



## Notice of Public Hearing to Review Regulations

### Notice of Hearing for the Review of Regulations Of the State of Nevada Board of Examiners for Marriage Family Therapists and Clinical Professional Counselors

The Board of Examiners for Marriage Family Therapists and Clinical Professional Counselors will hold a Public Hearing at 9:00 AM on Friday, March 31, 2023, at the Board Administrative Office, 7324 W. Cheyenne Ave. Suite 10, Las Vegas, NV 89129, **ZOOM Access:** <https://us06web.zoom.us/j/89251818960> **Meeting ID: 892 5181 8960 Telephone Audio Only: (253) 215-8782**

As set forth in **Executive Order 2023-003**, the Board has been directed to review its regulations (NAC 641A) and identify at least ten (10) regulations for removal. The purpose of this Public Hearing is to: (1) vet the Board's proposed recommended changes; (2) solicit input as to the merits of those changes; and (3) identify other regulatory changes stakeholders feel are worthy of consideration regarding the potential to streamline, clarify, reduce or otherwise improve regulations that pertain to the Nevada Administrative Code Chapter 641A. Stakeholder input received as a result of this Hearing will be reflected in the Report to the Governor.

The proposed recommended changes to the regulations includes the following and other matters properly relating thereto:

- NAC 641A.055 – removes that communications to the Board must include an email address and the person's name.
- NAC 641A.095 paragraph 1 – removes the restriction of how many times an applicant can attempt to take their national licensing exam in a 12-month period.
- NAC 641A.095 paragraph 2, subsection (a) – removes that a person must take the national licensing exam within one year of being notified of eligibility.
- NAC 641A.095 paragraph 2, subsection (b) – removes that a person must retake the national licensing exam within one year after failing the examination and that their license is deemed lapsed.
- NAC 641A.126 paragraph 3, subsection (a) – removes that a provider of continuing education must transmit to the Board the title of the course or program within thirty (30) days.
- NAC 641A.126 paragraph 3, subsection (b) – removes that a provider of continuing education must transmit to the Board the name of the instructor of the course or program within thirty (30) days.

- NAC 641A.126 paragraph 3, subsection (c) – removes that a provider of continuing education must transmit to the Board the date, time and location of the course or program within thirty (30) days.
- NAC 641A.126 paragraph 3, subsection (d) – removes that a provider of continuing education must transmit to the Board the names and total number of attendees who were issued certificates.
- NAC 641A.126 paragraph 3, subsection (e) – removes that a provider of continuing education must transmit to the Board the number of hours available for credit for attending the Board to the course or program.
- NAC 641A.126 paragraph 3, subsection (f), number (1) – removes that a provider of continuing education must transmit to the Board the registration number assigned by the Board to the course or program.
- NAC 641A.126 paragraph 3, subsection (f), number (2) – removes that a provider of continuing education must transmit to the Board the registration number assigned by the Board to the approved provider of continuing education.
- NAC 641A.129, paragraph 1 – an approved provider of continuing education must keep records of the course or program for three years.
- NAC 641A.129, paragraph 1, subsection (a) – an approved provider of continuing education must keep records of the course or program for three years including each attendee of the course or program.
- NAC 641A.129, paragraph 1, subsection (b) – an approved provider of continuing education must keep records of the course or program for three years including the number of hours available for credit for attending the course or program.

Persons wishing to comment upon the proposed recommended changes, or to propose additional regulatory changes, may appear at the scheduled Public Hearing or may address their comments, data, views, or arguments in written form to the State of Nevada Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors. Written submissions must be received on or before **March 31, 2023**, and may be submitted by email to [mftbd2@mftbd.nv.gov](mailto:mftbd2@mftbd.nv.gov) or in hard copy addressed to the State of Nevada Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, 7324 W. Cheyenne Avenue, Suite 10, Las Vegas, Nevada 89129. A copy of the Board regulations to be reviewed, **NAC 641A Compiled**, are attached hereto and are available for viewing or printing on the Board's website <https://marriage.nv.gov/>.

We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify Joelle McNutt at (702) 486-7388 or [mftbd2@mftbd.nv.gov](mailto:mftbd2@mftbd.nv.gov) no later than 48 hours prior to the meeting. Requests for special arrangements made after this time frame cannot be guaranteed.

THIS NOTICE OF HEARING TO REVIEW REGULATIONS HAS BEEN PROPERLY NOTICED AND SENT TO ALL LICENSED MARRIAGE AND FAMILY THERAPISTS, CLINICAL PROFESSIONAL COUNSELORS, LICENSED MARRIAGE AND FAMILY THERAPIST INTERNS, CLINICAL PROFESSIONAL COUNSELOR INTERNS AND PERSON'S ON THE AGENCY'S MAILING LIST FOR ADMINISTRATIVE REGULATIONS. AND POSTED IN THE FOLLOWING PUBLIC LOCATIONS AND WEB SITES:

State of Nevada Administrative Website: <https://notice.nv.gov/>

Legislative Counsel Bureau Website: <https://www.leg.state.nv.us/>

State of Nevada Board of Examiners for Marriage & Family Therapists and Clinical Professional Counselors:  
7324 W. Cheyenne Ave. Suite #10 Las Vegas, Nevada 89129

State of Nevada Board of Examiners for Marriage & Family Therapists and Clinical Professional Counselors  
Website: <https://marriage.nv.gov/>

Dated: February 23, 2023

## *NAC 641A COMPILED*

### CHAPTER 641A - MARRIAGE AND FAMILY THERAPISTS AND CLINICAL PROFESSIONAL COUNSELORS

#### GENERAL PROVISIONS

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#### LICENSING

- [641A.065](#) Application for license: Filing; action by Board.  
[641A.075](#) Qualifications of applicant: Degree from accredited institution.  
[641A.085](#) Qualifications of applicant: Courses of study.  
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#### CONTINUING EDUCATION

- [641A.121](#) Standards for approval of course or program of continuing education.  
[641A.123](#) Application for approval of course or program of continuing education: Submission; notice of approval or denial; assignment of registration number to approved course or program; delegation to staff.  
[641A.126](#) Approved provider of continuing education: Application; qualifications; assignment of registration number to approved provider; submission of information to Board after presentation of course or program; grounds for withdrawal of approved status; notice of denial or withdrawal of approved status; request for reconsideration after correction of deficiencies.  
[641A.129](#) Retention of records by approved providers of continuing education and providers of continuing education; issuance of certificates of completion to attendees.  
[641A.131](#) Requirements of continuing education to renew license; failure to comply; reactivation of inactive license.  
[641A.133](#) Evidence of completion of continuing education; maintenance of documentation by licensee; audit by Board authorized.

## INTERNS

- [641A.146](#) Internships: Approval by Board; completion within required time frame; submission of written report from supervisor; revocation of license for failure to file written report; request for renewal of license; required hours of supervised experience.
- [641A.156](#) License: Requirements; time frame for taking examination for first time; issuance.
- [641A.176](#) Authority of Board to suspend or revoke license; applicability of ethical standards.
- [641A.178](#) Supervision of interns: Primary and secondary approved supervisors; limitation on number of interns; time required for supervision.
- [641A.182](#) Approved supervisors: Qualifications; revocation of approval by Board.
- [641A.186](#) Limitations on performing therapy.
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## PROFESSIONAL CONDUCT

- [641A.243](#) Professional responsibility.
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- [641A.256](#) Disciplinary action: “Unprofessional conduct” interpreted; acts constituting unprofessional conduct.
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## ADMINISTRATIVE PROCEEDINGS

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- [641A.303](#) “Accusation” defined.
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- [641A.318](#) “Intervener” defined.
- [641A.321](#) “Investigator” defined.
- [641A.323](#) “Party” defined.
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- [641A.328](#) “Petitioner” defined.
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- [641A.333](#) “Protestant” defined.
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## Parties, Appearances and Representation

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<a href="#"><u>641A.355</u></a>	Participation by staff.
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## Pleadings, Motions and Preliminary Proceedings

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<a href="#"><u>641A.454</u></a>	Formal complaints: Answer; failure to answer.
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<a href="#"><u>641A.595</u></a>	Informal hearing.
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<a href="#"><u>641A.655</u></a>	Consideration of petition.
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<a href="#"><u>641A.675</u></a>	Notice to petitioner.
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## GENERAL PROVISIONS

**NAC 641A.035 Definitions.** ([NRS 641A.160](#)) As used in this chapter, unless the context otherwise requires:

1. “Approved provider of continuing education” means a natural person, business entity or governmental entity that the Board has approved to provide courses or programs of continuing education pursuant to [NAC 641A.126](#).
2. “Approved supervisor” has the meaning ascribed to it in [NRS 641A.025](#) and includes an approved primary and secondary supervisor.
3. “Board” has the meaning ascribed to it in [NRS 641A.030](#).
4. “Clinical professional counselor” has the meaning ascribed to it in [NRS 641A.031](#).
5. “Clinical professional counselor intern” means a person licensed as a clinical professional counselor intern pursuant to [NRS 641A.288](#).
6. *“Clinical relationship” means any relationship in which a marriage and family therapist, clinical professional counselor or intern, as applicable, has engaged in the treatment of a client.*
7. “Course or program of continuing education” means a course or program of education and training that is designed to maintain, improve or enhance the knowledge and competency of a licensee.
- ~~7.~~ 8. “Intern” means a marriage and family therapist intern or a clinical professional counselor intern.

~~[8.]~~ 9. “Internship” means the period of supervised experience required of a marriage and family therapist intern pursuant to [NRS 641A.287](#) or a clinical professional counselor intern pursuant to [NRS 641A.288](#).

~~[9.]~~ 10. “License” has the meaning ascribed to it in [NRS 641A.040](#).

~~[10.]~~ 11. “Marriage and family therapist” has the meaning ascribed to it in [NRS 641A.060](#).

~~[11.]~~ 12. “Marriage and family therapist intern” means a person licensed as a marriage and family therapist intern pursuant to [NRS 641A.287](#).

~~[12.]~~ 13. “Practice of clinical professional counseling” has the meaning ascribed to in [NRS 641A.065](#).

