, a clinical professional counselor, a social worker, a master social worker, an independent social worker, a clinical social worker, a clinical alcohol and drug counselor, an alcohol and drug counselor or a problem gambling counselor.

Sec. 53. NRS 641C.130 is hereby amended to read as follows:

641C.130 The provisions of this chapter do not apply to:

1. A physician who is licensed pursuant to the provisions of chapter 630 or 633 of NRS;

2. A nurse who is licensed pursuant to the provisions of chapter 632 of NRS and is authorized by the State Board of Nursing to engage in the practice of counseling persons with alcohol and other substance use disorders or the practice of counseling persons with an addictive disorder related to gambling;

3. A psychologist who is licensed pursuant to the provisions of chapter 641 of NRS or authorized to practice psychology in this State pursuant to the Psychology Interjurisdictional Compact enacted in NRS 641.227;

4. *A person who is licensed as a behavioral health and wellness practitioner pursuant to chapter 641 of NRS;*

5. A clinical professional counselor or clinical professional counselor intern who is licensed pursuant to chapter 641A of NRS;

~~5.1~~ 6. A marriage and family therapist or marriage and family therapist intern who is licensed pursuant to the provisions of



chapter 641A of NRS and is authorized by the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors to engage in the practice of counseling persons with alcohol and other substance use disorders or the practice of counseling persons with an addictive disorder related to gambling;

~~641~~ 7. A person who is:

(a) Licensed as:

(1) A clinical social worker pursuant to the provisions of chapter 641B of NRS; or

(2) A master social worker or an independent social worker pursuant to the provisions of chapter 641B of NRS and is engaging in clinical social work as part of an internship program approved by the Board of Examiners for Social Workers; and

(b) Authorized by the Board of Examiners for Social Workers to engage in the practice of counseling persons with alcohol and other substance use disorders or the practice of counseling persons with an addictive disorder related to gambling; or

~~641~~ 8. A person who provides or supervises the provision of peer recovery support services in accordance with NRS 433.622 to 433.641, inclusive.

Sec. 54. NRS 641C.610 is hereby amended to read as follows:

641C.610 1. A program of education for mental health professionals approved by the Board, a mental health professional or a person receiving training for mental health professionals is not required to retain a recording of the provision of mental health services by a clinical alcohol and drug counselor, an alcohol and drug counselor or a problem gambling counselor to a client that meets the requirements of subsection 2 if:

(a) The recording is used for a training activity that is part of a program of education for mental health professionals approved by the Board;

(b) The client has provided informed consent in writing on a form that meets the requirements prescribed by the Board pursuant to subsection 3 to the use of the recording in the training activity;

(c) Destroying the recording does not result in noncompliance with the obligations described in subsection 4; and

(d) The recording is destroyed after the expiration of the period of time prescribed by the Board pursuant to paragraph (b) of subsection 3.

2. A recording of the provision of mental health services by a clinical alcohol and drug counselor, an alcohol and drug counselor or a problem gambling counselor to a client used for the purpose described in paragraph (a) of subsection 1:



(a) Must meet all requirements of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any regulations adopted pursuant thereto, that are designed to prevent the reproduction, copying or theft of the recording; and

(b) Must not contain any personally identifiable information relating to the client unless the client has provided informed consent in writing specifically authorizing the inclusion of that information in the recording.

3. The Board shall adopt regulations:

(a) Prescribing requirements governing the provision of informed written consent pursuant to paragraph (b) of subsection 1, including, without limitation, requirements governing:

(1) The form on which such informed written consent must be provided; and

(2) The length of time that a clinical alcohol and drug counselor, alcohol and drug counselor or problem gambling counselor who obtains such informed written consent must maintain the informed written consent;

(b) Prescribing the length of time that a program of education for mental health professionals, a mental health professional or a person receiving training for mental health professionals that uses a recording of the provision of mental health services by a clinical alcohol and drug counselor, an alcohol and drug counselor or a problem gambling counselor to a client for the purposes described in paragraph (a) of subsection 1 may retain the recording before destroying it; and

(c) Defining “training activity” for the purposes of this section.

4. The provisions of this section do not abrogate, alter or otherwise affect the obligation of a clinical alcohol and drug counselor, an alcohol and drug counselor or a problem gambling counselor to comply with the applicable requirements of chapter 629 of NRS, including, without limitation, the requirement to retain records concerning the mental health services that he or she provides to clients in accordance with NRS 629.051 to 629.069, inclusive.

5. Except where necessary for compliance with subsection 4, a recording of the provision of mental health services by a clinical alcohol and drug counselor, an alcohol and drug counselor or a problem gambling counselor to a client that is used for a training activity by a program of education for mental health professionals, a mental health professional or a person receiving training for mental health professionals in accordance with the provisions of this section is not a health care record for the purposes of chapter 629 of NRS.



6. As used in this section, “mental health professional” means a psychologist, *a behavioral health and wellness practitioner*, a marriage and family therapist, a clinical professional counselor, a social worker, a master social worker, an independent social worker, a clinical social worker, a clinical alcohol and drug counselor, an alcohol and drug counselor or a problem gambling counselor.

Sec. 55. NRS 641D.110 is hereby amended to read as follows:
641D.110 The provisions of this chapter do not apply to:

1. A physician who is licensed to practice in this State;
2. A person who is licensed to practice dentistry in this State;
3. A person who is licensed as a psychologist *or behavioral health and wellness practitioner* pursuant to chapter 641 of NRS;
4. A person who is licensed as a marriage and family therapist or marriage and family therapist intern pursuant to chapter 641A of NRS;

5. A person who is licensed as a clinical professional counselor or clinical professional counselor intern pursuant to chapter 641A of NRS;

6. A person who is licensed to engage in social work pursuant to chapter 641B of NRS;

7. A person who is licensed as an occupational therapist or occupational therapy assistant pursuant to chapter 640A of NRS;

8. A person who is licensed as a clinical alcohol and drug counselor, licensed or certified as an alcohol and drug counselor or certified as an alcohol and drug counselor intern, a clinical alcohol and drug counselor intern, a problem gambling counselor or a problem gambling counselor intern, pursuant to chapter 641C of NRS;

9. Any member of the clergy;

10. A family member, guardian or caregiver of a recipient of applied behavior analysis services who performs activities as directed by a behavior analyst or assistant behavior analyst; or

11. An employee of a school district or charter school when providing services to a pupil in a public school in a manner consistent with the duties of his or her position,

↳ if such a person does not commit an act described in NRS 641D.910 or represent himself or herself as a behavior analyst, assistant behavior analyst or registered behavior technician.

Sec. 56. NRS 7.095 is hereby amended to read as follows:

7.095 1. An attorney shall not contract for or collect a fee contingent on the amount of recovery for representing a person seeking damages in connection with an action for injury or death



against a provider of health care based upon professional negligence in excess of 35 percent of the amount recovered.

2. The limitations set forth in subsection 1 apply to all forms of recovery, including, without limitation, settlement, arbitration and judgment.

3. For the purposes of this section, “recovered” means the net sum recovered by the plaintiff after deducting any disbursements or costs incurred in connection with the prosecution or settlement of the claim. Costs of medical care incurred by the plaintiff and general and administrative expenses incurred by the office of the attorney are not deductible disbursements or costs.

4. As used in this section:

(a) “Professional negligence” means a negligent act or omission to act by a provider of health care in the rendering of professional services, which act or omission is the proximate cause of a personal injury or wrongful death. The term does not include services that are outside the scope of services for which the provider of health care is licensed or services for which any restriction has been imposed by the applicable regulatory board or health care facility.

(b) “Provider of health care” means a physician licensed under chapter 630 or 633 of NRS, dentist, registered nurse, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, **behavioral health and wellness practitioner**, chiropractic physician, naprapath, doctor of Oriental medicine, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, medical laboratory director or technician, licensed dietitian or a licensed hospital and its employees.

Sec. 57. NRS 41A.017 is hereby amended to read as follows:

41A.017 “Provider of health care” means a physician licensed pursuant to chapter 630 or 633 of NRS, physician assistant, anesthesiologist assistant, dentist, licensed nurse, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, **behavioral health and wellness practitioner**, chiropractic physician, naprapath, doctor of Oriental medicine, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, medical laboratory director or technician, licensed dietitian or a licensed hospital, clinic, surgery center, physicians’ professional corporation or group practice that employs any such person and its employees.