~~[13.]~~ 14. “Practice of marriage and family therapy” has the meaning ascribed to it in [NRS 641A.080](#).

~~[14.]~~ 15. “Private practice” means engaging in work at a facility at which the compensation of the intern for federal income taxes is not reported, or required to be reported, on Form W-2 by the facility because the intern is a sole proprietor, self-employed or an independent contractor.

~~[15.]~~ 16. “Provider of continuing education” means a natural person, business entity or governmental entity that presents a course or program of continuing education that must be approved pursuant to [NAC 641A.123](#).

~~[16.]~~ 17. *“Provider of health care” has the meaning ascribed to it in NRS 629.031.*

18. “Staff” means the staff of the Board, including, without limitation, any person who has entered into a contract with the Board to provide services to the Board as an independent contractor.

19. *“Treatment” means the provision, coordination or management of marriage and family therapy or clinical professional counseling or related services by one or more providers of health care, including coordination or management of health care by a provider of health care with a third party, and consultation between or among providers of health care relating to the client.*

(Added to NAC by Bd. of Exam’rs for Marriage & Fam. Therapists, eff. 12-14-87; A 1-12-96; A by Bd. of Exam’rs for Marriage & Fam. Therapists & Clinical Prof. Counselors by R060-08, 9-18-2008; R091-14, 6-28-2016; R094-18, 8-30-2018)

**NAC 641A.045 Quarterly meetings of Board; notice of special meetings. ([NRS 641A.160](#))**

1. The Board will hold meetings at least quarterly.

2. The members of the Board must be given 5 business days’ notice of any special meeting.

(Added to NAC by Bd. of Exam’rs for Marriage & Fam. Therapists, eff. 12-14-87; A by Bd. of Exam’rs for Marriage & Fam. Therapists & Clinical Prof. Counselors by R094-18, 8-30-2018)

**NAC 641A.055 Written communications to Board. ([NRS 641A.160](#))** Every written communication to the Board must include the name and the mailing address or electronic mail address of the sender.

(Added to NAC by Bd. of Exam’rs for Marriage & Fam. Therapists, eff. 12-14-87; A by Bd. of Exam’rs for Marriage & Fam. Therapists & Clinical Prof. Counselors by R094-18, 8-30-2018)

**NAC 641A.061 Severability. ([NRS 641A.160](#))** If any provision of this chapter or any application thereof to any person, thing or circumstance is held invalid, the Board intends that the invalidity not affect the remaining provisions or applications to the extent that they can be given effect.



(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists, eff. 12-14-87) — (Substituted in revision for NAC 641A.115)

## LICENSING

**NAC 641A.065 Application for license: Filing; action by Board.** ([NRS 641A.160](#), [641A.210](#)) Except as otherwise provided in [NRS 641A.241](#) and [641A.242](#):

1. Any person desiring licensure by the Board must submit or have submitted to the Board:
  - (a) An application completed on the forms provided by the Board;
  - (b) Official transcripts from each graduate institution of higher education he or she attended which substantiate the education and training required for licensure;
  - (c) A copy of the applicant's valid driver's license, passport or other government-issued identification card;

~~[(d) A written summary by the applicant of his or her experiences and qualifications for licensing, including documentation of his or her internship, if applicable, and recommendations from supervisors or any person approved by the Board;~~

~~—(e)]~~ If the person is licensed as a marriage and family therapist or clinical professional counselor in the District of Columbia or any state or territory of the United States, evidence satisfactory to the Board of such licensure and of good standing as a marriage and family therapist or clinical professional counselor in the District of Columbia or the state or territory of the United States; and

~~[(f)]~~ (e) A complete set of fingerprints and written permission authorizing the Board to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The Board may exchange with the Federal Bureau of Investigation any information relating to the fingerprints of an applicant pursuant to this section.

2. To have the Board act upon an application for a license at a scheduled meeting, the applicant must have filed the completed application with the Board at least 10 business days before that meeting. For good cause, the Board may allow an applicant to present material at its meeting in addition to the materials which he or she has previously submitted to the Board.

3. By submitting an application, an applicant grants the Board full authority to make any investigation or personal contact necessary to verify the authenticity of the matters and information stated within the application. If the Board so requests, the applicant must supply such a verification.

4. The Board may appoint a subcommittee to examine an application and conduct interviews before the Board's meeting and to make recommendations for its action.

5. The Board may require the personal appearance of the applicant at the meeting.

6. The same application which is filed for licensure as an intern will be used by the Board for application for licensure as a marriage and family therapist or clinical professional counselor upon completion of the internship.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists, eff. 12-14-87; A 1-12-96; R173-03, 8-20-2004; A by Bd. of Exam'rs for Marriage & Fam. Therapists & Clinical Prof. Counselors by R060-08, 9-18-2008; R094-18, 8-30-2018)

**NAC 641A.075 Qualifications of applicant: Degree from accredited institution.** ([NRS 641A.160](#), [641A.220](#), [641A.231](#)) For the purposes of qualifying for licensure, each applicant's graduate degree must be from an institution which has been accredited by a recognized regional accrediting organization.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists, eff. 12-14-87; A 1-12-96; R173-03, 8-20-2004; A by Bd. of Exam'rs for Marriage & Fam. Therapists & Clinical Prof. Counselors by R060-08, 9-18-2008)

**NAC 641A.085 Qualifications of applicant: Courses of study. ([NRS 641A.160](#), [641A.180](#), [641A.220](#), [641A.231](#))**

1. Except as otherwise provided in subsection 7, to qualify for licensure as a marriage and family therapist or marriage and family therapist intern, an applicant's graduate education in marriage and family therapy must include the following courses of study:

(a) At least two courses in human development, including, without limitation, issues of sexuality.

(b) At least two courses in marital and family systems.

(c) At least three courses in marital and family therapy.

(d) At least one course in ethical and legal issues in the practice of marriage and family therapy.

(e) At least three courses in the supervised practice of marriage and family therapy.

(f) At least one course in diagnosis and assessment, including, without limitation, the use of the *Diagnostic and Statistical Manual of Mental Disorders*.

(g) At least one course in social and cultural foundations.

(h) At least one course in research.

(i) At least one course in abuse of alcohol or controlled substances.

(j) At least one course in crisis or trauma.

(k) At least one course in grief or loss.

(l) At least one course in group counseling.

(m) At least one course in individual counseling theories.

2. Except as otherwise provided in subsection 7, to qualify for licensure as a clinical professional counselor or clinical professional counselor intern, an applicant's graduate education in clinical professional counseling must include the following courses of study:

(a) At least two courses in human development, including, without limitation, issues of sexuality.

(b) At least one course in individual counseling theories.

(c) At least one course in individual counseling techniques and practice.

(d) At least one course in lifestyle and career development.

(e) At least one course in group dynamics, counseling and consulting

(f) At least one course in ethics and professional studies.

(g) At least three courses in the supervised practice of clinical professional counseling.

(h) At least one course in diagnosis and assessment, including, without limitation, the use of the *Diagnostic and Statistical Manual of Mental Disorders*.

(i) At least one course in social and cultural foundations.

(j) At least one course in research and evaluation.

(k) At least one course in abuse of alcohol or controlled substances.

(l) At least one course in couples counseling.

(m) At least one course in family systems.

(n) At least one course in crisis or trauma.

- (o) At least one course in grief or loss.
- 3. The courses in the supervised practice of marriage and family therapy or clinical professional counseling required pursuant to subsection 1 or 2, as applicable, must:
  - (a) Include clinical experience working with individuals, couples and families.
  - (b) Be equivalent to three courses taken during three semesters or four courses taken during four quarters which provide a minimum of 40 weeks of supervised practice.
- 4. For a graduate degree to fulfill the educational requirements for licensure as a marriage and family therapist, clinical professional counselor or intern pursuant to this section, the degree must require at least 60 semester hours or 72 quarter hours.
- 5. The Board will consider only courses completed at the graduate level for fulfillment of the educational requirements for licensure as a marriage and family therapist, clinical professional counselor or intern.
- 6. A course may not be used to satisfy the requirements for more than one course of study set forth in subsection 1 or 2.
- 7. The Board:
  - (a) Will consider a graduate degree from a program that was accredited by the Council for Accreditation of Counseling and Related Educational Programs or the Commission on Accreditation for Marriage and Family Therapy Education at the time the degree was conferred as fulfilling the educational requirements for licensure as an intern.
  - (b) May consider:
    - (1) Graduate degrees in fields related to mental health which are comparable to degrees in marriage and family therapy, counseling or mental health counseling and which meet the requirements for courses listed in subsection 1 or 2, regardless of the terminology used in the degree granted by the educational institution, as fulfilling the educational requirements for licensure as a marriage and family therapist, clinical professional counselor or intern.
    - (2) Graduate degrees from a program that the Board determines substantially meets the requirements set forth in subsection 1 or 2, as applicable.
    - (3) Years of clinical experience as a licensed marriage and family therapist, clinical professional counselor or intern in lieu of specific academic courses.
    - (4) Graduate degrees conferred on or before August 30, 2023, which met the requirements of this section as it existed on August 29, 2018.***

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists, eff. 12-14-87; A 9-16-88; 1-12-96; R173-03, 8-20-2004; A by Bd. of Exam'rs for Marriage & Fam. Therapists & Clinical Prof. Counselors by R060-08, 9-18-2008; R163-12, 6-23-2014; R094-18, 8-30-2018)

**NAC 641A.095 Reexamination; lapse of application. ([NRS 641A.160](#), [641A.220](#), [641A.231](#))**

1. An applicant for a license to practice as a marriage and family therapist who fails an examination required pursuant to [NRS 641A.230](#) may take the examination not more than two more times in the 12-month period commencing on the date of the original examination. If an applicant fails the exam for a third time during that time period, the Board may require additional courses of study or may impose other conditions before allowing the applicant to retake the examination.

2. The application of an applicant for a license to practice as a marriage and family therapist who does not:

- (a) Take an examination within 1 year after being notified of his or her eligibility; or

(b) Retake an examination within 1 year after failing the examination, ➔ shall be deemed lapsed. An applicant seeking to pursue licensure whose application has lapsed must fulfill all requirements at the time the new application is submitted and provide documentation concerning the lapsed application.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists, eff. 12-14-87; A 11-27-89; 1-12-96; A by Bd. of Exam'rs for Marriage & Fam. Therapists & Clinical Prof. Counselors by R060-08, 9-18-2008; R091-14, 6-28-2016; R094-18, 8-30-2018)

**NAC 641A.105 Fees.** ([NRS 641A.160](#)) Except as otherwise provided in ~~[NRS 641A.290](#)~~, **subsection 2**, the Board will charge and collect the following fees, respectively:

(a) *For a marriage and family therapist or clinical professional counselor:*

Application for an initial license .....	\$150
<i>Application for an initial license by endorsement</i> .....	<i>\$75</i>
<del>For issuance of a license.....</del>	<del>\$50</del>
Initial issuance of a license .....	\$60
<del>[For examination of an applicant for a license .....</del>	<del>\$200]</del>
<i>Initial issuance of a license by endorsement</i> .....	<i>\$30</i>
<del>[For annual] Biennial renewal of [a] an active license [to practice as a marriage and family therapist or clinical professional counselor] .....</del>	<del>[\$150] \$450</del>
<del>[For reinstatement of a license revoked for nonpayment of the fee] Fee for [renewal] late payment of the biennial renewal of an active license</del> .....	<del>\$125</del>
<del>[For an] Placement of a license to practice [as a marriage and family therapist or clinical professional counselor] on inactive status .....</del>	<del>\$200</del>
<i>Biennial renewal of an inactive license</i> .....	<i>\$200</i>
Renewal of an intern's license .....	\$150

(b) *General:*

Issuance of a duplicate <i>official</i> license <i>certificate</i> .....	\$10
Reevaluation of an applicant's coursework.....	\$50
Application for approval as a supervisor .....	\$75
Approval of a course or program of continuing education .....	\$25
<del>[Approval] Annual approval</del> of a provider of continuing education .....	<del>\$150</del>

*2. If an applicant for an initial license as a marriage and family therapist, marriage family and therapist intern, clinical professional counselor or clinical professional counselor intern is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran, the Board will charge one-half of the fee for the processing of an application for initial licensure and one-half of the fee for the initial issuance of a license.*

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists, eff. 12-14-87; A 11-27-89; A by Bd. of Exam'rs for Marriage & Fam. Therapists & Clinical Prof. Counselors by R094-18, 8-30-2018)

**NAC 641A.116 Reinstatement of lapsed license.** ([NRS 641A.160](#)) If a licensee allows his or her license to lapse, the licensee must apply to the Board for reinstatement. The Board may place additional requirements on the application for reinstatement, including the requirement of an interview.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists, eff. 11-4-88; A 1-12-96; A by Bd. of Exam'rs for Marriage & Fam. Therapists & Clinical Prof. Counselors by R091-14, 6-28-2016; R094-18, 8-30-2018) — (Substituted in revision for NAC 641A.217)

## CONTINUING EDUCATION

**NAC 641A.121 Standards for approval of course or program of continuing education.** ([NRS 641A.160](#), [641A.260](#))

1. To be approved as an individual course or program to be presented by a provider of continuing education pursuant to [NAC 641A.123](#) or to be presented by an approved provider of continuing education pursuant to [NAC 641A.126](#), a course or program of continuing education must, as determined by the Board or the staff, as applicable:

(a) Be taught by a competent instructor, as demonstrated by his or her educational, professional or teaching experience;

(b) Provide current and relevant educational material relating to marriage and family therapy or clinical professional counseling, be applicable to the practice of marriage and family therapy or clinical professional counseling and be reasonably determined to enhance the knowledge and competency of a licensee in the practice of marriage and family therapy or clinical professional counseling, as applicable;

(c) Be of professional quality;

(d) Be presented in the form of a lecture, a seminar, a workshop, an academic course at an institution of higher education, a distance learning course through an accredited college or university that does not count towards a degree or an on-the-job training program offered by an employer;

(e) Be supported by evidence that is based on research or published theory; and

(f) Include an evaluation form, to be completed by each attendee, of the content and presentation of the course or program and its relevance to the practice of marriage and family therapy or clinical professional counseling, as applicable.

2. The subject matter of a course or program of continuing education must address at least one of the following areas:

(a) Theories or concepts of human behavior and the social environment;

(b) Intervention methods for use in the practice of marriage and family therapy or clinical professional counseling;

(c) Conducting research in the practice of marriage and family therapy or clinical professional counseling, including, without limitation, the evaluation of programs and practices;

(d) Management, administration or policy related to the practice of marriage and family therapy or clinical professional counseling;

(e) Ethics;

(f) Culturally appropriate services and the delivery of such services;

(g) Theories or concepts of substance abuse treatment;

(h) Evidence-based suicide prevention and awareness; or

(i) Any other area directly related to the practice of marriage and family therapy or clinical professional counseling, as determined by the Board.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists & Clinical Prof. Counselors by R094-18, eff. 8-30-2018)

**NAC 641A.123 Application for approval of course or program of continuing education: Submission; notice of approval or denial; assignment of registration number to approved course or program; delegation to staff. ([NRS 641A.160](#), [641A.260](#))**

1. Unless currently an approved provider of continuing education pursuant to [NAC 641A.126](#), a natural person, business entity or governmental entity requesting the approval of a course or program of continuing education must, for each course or program, submit to the Board an application for approval of the course or program of continuing education.

2. Except as otherwise provided in subsection 5, the Board will approve or deny the application and notify the applicant, in writing, of its decision within 30 days after receiving an application submitted pursuant to subsection 1.

3. If the Board approves an application for a course or program of continuing education, the notice of approval sent pursuant to subsection 2 must:

(a) State the number of hours of continuing education for which the course or program is approved;

(b) Specify the particular presentation or series of presentations that the approval covers; and

(c) Contain the specific date upon which the approval expires, which must not be more than 3 years after the date of the notice of approval.

4. Upon approval of a course or program of continuing education pursuant to subsection 2, the Board will assign a registration number to the course or program and notify the applicant of the registration number.

5. Except for a course or program of continuing education in the area described in paragraph (h) of subsection 2 of [NAC 641A.121](#), the Board may delegate the approval or denial of an application for a course or program of continuing education to the staff by an action of the Board at any regular or special meeting of the Board.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists & Clinical Prof. Counselors by R094-18, eff. 8-30-2018)

**NAC 641A.126 Approved provider of continuing education: Application; qualifications; assignment of registration number to approved provider; submission of information to Board after presentation of course or program; grounds for withdrawal of approved status; notice of denial or withdrawal of approved status; request for reconsideration after correction of deficiencies. ([NRS 641A.160](#), [641A.260](#))**

1. An applicant seeking to become an approved provider of continuing education must submit to the Board evidence that shows the applicant:

(a) Has had one or more courses or programs of continuing education previously approved pursuant to [NAC 641A.123](#);

(b) Has held an active license issued by the Board for at least 3 years immediately preceding the date of his or her application to become an approved provider of continuing education;

(c) Holds an active state business license issued by the Secretary of State;

(d) Is a regionally accredited college or university or a department thereof; or

(e) Is a governmental entity.

2. Upon receipt of evidence sufficient to the Board that an applicant meets one of the criteria set forth in subsection 1, the Board will approve the application to become an approved provider of

continuing education. Upon approval of an application, the Board will assign a registration number to the approved provider and notify the approved provider of that number.

3. Within 30 days after presenting a course or program of continuing education, an approved provider of continuing education shall transmit to the Board:

- (a) The title of the course or program;
- (b) The name of the instructor of the course or program;
- (c) The date, time and location of the course or program;
- (d) The names and total number of attendees who were issued certificates pursuant to subsection 2 of [NAC 641A.129](#);
- (e) The number of hours of continuing education available for credit for attending the course or program; and
- (f) The registration number assigned by the Board to:
  - (1) The course or program pursuant to subsection 4 of [NAC 641A.123](#); or
  - (2) The approved provider of continuing education pursuant to subsection 2.

4. The Board may:

- (a) Request information relating to a course or program of continuing education that is in addition to the information submitted to the Board pursuant to subsection 3; and
- (b) Withdraw the approved status of an approved provider of continuing education if the Board determines that the approved provider no longer possesses the qualifications set forth in subsection 1 or if the Board determines that the content of a course or program presented by the approved provider does not meet the standards set forth in [NAC 641A.121](#).

5. If the Board denies an application submitted pursuant to subsection 1, withdraws the approved status of an approved provider on continuing education or determines that the content of a course or program does not meet the standards set forth in [NAC 641A.121](#), the Board will provide written notice to the applicant or approved provider, as applicable, with its justification for such action and a description of the deficiencies. The applicant or approved provider may, within 30 days after receiving notice pursuant to this subsection, request in writing that the Board reconsider its decision after correcting the deficiencies described by the Board in the notice.