Sec. 58. NRS 42.021 is hereby amended to read as follows:

42.021 1. In an action for injury or death against a provider of health care based upon professional negligence, if the defendant



so elects, the defendant may introduce evidence of any amount payable as a benefit to the plaintiff as a result of the injury or death pursuant to the United States Social Security Act, any state or federal income disability or worker's compensation act, any health, sickness or income-disability insurance, accident insurance that provides health benefits or income-disability coverage, and any contract or agreement of any group, organization, partnership or corporation to provide, pay for or reimburse the cost of medical, hospital, dental or other health care services. If the defendant elects to introduce such evidence, the plaintiff may introduce evidence of any amount that the plaintiff has paid or contributed to secure the plaintiff's right to any insurance benefits concerning which the defendant has introduced evidence.

2. A source of collateral benefits introduced pursuant to subsection 1 may not:

(a) Recover any amount against the plaintiff; or

(b) Be subrogated to the rights of the plaintiff against a defendant.

3. In an action for injury or death against a provider of health care based upon professional negligence, a district court shall, at the request of either party, enter a judgment ordering that money damages or its equivalent for future damages of the judgment creditor be paid in whole or in part by periodic payments rather than by a lump-sum payment if the award equals or exceeds \$50,000 in future damages.

4. In entering a judgment ordering the payment of future damages by periodic payments pursuant to subsection 3, the court shall make a specific finding as to the dollar amount of periodic payments that will compensate the judgment creditor for such future damages. As a condition to authorizing periodic payments of future damages, the court shall require a judgment debtor who is not adequately insured to post security adequate to assure full payment of such damages awarded by the judgment. Upon termination of periodic payments of future damages, the court shall order the return of this security, or so much as remains, to the judgment debtor.

5. A judgment ordering the payment of future damages by periodic payments entered pursuant to subsection 3 must specify the recipient or recipients of the payments, the dollar amount of the payments, the interval between payments, and the number of payments or the period of time over which payments will be made. Such payments must only be subject to modification in the event of the death of the judgment creditor. Money damages awarded for loss of future earnings must not be reduced or payments terminated by



reason of the death of the judgment creditor, but must be paid to persons to whom the judgment creditor owed a duty of support, as provided by law, immediately before the judgment creditor's death. In such cases, the court that rendered the original judgment may, upon petition of any party in interest, modify the judgment to award and apportion the unpaid future damages in accordance with this subsection.

6. If the court finds that the judgment debtor has exhibited a continuing pattern of failing to make the periodic payments as specified pursuant to subsection 5, the court shall find the judgment debtor in contempt of court and, in addition to the required periodic payments, shall order the judgment debtor to pay the judgment creditor all damages caused by the failure to make such periodic payments, including, but not limited to, court costs and attorney's fees.

7. Following the occurrence or expiration of all obligations specified in the periodic payment judgment, any obligation of the judgment debtor to make further payments ceases and any security given pursuant to subsection 4 reverts to the judgment debtor.

8. As used in this section:

(a) "Future damages" includes damages for future medical treatment, care or custody, loss of future earnings, loss of bodily function, or future pain and suffering of the judgment creditor.

(b) "Periodic payments" means the payment of money or delivery of other property to the judgment creditor at regular intervals.

(c) "Professional negligence" means a negligent act or omission to act by a provider of health care in the rendering of professional services, which act or omission is the proximate cause of a personal injury or wrongful death. The term does not include services that are outside the scope of services for which the provider of health care is licensed or services for which any restriction has been imposed by the applicable regulatory board or health care facility.

(d) "Provider of health care" means a physician licensed under chapter 630 or 633 of NRS, dentist, licensed nurse, dispensing optician, optometrist, registered physical therapist, podiatric physician, naprapath, licensed psychologist, **behavioral health and wellness practitioner**, chiropractic physician, doctor of Oriental medicine, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, medical laboratory director or technician, licensed dietitian or a licensed hospital and its employees.



Sec. 59. Chapter 49 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any privilege established by this chapter for communications between a patient and the supervisor of a behavioral health and wellness practitioner applies equally to communications between the patient and the behavioral health and wellness practitioner or any other person who is participating in the behavioral health promotion and prevention services under the direction of the behavioral health and wellness practitioner.

2. As used in this section:

(a) “Behavioral health and wellness practitioner” has the meaning ascribed to it in section 10 of this act.

(b) “Behavioral health promotion and prevention” has the meaning ascribed to it in section 11 of this act.

(c) “Patient” has the meaning ascribed to it in NRS 641.0245.

(d) “Supervisor” means a provider of health care who supervises a behavioral health and wellness practitioner pursuant to section 18 of this act.

Sec. 60. NRS 200.471 is hereby amended to read as follows:

200.471 1. As used in this section:

(a) “Assault” means:

(1) Unlawfully attempting to use physical force against another person; or

(2) Intentionally placing another person in reasonable apprehension of immediate bodily harm.

(b) “Fire-fighting agency” has the meaning ascribed to it in NRS 239B.020.

(c) “Health care facility” means a facility licensed pursuant to chapter 449 of NRS, an office of a person listed in NRS 629.031, a clinic or any other location, other than a residence, where health care is provided.

(d) “Officer” means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard or other correctional officer of a city or county jail;

(5) A prosecuting attorney of an agency or political subdivision of the United States or of this State;

(6) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge,



magistrate, court commissioner, master or referee, including a person acting pro tempore in a capacity listed in this subparagraph;

(7) An employee of this State or a political subdivision of this State whose official duties require the employee to make home visits;

(8) A civilian employee or a volunteer of a law enforcement agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to law enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the law enforcement agency;

(9) A civilian employee or a volunteer of a fire-fighting agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to fire fighting or fire prevention; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the fire-fighting agency; or

(10) A civilian employee or volunteer of this State or a political subdivision of this State whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to code enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for this State or a political subdivision of this State.

(e) “Provider of health care” means:

(1) A physician, a medical student, a perfusionist, an anesthesiologist assistant or a physician assistant licensed pursuant to chapter 630 of NRS, a practitioner of respiratory care, a homeopathic physician, an advanced practitioner of homeopathy, a homeopathic assistant, an osteopathic physician, a physician assistant or anesthesiologist assistant licensed pursuant to chapter 633 of NRS, a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory technician, an optometrist, a chiropractic physician, a chiropractic assistant, a naprapath, a doctor of Oriental medicine, a nurse, a student nurse, a certified nursing assistant, a nursing assistant trainee, a medication aide - certified, a person who provides health care services in the home for compensation, a dentist, a dental student, a dental hygienist, a dental hygienist student, an expanded function dental assistant, an



expanded function dental assistant student, a pharmacist, a pharmacy student, an intern pharmacist, an attendant on an ambulance or air ambulance, a psychologist, **a behavioral health and wellness practitioner**, a social worker, a marriage and family therapist, a marriage and family therapist intern, a clinical professional counselor, a clinical professional counselor intern, a behavior analyst, an assistant behavior analyst, a registered behavior technician, a mental health technician, a licensed dietitian, the holder of a license or a limited license issued under the provisions of chapter 653 of NRS, a public safety officer at a health care facility, an emergency medical technician, an advanced emergency medical technician, a paramedic or a participant in a program of training to provide emergency medical services; or

(2) An employee of or volunteer for a health care facility who:

(I) Interacts with the public;

(II) Performs tasks related to providing health care; and

(III) Wears identification, clothing or a uniform that identifies the person as an employee or volunteer of the health care facility.

(f) “School employee” means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

(g) “Sporting event” has the meaning ascribed to it in NRS 41.630.

(h) “Sports official” has the meaning ascribed to it in NRS 41.630.

(i) “Taxicab” has the meaning ascribed to it in NRS 706.8816.

(j) “Taxicab driver” means a person who operates a taxicab.

(k) “Transit operator” means a person who operates a bus or other vehicle as part of a public mass transportation system.

(l) “Utility worker” means an employee of a public utility as defined in NRS 704.020 whose official duties require the employee to:

(1) Interact with the public;

(2) Perform tasks related to the operation of the public utility; and

(3) Wear identification, clothing or a uniform that identifies the employee as working for the public utility.

2. A person convicted of an assault shall be punished:

(a) If paragraph (c) or (d) does not apply to the circumstances of the crime and the assault is not made with the use of a deadly



weapon or the present ability to use a deadly weapon, for a misdemeanor.