***6. Approval as a provider of continuing education expires 1 year after the date of issuance.***

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists & Clinical Prof. Counselors by R094-18, eff. 8-30-2018)

**NAC 641A.129 Retention of records by approved providers of continuing education and providers of continuing education; issuance of certificates of completion to attendees. ([NRS 641A.160](#), [641A.260](#))** An approved provider of continuing education or provider of continuing education shall, for each course or program of continuing education presented:

1. Keep a record of the course or program of continuing education for 3 years after presentation of the course or program, including, without limitation:
  - (a) Each attendee of the course or program; and
  - (b) The number of continuing education hours available for credit for attending the course or program.
2. Issue to each attendee who completes the course or program of continuing education a certificate that contains:
  - (a) The name of the attendee;
  - (b) The name of the instructor of the course or program;

- (c) The title of the course or program;
  - (d) The number of hours of continuing education available for credit for attending the course or program; and
  - (e) The date and location of the course or program.
- (Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists & Clinical Prof. Counselors by R094-18, eff. 8-30-2018)

**NAC 641A.131 Requirements of continuing education to renew license; failure to comply; reactivation of inactive license. (NRS 641A.160)**

1. ~~[To]~~ *Except as otherwise provided in subsection 2 and 6, to maintain licensure, a marriage and family therapist or clinical professional counselor must complete at least 20 hours of continuing education during each licensing period, ~~[at]~~ which must include, without limitation:*

*(a) At least 6 hours of ~~[which must be]~~ continuing education on ethics issues specifically pertaining to the practice of marriage and family therapy or clinical professional counseling, as applicable ~~[, and at]~~;*

*(b) At least 4 hours of ~~[which must pertain to instruction]~~ continuing education on evidence-based suicide prevention and awareness ~~[.]~~; and*

*(c) At least 4 hours of continuing education on cultural competency and diversity, equity and inclusion.*

2. *Except as otherwise provided in subsection 6, to maintain licensure, a licensee who has been licensed for less than 18 months at the end of his or her first licensing period must have completed the continuing education required by this subsection during that licensing period. A licensee who, on the last day of his or her first licensing period, will have been licensed for:*

*(a) At least 12 months but not more than 18 months must complete at least 30 hours of continuing education which must include, without limitation:*

*(1) At least 6 hours of continuing education on ethics specifically relating to the practice of marriage and family therapy or clinical professional counseling;*

*(2) At least 4 hours of continuing education on evidence-based suicide prevention and awareness; and*

*(3) At least 4 hours of continuing education on cultural competency and diversity, equity and inclusion.*

*(b) At least 6 months but not more than 12 months must complete at least 20 hours of continuing education which must include, without limitation:*

*(1) At least 2 hours of continuing education on ethics specifically relating to the practice of marriage and family therapy or clinical professional counseling;*

*(2) At least 2 hours of continuing education on evidence-based suicide prevention and awareness; and*

*(3) At least 2 hours of continuing education on cultural competency and diversity, equity and inclusion.*

*(c) Not more than 6 months must complete at least 10 hours of continuing education which must include, without limitation:*

*(1) At least 2 hours of continuing education on ethics specifically relating to the practice of marriage and family therapy or clinical professional counseling;*



*(2) At least 2 hours of continuing education on evidence-based suicide prevention and awareness; and*

*(3) At least 2 hours of continuing education on cultural competency and diversity, equity and inclusion.*

3. If the marriage and family therapist or clinical professional counselor is an approved supervisor, at least 1 hour of the requirements of ~~[this]~~ subsection *1 or 2, as applicable*, must be on issues specifically pertaining to supervising in the field of practice of the approved supervisor and must include education in at least one of the following:

(a) An overview of a supervision model;

(b) Areas of focus for a supervisor and the roles of a supervisor;

(c) The process of supervising and the practical application of that process;

(d) Ethical dilemmas involved in supervising;

(e) Methods of effectively addressing and preventing ethical dilemmas in supervising; or

(f) An overview of the supervision standards of the American Association for Marriage and Family Therapy, the National Board for Certified Counselors or the Association for Counselor Education and Supervision, or the provisions of this chapter and [chapter 641A](#) of NRS relating to the practice of marriage and family therapy or the practice of clinical professional counseling, as applicable.

~~[2-]~~ 4. A marriage and family therapist or clinical professional counselor shall not use more than 10 hours of distance education that is not interactive to satisfy the requirements of subsection *1 or 2, as applicable*.

~~[3-]~~ 5. With the approval of the Board, a marriage and family therapist or clinical professional counselor may satisfy the requirements of subsection *1 or 2, as applicable* by:

(a) Teaching not more than 10 hours at an institution, seminar, workshop, conference or other program. The content of the teaching material must be related to the practice of marriage and family therapy or clinical professional counseling and may be part of the primary or regular employment of the marriage and family therapist or clinical professional counselor. For each such hour taught, 2 hours of continuing education may be credited pursuant to this paragraph annually.

(b) Completing graduate-level course work specifically pertaining to the practice of marriage and family therapy or clinical professional counseling, as applicable. Such course work may be credited pursuant to this paragraph at 15 hours of continuing education for 1 graduate semester hour or 12 hours of continuing education for 1 graduate quarter hour.

(c) Attending any meeting of the Board except a meeting at which the Board is considering disciplinary or other administrative action against the marriage and family therapist or clinical professional counselor. For each such authorized meeting attended, 1 hour of continuing education may be credited pursuant to this paragraph, but not more than 2 hours of continuing education may be credited for such meetings pursuant to this paragraph annually.

(d) Attending a meeting or event of a coalition, committee or board related to community health care. For each such meeting or event attended, 1 hour of continuing education may be credited pursuant to this paragraph, but not more than 3 hours of continuing education may be credited for such meetings and events pursuant to this paragraph annually. Documentation of attendance at a meeting or event described in this paragraph must be an official record of attendance at the meeting or event obtained from the coalition, committee or board holding the meeting or hosting the event, or a ticket or receipt for admission to the event or any additional documentation requested by the Board.

~~[4.]~~ 6. *Upon the request of a licensee who has been licensed for less than a full licensing period, the Board may waive or pro-rate continuing education requirements prescribed by subsection 1 or 2.*

7. Except as otherwise provided in [NRS 641A.265](#), a marriage and family therapist or clinical professional counselor is subject to disciplinary action by the Board if he or she fails to satisfy the requirements for continuing education set forth in subsection 1 *or 2 as applicable*.

~~[5.]~~ 8. To reactivate an inactive license, an inactive licensee must complete at least 20 hours of continuing education in the year immediately preceding his or her application for reactivation, *which must include, without limitation:*

- (a) At least 6 hours of continuing education on ethics specifically pertaining to the practice of marriage and family therapy or clinical professional counseling;*
- (b) At least 4 hours of continuing education on evidence-based suicide prevention and awareness; and*
- (c) At least 4 hours of continuing education on cultural competency and diversity, equity and inclusion.*

~~[6.]~~ 9. As used in this section, “distance education” means education, training, courses or programs that are delivered to a student who is geographically separate from the instructor.

(Added to NAC by Bd. of Exam’rs for Marriage & Fam. Therapists by R173-03, eff. 8-20-2004; A by Bd. of Exam’rs for Marriage & Fam. Therapists & Clinical Prof. Counselors by R060-08, 9-18-2008; R091-14, 6-28-2016; R094-18, 8-30-2018)

**NAC 641A.133 Evidence of completion of continuing education; maintenance of documentation by licensee; audit by Board authorized. ([NRS 641A.160](#) [641A.260](#))**

1. Except as otherwise provided in [NRS 641A.265](#), an application for the renewal of a license to practice as a marriage and family therapist or clinical professional counselor must be accompanied by an affidavit ~~[and the form for reporting continuing education]~~ provided by the Board ~~[evidencing]~~ *attesting to* the completion by the marriage and family therapist or clinical professional counselor ~~[of at least 40 hours]~~ *the* of continuing education required pursuant to [NAC 641A.131](#) during the licensing period immediately preceding the date of the expiration of the current license.

2. A marriage and family therapist or clinical professional counselor shall maintain sufficient documentation verifying the information included in the affidavit relating to his or her continuing education for at least 3 years after the date on which the affidavit is executed. A marriage and family therapist or clinical professional counselor will not be given credit for any hours of continuing education that are not supported by documentation.

3. The Board may audit such affidavits ~~[and forms as the Board deems necessary]~~ to verify the authenticity of the information set forth in the affidavit or form.

(Added to NAC by Bd. of Exam’rs for Marriage & Fam. Therapists by R173-03, eff. 8-20-2004; A by Bd. of Exam’rs for Marriage & Fam. Therapists & Clinical Prof. Counselors by R060-08, 9-18-2008; R091-14, 6-28-2016; R094-18, 8-30-2018)

## INTERNS

**NAC 641A.146 Internships: Approval by Board; completion within required time frame; submission of written report from supervisor; revocation of license for failure to file written**

**report; request for renewal of license; required hours of supervised experience. ([NRS 641A.160](#), [641A.287](#), [641A.288](#))**

1. An internship must be:

(a) ***Outlined in a supervision agreement with an approved primary supervisor;***

(b) Approved by the Board ; ~~[before the applicant begins the internship;]~~ and

(c) Completed within 3 years after the Board approves the internship unless a renewal of the *intern's* license ~~[of the]~~ ***as an*** intern is granted pursuant to subsection 3.

2. An intern shall, on or before September 15 and March 15 of each year of his or her internship,

***solicit from his or her approved primary supervisor and*** submit to the Board ~~[a written]~~ :

(a) ***A report from the approved primary supervisor evaluating his or her internship ;***

(b) ***A report containing all hours of internship experience accumulated to the date of the report; and***

(c) ***A report containing all hours of internship experience accumulated within the preceding 6-month period.***

3. The Board may revoke the license of any intern who fails to file ~~[such]~~ a written report ~~[ ]~~ ***pursuant to subsection 2.*** An intern who has his or her license revoked pursuant to this subsection:

(a) Shall submit to the Board the reasons for his or her failure to file the written report; and

(b) Must reapply for a new license in accordance with all applicable provisions of law in place at the time of reapplication.

~~[3.]~~ **4.** If an intern does not complete an internship within 3 years after the Board approves the internship pursuant to subsection 1, the intern must request a renewal of his or her license ***as an intern*** from the Board. The Board will only grant one 3-year renewal of the license. If the Board grants a renewal of a license pursuant to this subsection and an intern fails to complete the internship successfully within 3 years after the Board grants the renewal of the license, the intern:

(a) Shall submit to the Board the reasons for his or her failure to complete the internship successfully; and

(b) Must reapply for a new license in accordance with all applicable provisions of law in place at the time of reapplication.