(b) If the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

(c) If paragraph (d) does not apply to the circumstances of the crime and if the assault:

(1) Is committed upon:

(I) An officer, a school employee, a taxicab driver, a transit operator or a utility worker who is performing his or her duty;

(II) A provider of health care while the provider of health care is performing his or her duty or is on the premises where he or she performs that duty; or

(III) A sports official based on the performance of his or her duties at a sporting event; and

(2) The person charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator, a utility worker or a sports official,

↳ for a gross misdemeanor, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

(d) If the assault:

(1) Is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee upon:

(I) An officer, a school employee, a taxicab driver, a transit operator or a utility worker who is performing his or her duty;

(II) A provider of health care while the provider of health care is performing his or her duty or is on the premises where he or she performs that duty; or

(III) A sports official based on the performance of his or her duties at a sporting event; and

(2) The probationer, prisoner or parolee charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator, a utility worker or a sports official,



↪ for a category D felony as provided in NRS 193.130, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

Sec. 61. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that an older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office; or

(3) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, expanded function dental assistant, chiropractic physician, naprapath, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to



chapter 630 or 633 of NRS, anesthesiologist assistant, perfusionist, psychiatrist, psychologist, **behavioral health and wellness practitioner**, marriage and family therapist, clinical professional counselor, clinical alcohol and drug counselor, alcohol and drug counselor, music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, behavior analyst, assistant behavior analyst, registered behavior technician, peer recovery support specialist, as defined in NRS 433.627, peer recovery support specialist supervisor, as defined in NRS 433.629, or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person or vulnerable person who appears to have been abused, neglected, exploited, isolated or abandoned.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide personal care services in the home.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Every person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(g) Any employee of the Department of Health and Human Services, except the State Long-Term Care Ombudsman appointed pursuant to NRS 427A.125 and any of his or her advocates or volunteers where prohibited from making such a report pursuant to 45 C.F.R. § 1321.11.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons or vulnerable persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation, isolation or abandonment of an



older person or vulnerable person and refers them to persons and agencies where their requests and needs can be met.

(k) Every social worker.

(l) Any person who owns or is employed by a funeral home or mortuary.

(m) Every person who operates or is employed by a community health worker pool, as defined in NRS 449.0028, or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

(n) Every person who is enrolled with the Division of Health Care Financing and Policy of the Department of Health and Human Services to provide doula services to recipients of Medicaid pursuant to NRS 422.27177.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person or vulnerable person has died as a result of abuse, neglect, isolation or abandonment, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person or vulnerable person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney, the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging and Disability Services Division of the Department of Health and Human Services, must be forwarded within 30 days after the completion of the report to the:

(a) Aging and Disability Services Division;

(b) Repository for Information Concerning Crimes Against Older Persons or Vulnerable Persons created by NRS 179A.450; and

(c) Unit for the Investigation and Prosecution of Crimes.

8. If the investigation of a report results in the belief that an older person or vulnerable person is abused, neglected, exploited, isolated or abandoned, the Aging and Disability Services Division of the Department of Health and Human Services or the county's



office for protective services may provide protective services to the older person or vulnerable person if the older person or vulnerable person is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

10. As used in this section, “Unit for the Investigation and Prosecution of Crimes” means the Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons in the Office of the Attorney General created pursuant to NRS 228.265.

Sec. 62. NRS 226.454 is hereby amended to read as follows:

226.454 “Provider of health care” means:

1. A physician;
2. A physician assistant licensed pursuant to chapter 630 or 633 of NRS;
3. A dentist;
4. A licensed nurse;
5. A person who holds a license as an attendant or is certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS;
6. An optometrist;
7. An audiologist;
8. A practitioner of respiratory care;
9. A podiatric physician;
10. A psychologist;
11. A clinical professional counselor;
12. A perfusionist;
13. A pharmacist or pharmacy technician;
14. An associate in social work, a social worker, a master social worker, an independent social worker or a clinical social worker licensed pursuant to chapter 641B of NRS;
15. A midwife; ~~for~~
16. A provider of doula services who is enrolled with the Division of Health Care Financing and Policy of the Department of Health and Human Services to receive reimbursement through Medicaid pursuant to NRS 422.27177 ~~H~~ ; or

17. A behavioral health and wellness practitioner.

Sec. 63. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:



(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, **and section 66 of this act**, 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and



(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Secs. 64 and 65. (Deleted by amendment.)

Sec. 66. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent that federal financial participation is available, the Director shall include under Medicaid coverage for behavioral health promotion and prevention provided by a behavioral health and wellness practitioner.