4. To obtain the hours of supervised experience required pursuant to [NRS 641A.220](#) or [641A.231](#), an intern must complete:

(a) At least 1,500 hours of direct contact with clients in the practice of marriage and family therapy or the practice of clinical professional counseling, as applicable;

(b) At least 300 hours of marriage and family therapy or clinical professional counseling, as applicable, that is supervised by the primary approved supervisor or secondary approved supervisor or supervisors of the intern, including:

(1) At least 160 hours supervised by the primary approved supervisor of the intern; and

(2) At least 40 hours supervised by the secondary approved supervisor or supervisors of the intern; and

(c) At least 1,200 hours of work related to the practice of marriage and family therapy or the practice of clinical professional counseling, as applicable. ~~[, including:]~~ ***Such work must be in addition to the hours required by paragraphs (a) and (b) and may consist of:***

(1) Not more than 500 hours which consist of direct contact with clients in the practice of marriage and family therapy or the practice of clinical professional counseling, as applicable, that is performed in conjunction with a graduate program of study;

(2) Not more than ~~[300]~~ 600 hours of leading group ~~[therapy]~~ *psychotherapy* or ~~[counseling sessions]~~ *process groups*;

(3) Not more than 200 hours of teaching, including, but not limited to, leading sessions for parent or family education, leading workshops, *leading psychoeducation groups* or participating in other teaching activities, which are:

(I) Approved by the primary approved supervisor of the intern; and

(II) Documented;

(4) Not more than 150 hours of individual counseling or therapy which the intern personally receives from a licensed mental health professional who is not the approved supervisor of the intern; and

(5) Not more than ~~[50]~~ 200 hours of training approved by the primary approved supervisor of the intern, including, but not limited to:

(I) Graduate course work at a university; or

(II) Attendance at a workshop related to the practice of marriage and family therapy or the practice of clinical professional counseling.

~~[5.]~~ 6. *Except as otherwise provided in subsection 7, the Board may approve credit ~~[must not be given]~~ not to exceed the amounts prescribed by this subsection for experience gained by a person before the person [was licensed] applied for licensure as an intern pursuant to the provisions of NAC 641A.156. The Board may approve:*

*(a) Not more than 750 hours of credit for direct contact with clients in the practice of marriage and family therapy or the practice of clinical professional counseling, as applicable, for the purpose of satisfying the requirements of paragraph (a) of subsection 5.*

*(b) Not more than 150 hours of credit for supervised marriage and family therapy or supervised clinical professional counseling, as applicable, for the purpose of satisfying the requirements of paragraph (b) of subsection 5.*

*(c) Any number of hours of credit for activities described in paragraph (c) of subsection 5 for the purpose of satisfying the requirements of that paragraph.*

*7. The Board may approve any number of hours of credit for experience gained by a person who is an active member of the Armed Forces of the United States or a spouse of an active member of the Armed Forces of the United States before the person applied for licensure as an intern pursuant to the provisions of NAC 641A.156 for the purpose of satisfying the requirements of subsection 5.*

*8. A person may request approval of prior experience for credit pursuant to subsection 6 or 7 at the time he or she submits his or her application for a license as an intern by submitting:*

*(a) Documentation of the hours of experience from the state in which the person is currently licensed; or*

*(b) A letter from a supervisor approved by the Board or the corresponding regulatory authority of the District of Columbia or the other state or territory in which the person acquired the experience.*

~~[6.]~~ 9. As used in this section, “mental health professional” means a person licensed in the District of Columbia or any state or territory of the United States as a psychiatrist, psychologist, marriage and family therapist, clinical professional counselor or clinical social worker.

(Added to NAC by Bd. of Exam’rs for Marriage & Fam. Therapists, eff. 12-14-87; A 1-12-96; R173-03, 8-20-2004; A by Bd. of Exam’rs for Marriage & Fam. Therapists & Clinical Prof. Counselors by R060-08, 9-18-2008; R163-12, 6-23-2014; R094-18, 8-30-2018)

**NAC 641A.156 License: Requirements; time frame for taking examination for first time; issuance.** ([NRS 641A.160](#), [641A.287](#), [641A.288](#))

1. An applicant for licensure as an intern must:
  - (a) Satisfy the requirements of [NAC 641A.065](#), [641A.075](#) and [641A.085](#);
  - (b) Submit to the Board a proposed plan for internship, including the name of the proposed supervisors;
  - (c) Complete a personal interview if requested by the Board; and
  - (d) Pass an examination required by [NRS 641A.230](#) or [641A.231](#), as applicable. An applicant must take such an examination for the first time at any time during his or her final semester or quarter of graduate study and before the expiration of his or her license as an intern.

2. The Board will issue a license as an intern in the State of Nevada to each qualified applicant. ~~[upon approving the proposed internship plan of the applicant.]~~

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists, eff. 1-12-96; A by R173-03, 8-20-2004; A by Bd. of Exam'rs for Marriage & Fam. Therapists & Clinical Prof. Counselors by R060-08, 9-18-2008; R094-18, 8-30-2018)

**NAC 641A.176 Authority of Board to suspend or revoke license; applicability of ethical standards.** ([NRS 641A.160](#), [641A.287](#), [641A.288](#), [641A.310](#))

1. In addition to the revocation of a license pursuant to [NAC 641A.146](#), the Board may, for good cause shown, suspend or revoke the license of any intern.

2. If the Board suspends or revokes the license of an intern pursuant to subsection 1, the Board will:

- (a) Record the reasoning for the suspension or revocation in the minutes of the meeting of the Board at which the decision was made; and
- (b) Place a copy of that reasoning in the licensee's file kept by the Board.

3. An intern is subject to the same standards of professional ethics as a marriage and family therapist or clinical professional counselor, as applicable.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists, eff. 1-12-96; A by Bd. of Exam'rs for Marriage & Fam. Therapists & Clinical Prof. Counselors by R060-08, 9-18-2008; R091-14, 6-28-2016; R094-18, 8-30-2018)

**NAC 641A.178 Supervision of interns: Primary and secondary approved supervisors; limitation on number of interns; time required for supervision.** ([NRS 641A.160](#), [641A.287](#), [641A.288](#))

1. Before beginning an internship, each intern must have at least two supervisors approved by the Board. During the course of the supervision of the intern:

(a) The primary approved supervisor shall meet with the intern for at least 160 hours, which must include at least 1 hour per week, to discuss and evaluate the performance of the intern. The primary supervisor shall document any variation from this weekly schedule and retain such documentation until the completion of the internship. A violation of this paragraph may result in the revocation of the intern's license or the approval of the primary supervisor pursuant to [NAC 641A.182](#).

(b) The secondary approved supervisor or supervisors shall meet with the intern for a combined total of at least 40 hours to discuss and evaluate the performance of the intern.

2. Unless otherwise authorized by the Board, not more than:

(a) Ten interns may be placed under the supervision of any primary approved supervisor at one time; and

(b) Ten interns may be placed under the supervision of any secondary approved supervisor at one time.

3. The time required for supervision includes the time devoted to:

(a) Meetings between the approved supervisor and the intern where videotapes or audiotapes are reviewed;

(b) Therapy sessions in which the approved supervisor participates;

(c) Therapy sessions in which the approved supervisor observes the session from a location whereby the approved supervisor is neither seen nor heard; or

(d) The presentation of a case by the intern and a discussion by the approved supervisor of the proper management and treatment of the case.

4. ~~[The]~~ *Except for the hours of experience required by subparagraph (5) of paragraph (c) of subsection 5 of NAC 641A.146, the* time required for supervision does not include the time devoted to attendance at seminars, workshops or classes.

*5. Each approved primary supervisor shall, on or before September 15 and March 15 of each year, complete and submit a written report evaluating the internship of each intern under his or her supervision. The written report must be completed using the form provided by the Board and must include, without limitation:*

*(a) A rating of the progress of the intern as "sufficient" or "insufficient" and, if applicable, the reason or reasons for a rating of insufficient progress;*

*(b) A report containing all hours of internship experience accumulated to the date of the report; and*

*(c) A report containing all hours of internship experience accumulated within the 6-month period.*

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists, eff. 12-14-87; A 1-12-96; R173-03, 8-20-2004; A by Bd. of Exam'rs for Marriage & Fam. Therapists & Clinical Prof. Counselors by R060-08, 9-18-2008; R094-18, 8-30-2018)

#### **NAC 641A.182 Approved supervisors: Qualifications; revocation of approval by Board. ([NRS 641A.160](#), [641A.287](#), [641A.288](#))**

1. Except as otherwise provided in subsection 2, an approved supervisor of an intern must be a marriage and family therapist or clinical professional counselor. Each potential supervisor must offer evidence satisfactory to the Board of his or her training or experience, or both, which qualifies him or her to supervise.

2. In extenuating circumstances or upon the recommendation of the primary supervisor, the Board will approve as a secondary supervisor a person who is a licensed psychologist, psychiatrist or clinical social worker who has received training in supervision.

3. Each supervisor must:

(a) *Hold an active license in good standing issued by the Board.*

(c) Have been licensed in, *this state*, the District of Columbia or any *other* state or territory of the United States for at least 3 years.

~~[(b)]~~ (c) Not be related to the intern by closer than the fourth degree of consanguinity.

~~[(e)]~~ (d) Have never professionally provided mental health therapy to the intern.

~~[(d)]~~ (e) Maintain liability insurance covering the supervision.

~~[(e)]~~ (f) Be approved by the Board.

~~[(f) Agree to be available to consult]~~ (g) *Consult* with the Board, *upon request of the Board*, concerning the professional record, competence in practice, and emotional and mental stability or professional and ethical conduct of the intern.

4. ~~[Except as otherwise provided in subsection 5, each]~~ *Each* potential primary supervisor must provide evidence satisfactory to the Board ~~[of completion of:]~~ *that the potential primary supervisor:*

(a) ~~[Supervisory]~~ *Has completed* training that consists of:

(1) At least one graduate-level course taught by an instructor deemed appropriate by the Board, which includes at least 45 clock hours on the supervision of the practice of marriage and family therapy or the practice of clinical professional counseling, as applicable~~[-];~~, *and at least 25 hours of mentored supervision;* or

(2) A professional training program on supervision taught by an instructor deemed appropriate by the Board, which is provided by the American Association for Marriage and Family Therapy or the National Board for Certified Counselors, as applicable~~[-];~~, and

~~[(b) At]~~ *at* least 25 hours of mentored supervision.

~~[5.— In lieu of providing evidence satisfactory to the Board of the completion of supervisory training and supervisory experience as required pursuant to subsection 4, a potential supervisor may provide evidence satisfactory to the Board that he or she has obtained and maintained, as applicable:—(a)] ; or~~

*(b) Currently holds:*

*(1) A designation as an “Approved Supervisor” or “Supervisor Candidate” from the American Association for Marriage and Family Therapy [-] or its successor organization; or*

~~[(b)]~~ *(2) A credential as an “Approved Clinical Supervisor” from the National Board for Certified Counselors [-] or its successor organization.*

~~[6.]~~ *5. The Board may [-, for good cause shown, revoke the approval of an approved supervisor of any intern.] periodically review the qualifications or performance of an approved supervisor for compliance with the provisions of this section and the standards of supervision set forth in the publications adopted by reference in NAC 641A.252.*

*6. The Board may revoke the status of a licensee as an approved supervisor upon a determination that the licensee no longer meets the requirements as an approved supervisor or for failure to comply with the applicable standards of supervision set forth in the publications adopted by reference in NAC 641A.252.* (Added to NAC by Bd. of Exam’rs for Marriage & Fam. Therapists, eff. 1-12-96; A by R173-03, 8-20-2004; A by Bd. of Exam’rs for Marriage & Fam. Therapists & Clinical Prof. Counselors by R060-08, 9-18-2008; R163-12, 6-23-2014; R094-18, 8-30-2018)

**NAC 641A.186 Limitations on performing therapy.** ([NRS 641A.160](#), [641A.287](#), [641A.288](#))

Except as otherwise provided in [NAC 641A.182](#), an intern may perform marriage and family therapy or clinical professional counseling only under the supervision of a marriage and family therapist or clinical professional counselor and in accordance with his or her ~~[approved plan for internship.]~~ *supervision agreement with an approved supervisor.*

(Added to NAC by Bd. of Exam’rs for Marriage & Fam. Therapists, eff. 1-12-96; A by Bd. of Exam’rs for Marriage & Fam. Therapists & Clinical Prof. Counselors by R060-08, 9-18-2008; R094-18, 8-30-2018)

**NAC 641A.196 Restrictions on private practice and advertising.** ([NRS 641A.160](#))

1. Except as otherwise provided in subsection 4, an intern may engage in private practice only at facilities which have a licensed marriage and family therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, psychologist, psychiatrist or clinical social worker available to consult with the intern either in person or by telephone during the intern’s hours of

employment at the site. If more than one such licensed professional is available at the site during the intern's hours of employment, the intern may consult with one or more of the licensed professionals.

2. An intern shall inform each of his or her clients that he or she is not licensed to engage independently in the practice of marriage and family therapy or the practice of clinical professional counseling, as applicable.

3. An intern shall include a statement describing his or her status as an intern on all forms of advertising, including, but not limited to, business cards, directory listings and brochures.

4. The Board will only allow an intern to engage in private practice at facilities other than those listed in subsection 1:

(a) In extenuating circumstances; and

(b) If other arrangements approved by the Board have been established for supervision of the intern in emergency situations.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists, eff. 1-12-96; A by Bd. of Exam'rs for Marriage & Fam. Therapists & Clinical Prof. Counselors by R060-08, 9-18-2008; R094-18, 8-30-2018)

## PROFESSIONAL CONDUCT

**NAC 641A.243 Professional responsibility.** ([NRS 641A.160](#), [641A.310](#)) A marriage and family therapist, clinical professional counselor or intern:

1. Shall not misrepresent, in advertising or otherwise, his or her education, training, type of license, qualifications, competence or service, or the results to be achieved if he or she provides service to a client.

2. Shall not engage in the practice of marriage and family therapy or the practice of clinical professional counseling while impaired by:

(a) Alcohol, drugs or any other chemical; or

(b) A mental or physical condition that prevents him or her from safely engaging in the practice of marriage and family therapy or the practice of clinical professional counseling.

3. Shall not use his or her relationship with a client to further his or her own personal, religious, political or business interests.

4. Shall set and maintain professional boundaries with clients, interns and persons with whom he or she works.

5. Shall not give or receive, directly or indirectly, a fee, commission, rebate or other compensation for professional services that he or she has not actually and personally provided.

6. Shall not knowingly offer service to a client who is receiving treatment from another marriage and family therapist, clinical professional counselor or intern, or a holder of a license, certificate or registration issued by any other similar board, without prior consultation between the client and the other marriage and family therapist, clinical professional counselor, intern or holder of the license, certificate or registration.

7. Except as otherwise provided in subsection 8, shall not disparage the qualifications of any colleague.

8. Shall report to the Board any unlicensed, unauthorized, unqualified or unethical practice of marriage and family therapy or the practice of clinical professional counseling that is occurring.

9. Shall not attempt to diagnose, prescribe for, treat or provide advice for any problem which is outside of his or her field of competence, the scope of the practice of marriage and family therapy or the practice of clinical professional counseling, as applicable, or the scope of his or her license.



10. Shall base his or her practice upon the recognized knowledge relevant to marriage and family therapy or clinical professional counseling, as applicable.

11. Shall critically examine and keep current with emerging knowledge relevant to the practice of marriage and family therapy or the practice of clinical professional counseling, as applicable, including, without limitation, adherence to national professional standards relating to telehealth. As used in this subsection, “telehealth” has the meaning ascribed to it in [NRS 629.515](#).

12. Based upon recognized knowledge and standards for the practice of marriage and family therapy or the practice of clinical professional counseling, as applicable, shall prepare and maintain in a timely manner a record for each of his or her clients which:

(a) Sets forth his or her assessment of the problems of the client, plan of action for the client, course of treatment for the client and progress notes regarding the course of treatment of the client; and

(b) Includes copies of other relevant documentation, including, without limitation:

(1) All documents relating to the informed consent given by the client;

(2) All documents relating to the release of information regarding the client; and

(3) All other legal documents regarding the client.

↪ As used in this subsection, “assessment” means an evaluation of the impairment in the functioning of a client that is based upon comprehensive information about the client.

13. Shall, with respect to a record prepared pursuant to subsection 12 for a client in the context of family, couples or group therapy or counseling:

(a) Take any precaution necessary to protect the confidentiality of other persons referenced in the record.

(b) Except as otherwise provided in this paragraph, provide a client, upon request, with access to the client’s record. A licensee shall not provide a client with access to his or her record:

(1) Except as otherwise provided in subparagraph (2), unless the licensee has obtained written authorization to provide access to the record from each person involved in the therapy or counseling who is competent to execute such an authorization.

(2) In exceptional circumstances, when the licensee is concerned, based on compelling evidence, that such access could cause serious harm to the client or other persons referenced in the record.

↪ A licensee shall document in the client’s record any request by the client for access to his or her record and, if a licensee withholds all or a portion of a requested record, the rationale for the withholding.

14. Shall complete and submit any reports required by this chapter and [chapter 641A](#) of NRS, or pursuant to any rule, order or instruction of a court of competent jurisdiction, in a timely manner.

15. Shall comply with the provisions of this chapter and [chapter 641A](#) of NRS and all other applicable federal laws and regulations.

16. Shall not authorize a person under the supervision of the marriage and family therapist or clinical professional counselor to perform services that are outside of the scope of the license, training or experience of the person performing the services, or allow such a person to hold himself or herself out as having expertise in a field or activity in which that person is not qualified.

17. Shall notify the Board in writing within 10 days after:

(a) An action is taken against any license, certification, registration or other credential held by the marriage and family therapist, clinical professional counselor or intern that was issued by the District of Columbia or another state or territory of the United States;

(b) A criminal charge is filed against the marriage and family therapist, clinical professional counselor or intern;

(c) The marriage and family therapist, clinical professional counselor or intern is convicted of a criminal offense, other than a traffic offense which is a misdemeanor that does not involve alcohol or controlled substances;

(d) A civil action, including, without limitation, an action for malpractice, is filed against the marriage and family therapist, clinical professional counselor or intern; or

(e) A settlement or judgment is made in any civil action, including, without limitation, an action for malpractice, in any case filed against the marriage and family therapist, clinical professional counselor or intern for any act relating to the practice of marriage and family therapy or the practice of clinical professional counseling, as applicable.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists by R173-03, eff. 8-20-2004; A by Bd. of Exam'rs for Marriage & Fam. Therapists & Clinical Prof. Counselors by R060-08, 9-18-2008; R091-14, 6-28-2016; R094-18, 8-30-2018)

**NAC 641A.247 Responsibilities to clients and others. ([NRS 641A.160](#), [641A.310](#))**

1. A marriage and family therapist, clinical professional counselor or intern shall serve his or her clients with professional skill and competence.

2. If a marriage and family therapist, clinical professional counselor or intern must act on behalf of a client who has been declared to be incompetent or if a client is otherwise found by the Board to be incapable of acting in his or her own best interest, the marriage and family therapist, clinical professional counselor or intern shall safeguard the interests and rights of that client.

3. If another person has been legally authorized to act on behalf of an incompetent client, a marriage and family therapist, clinical professional counselor or intern shall deal with the legal representative of the client in accordance with the best interest of the client.

4. A marriage and family therapist, clinical professional counselor or intern shall not practice, condone, facilitate or collaborate with any form of discrimination on the basis of race, color, sex, sexual orientation, age, religion, national origin, social, economic, health or marital status, political belief, diagnosis or physical disability, or on the basis of any preference or personal characteristic, condition or status of a person.

5. A marriage and family therapist, clinical professional counselor or intern shall not misrepresent to a client the efficacy of his or her service or the results to be achieved.

6. A marriage and family therapist, clinical professional counselor or intern shall apprise each of his or her clients of the risks, rights, opportunities and obligations, financial or otherwise, associated with the provision of marriage and family therapy or clinical professional counseling, as applicable, to the client.

7. A marriage and family therapist, clinical professional counselor or intern shall seek the advice and counsel of his or her colleagues and supervisors when such a consultation is in the best interest of the client.

8. A marriage and family therapist, clinical professional counselor or intern shall terminate service to a client and a professional relationship with a client when the service and relationship are no longer required or no longer serve the needs of the client.