2. The Department shall:

(a) Apply to the Secretary of Health and Human Services for any waiver of federal law or apply for any amendment to the State Plan for Medicaid that is necessary for the Department to receive federal funding to provide the coverage described in subsection 1.

(b) Fully cooperate in good faith with the Federal Government during the application process to satisfy the requirements of the Federal Government for obtaining a waiver or amendment pursuant to paragraph (a).

3. As used in this section:

(a) "Behavioral health and wellness practitioner" has the meaning ascribed to it in section 10 of this act.

(b) "Behavioral health promotion and prevention" has the meaning ascribed to it in section 11 of this act.

Secs. 67-79. (Deleted by amendment.)

Sec. 79.5. 1. The Division of Health Care Financing and Policy of the Department of Health and Human Services shall transfer from the Account to Improve Health Care Quality and Access created by NRS 422.37945 to the Nevada Medicaid budget account the sum of \$68,705 for Fiscal Year 2026-2027 to carry out the provisions of section 66 of this act.



2. Expenditure of \$115,171 not appropriated from the State General Fund or the State Highway Fund is hereby authorized during Fiscal Year 2026-2027 by the Division of Health Care Financing and Policy of the Department of Health and Human Services for the same purpose as set forth in subsection 1.

Sec. 80. 1. Notwithstanding any other provision of law to the contrary, the Director of the Department of Health and Human Services shall allocate, as reimbursement during the 2025-2027 biennium, from the Fund for a Resilient Nevada created by NRS 433.732 to:

(a) The University of Nevada, Reno, not more than \$574,980 for the costs of a program that awards a bachelor's degree for persons wishing to become behavioral health and wellness practitioners and award scholarships to students who enroll in that program.

(b) The University of Nevada, Reno, not more than \$500,000 for the costs to establish a program that awards a micro-credential in behavioral health promotion and prevention and award scholarships to students who enroll in that program.

(c) The University of Nevada, Las Vegas, not more than \$574,980 for the costs of a program that awards a bachelor's degree for persons wishing to become behavioral health and wellness practitioners and award scholarships to students who enroll in that program.

(d) The University of Nevada, Las Vegas, not more than \$500,000 for the costs to establish a program that awards a micro-credential in behavioral health promotion and prevention and award scholarships to students who enroll in that program.

(e) Great Basin College not more than \$574,980 for the costs of a program that awards a bachelor's degree for persons wishing to become behavioral health and wellness practitioners and award scholarships to students who enroll in that program.

(f) Great Basin College not more than \$500,000 for the costs to establish a program that awards a micro-credential in behavioral health promotion and prevention and award scholarships to students who enroll in that program.

(g) The Partnership for Research, Assessment, Counseling, Therapy and Innovative Clinical Education at the University of Nevada, Las Vegas, not more than \$1,200,000 for the costs to establish an internship program for psychologists that:

(1) Is accredited by the American Psychological Association; and

(2) Has an emphasis in child psychology; and



(h) The Nevada System of Higher Education not more than \$2,000,000 for the costs of scholarships for students enrolled in programs for the education and training of providers of health care who are authorized to supervise behavioral health and wellness practitioners pursuant to section 18 of this act.

2. As used in this section:

(a) “Behavioral health and wellness practitioner” has the meaning ascribed to it in section 10 of this act.

(b) “Behavioral health promotion and prevention” has the meaning ascribed to it in section 11 of this act.

Sec. 81. 1. Notwithstanding the amendatory provisions of this act, any person who is engaged in the practice of behavioral health promotion and prevention on or before January 1, 2026, may continue to engage in the practice of behavioral health promotion and prevention without obtaining a license pursuant to section 15 of this act until July 1, 2026.

2. As used in this section, “behavioral health promotion and prevention” has the meaning ascribed to it in section 11 of this act.

Sec. 82. (Deleted by amendment.)

Sec. 83. 1. This section and section 82 of this act become effective upon passage and approval.

2. Section 80 of this act becomes effective on July 1, 2025.

3. Sections 1 to 37, inclusive, 38 to 63, inclusive, 66, 74 to 77, inclusive, and 81 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

4. Sections 64, 65, 67 to 73, inclusive, 78, 79 and 79.5 of this act become effective on July 1, 2026.

5. Section 37.5 of this act becomes effective on January 1, 2029.

6. Section 14 of this act expires by limitation on December 31, 2028.