9. A marriage and family therapist, clinical professional counselor or intern shall not withdraw his or her counseling services precipitously, except under unusual circumstances and after giving

careful consideration to all factors in the situation and taking care to minimize possible adverse effects to the client.

10. A marriage and family therapist, clinical professional counselor or intern who anticipates the termination or interruption of service to a client shall notify the client as promptly as possible and seek the transfer, referral or continuation of service in relation to the needs and preferences of the client.

11. A marriage and family therapist, clinical professional counselor or intern shall not influence or attempt to influence a client in any manner which could be reasonably anticipated in his or her deriving benefits of ~~[an unprofessional]~~ *a nonprofessional* nature from the client during the time that the client is receiving marriage and family therapy from the marriage and family therapist, clinical professional counseling from the clinical professional counselor, or marriage and family therapy or clinical professional counseling, as applicable, from an intern, and for 2 years after the termination of those services.

12. Throughout the period of treatment of a client and for the 2 years immediately following the termination of the professional relationship between the client and the marriage and family therapist, clinical professional counselor or intern treating the client, the marriage and family therapist, clinical professional counselor or intern shall not:

(a) Enter into a close personal relationship with the client, including, without limitation, sponsorship of the client in a group for self-help ~~[, or a romantic or sexual relationship]~~ ; *or*

(b) Enter into, or attempt to enter into, a financial relationship with the client that is unrelated to the practice of marriage and family therapy or the practice of clinical professional counseling, as applicable. ~~;~~ *or*

~~—(c) Enter into a romantic or sexual relationship with any person who was in a romantic or sexual relationship with the client during the time that the marriage and family therapist, clinical professional counselor or intern was providing marriage and family therapy or clinical professional counseling to the client.~~

13. *Sexual intimacy and romantic relationships with current clients, former clients, known members of the client's family or known romantic partners of any current or former client is prohibited.*

14. Within the 2 years immediately following the termination of a ~~[professional]~~ *clinical* relationship with ~~[, internship for or supervision of]~~ a client ~~[,]~~ *or professional relationship with an intern, [or other person,] as applicable,* a marriage and family therapist or clinical professional counselor *or intern* shall not solicit or enter into a dual relationship with the client ~~[]~~ *or intern [or other person]* if it is *reasonably* foreseeable that such a relationship would harm or exploit the client ~~[,]~~ *or intern. [or other person.]*

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists by R173-03, eff. 8-20-2004; A by Bd. of Exam'rs for Marriage & Fam. Therapists & Clinical Prof. Counselors by R060-08, 9-18-2008)

**NAC 641A.252 Code of Ethics: Adoption by reference; effect of violation. ([NRS 641A.160](#), [641A.310](#))**

1. The Board hereby adopts by reference:

(a) The most recent edition of the *AAMFT Code of Ethics* of the American Association for Marriage and Family Therapy *or its successor organization* as a standard for professional conduct in the State of Nevada for marriage and family therapists and marriage and family therapist interns,

excluding those provisions which apply exclusively to the American Association for Marriage and Family Therapy ~~{ }~~ *or its successor organization.*

(b) The most recent edition of the *Code of Ethics* of the National Board for Certified Counselors *or its successor organization* as a standard for professional conduct in the State of Nevada for clinical professional counselors and clinical professional counselor interns, excluding those provisions which apply exclusively to the National Board for Certified Counselors ~~{ }~~ *or its successor organization.*

(c) *The most recent edition of the Code of Ethics of the American Counseling Association or its successor organization as a standard for professional conduct in the State of Nevada for clinical professional counselors and clinical professional counselor interns, excluding those provisions which apply exclusively to the American Counseling Association or its successor organization.*

2. The AAMFT *Code of Ethics* is available, free of charge, from the American Association for Marriage and Family Therapy ~~{by mail at 112 South Alfred Street, Alexandria, Virginia 22314-3061, by telephone at (703) 838-9808 or}~~ on the Internet at <http://www.aamft.org> ~~{ }~~, *or from the Board upon request.*

3. The *Code of Ethics* of the National Board for Certified Counselors is available, free of charge, from the National Board for Certified Counselors ~~{by mail at 3 Terrace Way, Greensboro, North Carolina 27403-3660, by telephone at (336) 547-0607 or}~~ on the Internet at <http://www.nbcc.org/ethics> ~~{ }~~, *or from the Board upon request.*

4. *The Code of Ethics of the American Counseling Association is available, free of charge, from the American Counseling Association on the Internet at <https://counseling.org/resources/aca-code-of-ethics.pdf>, or from the Board upon request.*

5. If a publication adopted by reference by this section is revised, the Board will review the revision to determine its suitability for this State. If the Board determines that the revision is not suitable for this State, the Board will hold a public hearing to review its determination and give notice of that hearing within 90 days after the date of publication of the revision. If, after the hearing, the Board does not revise its determination, the Board will give notice that the revision is not suitable for this State within 90 days after the hearing. If the Board does not give such notice, the revision becomes part of the publication adopted by reference pursuant to subsection 1.

~~{5}~~ 6. A violation of the provisions of a code of ethics adopted by reference pursuant to this section constitutes cause for disciplinary action.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists, eff. 1-12-96; A by R173-03, 8-20-2004; A by Bd. of Exam'rs for Marriage & Fam. Therapists & Clinical Prof. Counselors by R060-08, 9-18-2008; R163-12, 6-23-2014)

**NAC 641A.256 Disciplinary action: “Unprofessional conduct” interpreted; acts constituting unprofessional conduct. ([NRS 641A.160](#), [641A.310](#))**

1. For the purposes of subsection 7 of [NRS 641A.310](#), the Board will interpret the term “unprofessional conduct” to mean a lack of knowledge, skill or ability in discharging a professional obligation, and to include, without limitation, malpractice and gross negligence.

2. The Board will consider the following acts by a marriage and family therapist, clinical professional counselor or intern to constitute unprofessional conduct:

(a) Performing services relating to the practice of marriage and family therapy or the practice of clinical professional counseling as an intern outside the scope of an approved plan of internship.

(b) Performing services relating to the practice of marriage and family therapy or the practice of clinical professional counseling as a marriage and family therapist, clinical professional counselor or intern under a license that has lapsed or been deactivated.

(c) Failing to cooperate with any investigation of a complaint filed against the marriage and family therapist, clinical professional counselor or intern, including, without limitation, denying or failing to cooperate with a request for records made by the Board.

3. As used in this section:

(a) “Gross negligence” means conduct in the practice of marriage and family therapy or the practice of clinical professional counseling which represents an extreme departure from the standard of care required from a marriage and family therapist, clinical professional counselor or intern under the circumstances.

(b) “Malpractice” means conduct in the practice of marriage and family therapy or the practice of clinical professional counseling which falls below the standard of care required from a marriage and family therapist, clinical professional counselor or intern under the circumstances.

(Added to NAC by Bd. of Exam’rs for Marriage & Fam. Therapists by R173-03, eff. 8-20-2004; A by Bd. of Exam’rs for Marriage & Fam. Therapists & Clinical Prof. Counselors by R060-08, 9-18-2008; R091-14, 6-28-2016; R094-18, 8-30-2018)

**NAC 641A.258 Disciplinary action for unprofessional conduct: Grounds; authority of Board. ([NRS 641A.160](#), [641A.310](#))**

1. Any violation of this chapter or [chapter 641A](#) of NRS by a marriage and family therapist, clinical professional counselor or intern constitutes unprofessional conduct and subjects the marriage and family therapist, clinical professional counselor or intern to disciplinary action by the Board.

2. If a marriage and family therapist, clinical professional counselor or intern violates any provision of this chapter or [chapter 641A](#) of NRS or engages in any other unprofessional conduct while his or her license is in effect, the Board will take disciplinary action against the marriage and family therapist, clinical professional counselor or intern, including, without limitation, taking action against the marriage and family therapist, clinical professional counselor or intern after his or her license has expired or been suspended.

3. If a board or entity in this State, the District of Columbia or in another state or territory of the United States which has issued a license, certificate, registration or other credential to a marriage and family therapist, clinical professional counselor or intern for the practice of marriage and family therapy, the practice of clinical professional counseling or practice in a related field revokes or suspends the license, certificate, registration or other credential, or takes any other disciplinary action against the marriage and family therapist, clinical professional counselor or intern, the revocation, suspension or disciplinary action is a ground for disciplinary action by the Board against the marriage and family therapist, clinical professional counselor or intern for unprofessional conduct.

4. The failure of a marriage and family therapist, clinical professional counselor or intern to comply with a stipulation, agreement, advisory opinion or order issued by the Board constitutes unprofessional conduct and is a ground for disciplinary action by the Board against the marriage and family therapist, clinical professional counselor or intern.

5. As used in this section, “related field” means a field related to the social sciences or the study of the human mind and mental illness, including, without limitation, social work, alcohol and drug abuse counseling, psychology, psychiatry, nursing or medicine.

(Added to NAC by Bd. of Exam’rs for Marriage & Fam. Therapists by R173-03, eff. 8-20-2004; A by Bd. of Exam’rs for Marriage & Fam. Therapists & Clinical Prof. Counselors by R060-08, 9-18-2008; R091-14, 6-28-2016; R094-18, 8-30-2018)

## ADMINISTRATIVE PROCEEDINGS

### REVISER’S NOTE.

The regulation of the Board of Examiners for Marriage and Family Therapists (now Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors) filed with the Secretary of State on August 20, 2004 (LCB File No. R173-03), which substantially revised the provisions of [NAC 641A.301](#) to [641A.705](#), inclusive, contains the following provision not included in NAC:

“The amendatory provisions of sections 2 to 27, inclusive, 42 to 54, inclusive, and 56 of this regulation apply to an accusation, informal complaint or formal complaint that:

1. Has been filed with the Board before August 20, 2004, and which has not been formally resolved by the Board before August 20, 2004; and
2. Is filed with the Board after August 20, 2004.”

### General Provisions

**NAC 641A.301 Definitions.** ([NRS 641A.160](#)) As used in [NAC 641A.301](#) to [641A.705](#), inclusive, unless the context otherwise requires, the words and terms defined in [NAC 641A.303](#) to [641A.336](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Bd. of Exam’rs for Marriage & Fam. Therapists by R173-03, eff. 8-20-2004; A by Bd. of Exam’rs for Marriage & Fam. Therapists & Clinical Prof. Counselors by R094-18, 8-30-2018)

**NAC 641A.303 “Accusation” defined.** ([NRS 641A.160](#), [641A.330](#)) “Accusation” means a complaint against a marriage and family therapist, clinical professional counselor or intern filed with the Board pursuant to the provisions of [NAC 641A.421](#).

(Added to NAC by Bd. of Exam’rs for Marriage & Fam. Therapists by R173-03, eff. 8-20-2004; A by Bd. of Exam’rs for Marriage & Fam. Therapists & Clinical Prof. Counselors by R060-08, 9-18-2008)

**NAC 641A.306 “Applicant” defined.** ([NRS 641A.160](#)) “Applicant” means a person who applies for any privilege, license or authority from the Board.

(Added to NAC by Bd. of Exam’rs for Marriage & Fam. Therapists, eff. 12-14-87; A by R173-03, 8-20-2004; A by Bd. of Exam’rs for Marriage & Fam. Therapists & Clinical Prof. Counselors by R091-14, 6-28-2016; R094-18, 8-30-2018) — (Substituted in revision for NAC 641A.285)

**NAC 641A.311 “Complainant” defined.** ([NRS 641A.160](#), [641A.330](#))

1. “Complainant” means a person who complains to the Board of any act of another person.
2. In any proceeding which the Board initiates, the Board is the complainant.

(Added to NAC by Bd. of Exam’rs for Marriage & Fam. Therapists, eff. 12-14-87; A by R173-03, 8-20-2004; A by Bd. of Exam’rs for Marriage & Fam. Therapists & Clinical Prof. Counselors by R060-08, 9-18-2008) — (Substituted in revision for NAC 641A.295)

**NAC 641A.313 “Formal complaint” defined.** ([NRS 641A.160](#), [641A.330](#)) “Formal complaint” means a complaint against a marriage and family therapist, clinical professional counselor or intern prepared by the staff or an investigator pursuant to the provisions of [NAC 641A.451](#).

(Added to NAC by Bd. of Exam’rs for Marriage & Fam. Therapists by R173-03, eff. 8-20-2004; A by Bd. of Exam’rs for Marriage & Fam. Therapists & Clinical Prof. Counselors by R060-08, 9-18-2008)

**NAC 641A.316 “Informal complaint” defined.** ([NRS 641A.160](#)) “Informal complaint” means an accusation that the Board will consider pursuant to the provisions of [NAC 641A.421](#) or [641A.424](#).

(Added to NAC by Bd. of Exam’rs for Marriage & Fam. Therapists by R173-03, eff. 8-20-2004)

**NAC 641A.318 “Intervener” defined.** ([NRS 641A.160](#)) “Intervener” means a person who was not an original party to a proceeding, but may be directly and substantially affected by it, and secures an order from the Board or presiding officer granting him or her leave to intervene.

(Added to NAC by Bd. of Exam’rs for Marriage & Fam. Therapists, eff. 12-14-87; A by R173-03, 8-20-2004) — (Substituted in revision for NAC 641A.325)

**NAC 641A.321 “Investigator” defined.** ([NRS 641A.160](#)) “Investigator” means a person consulted with or enlisted by the staff to investigate an informal complaint pursuant to the provisions of [NAC 641A.434](#).

(Added to NAC by Bd. of Exam’rs for Marriage & Fam. Therapists by R173-03, eff. 8-20-2004)

**NAC 641A.323 “Party” defined.** ([NRS 641A.160](#)) “Party” includes:

1. The respondent;
2. The attorney, if any, representing the respondent; and
3. The legal counsel for the Board.

(Added to NAC by Bd. of Exam’rs for Marriage & Fam. Therapists by R173-03, eff. 8-20-2004)

**NAC 641A.326 “Petition” defined.** ([NRS 641A.160](#)) “Petition” means a pleading in which a party prays for affirmative relief, excluding an application, complaint or answer, but including a request for a declaratory order or an advisory opinion or for the adoption, amendment or repeal of any regulation.

(Added to NAC by Bd. of Exam’rs for Marriage & Fam. Therapists, eff. 12-14-87; A by R173-03, 8-20-2004) — (Substituted in revision for NAC 641A.425)

**NAC 641A.328 “Petitioner” defined.** ([NRS 641A.160](#)) “Petitioner” means a person who petitions for any affirmative relief, including a person who requests an advisory opinion or declaratory order or requests the adoption, amendment or repeal of a regulation. The term does not include a complainant.

(Added to NAC by Bd. of Exam’rs for Marriage & Fam. Therapists, eff. 12-14-87; A by R173-03, 8-20-2004) — (Substituted in revision for NAC 641A.305)

**NAC 641A.331 “Presiding officer” defined.** ([NRS 641A.160](#), [641A.330](#)) “Presiding officer” means:

1. The President of the Board; or
2. Another member of the Board appointed by the President.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists by R173-03, eff. 8-20-2004; A by Bd. of Exam'rs for Marriage & Fam. Therapists & Clinical Prof. Counselors by R060-08, 9-18-2008)

**NAC 641A.333 “Protestant” defined. ([NRS 641A.160](#))** “Protestant” means a person who enters a proceeding to protest against an application or petition.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists, eff. 12-14-87; A by R173-03, 8-20-2004) — (Substituted in revision for NAC 641A.335)

**NAC 641A.336 “Respondent” defined. ([NRS 641A.160](#))** “Respondent” means a person against whom any accusation or complaint is filed or investigation initiated.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists, eff. 12-14-87; A by R173-03, 8-20-2004) — (Substituted in revision for NAC 641A.315)

### **Parties, Appearances and Representation**

**NAC 641A.345 Persons who are not parties. ([NRS 641A.160](#))** A person who has not been admitted to a proceeding as an intervener or a protestant, and is not an original party to the proceeding, is not a party to the proceeding.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists, eff. 12-14-87)

**NAC 641A.355 Participation by staff. ([NRS 641A.160](#))** The staff may appear at any proceeding and participate as a party.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists, eff. 12-14-87; A by R173-03, 8-20-2004)

**NAC 641A.365 Entry of appearance. ([NRS 641A.160](#))** A party may enter his or her appearance at the beginning of a hearing or at any time designated by the presiding officer, by giving his or her name and address and stating his or her position or interest to the presiding officer. The information must be entered in the record of the hearing.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists, eff. 12-14-87)

**NAC 641A.375 Representation. ([NRS 641A.160](#))**

1. In lieu of counsel, a party may be represented by a person of his or her own choosing.
2. An attorney appearing as counsel in any proceeding must be an attorney at law, admitted to practice and in good standing before the highest court of any state. If the attorney is not admitted and entitled to practice before the Supreme Court of Nevada, he or she must be associated with an attorney so admitted and entitled to practice.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists, eff. 12-14-87)

**NAC 641A.385 Service upon attorney. ([NRS 641A.160](#))** Following the entry of an appearance by an attorney for a party, all notices, pleadings and orders to be served thereafter upon the party must be served upon his or her attorney, and such service is, for all purposes, valid service upon the party represented.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists, eff. 12-14-87)



**NAC 641A.395 Withdrawal of attorney.** ([NRS 641A.160](#)) Any attorney of record wishing to withdraw from a proceeding before the Board shall, in writing, immediately notify the Board or its presiding officer, the party whom he or she represented and any other parties to the proceeding.  
(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists, eff. 12-14-87)

**Pleadings, Motions and Preliminary Proceedings**

**NAC 641A.405 Verification of pleadings.** ([NRS 641A.160](#)) Every pleading, except a petition, must be verified. The following form may be used in making a verification:

State of Nevada            }  
  }ss.  
County of \_\_\_\_\_ }

....., being first duly sworn, deposes and says:

That (he or she) has filed this ..... (complaint, answer or application); that (he or she) has read the foregoing and knows the contents thereof; that the contents are true of (his or her) own knowledge, except for those matters therein stated upon information and belief, and as to those matters, (he or she) believes them to be true.

.....  
(Signature of person filing the complaint,  
answer or application.)

Subscribed and sworn to before me this .....(day) of .....(month) of .....(year)  
(Notary Public in and for Said County and State)

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists, eff. 12-14-87)

**NAC 641A.415 Construction of pleadings.** ([NRS 641A.160](#)) The Board will construe all pleadings so as to administer justice between the parties, and the Board will, or its presiding officer shall, at every stage of any proceeding, disregard errors or defects in the pleadings or proceedings which do not affect the substantial rights of the parties.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists, eff. 12-14-87)

**NAC 641A.418 Petitions.** ([NRS 641A.160](#)) A petition must contain the full name and mailing address of the petitioner and must be signed by the petitioner.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists by R173-03, eff. 8-20-2004)

**NAC 641A.421 Informal complaints: Filing of accusation.** ([NRS 641A.160](#), [641A.330](#))

1. A person may file an accusation with the Board, on a form provided by the Board, concerning the acts of or the services provided by a marriage and family therapist, clinical professional counselor or intern.

2. The complainant shall include in the accusation information that is sufficiently detailed so as to enable the respondent to prepare a response.

3. Except as otherwise provided in [NAC 641A.424](#), the Board will initially consider any accusation as an informal complaint.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists by R173-03, eff. 8-20-2004; A by Bd. of Exam'rs for Marriage & Fam. Therapists & Clinical Prof. Counselors by R060-08, 9-18-2008)

**NAC 641A.424 Informal complaints: Limited waiver of confidentiality regarding records of client.** ([NRS 641A.160](#), [641A.330](#))

1. If a complainant filing an accusation is the client of and is filing an accusation relating to his or her treatment by a marriage and family therapist, clinical professional counselor or intern, the Board will provide the complainant with a form for a limited waiver of confidentiality regarding his or her records.

2. If the Board provides a limited waiver of confidentiality to a complainant filing an accusation, the staff or legal counsel for the Board will not further review or process the accusation until the limited waiver of confidentiality has been signed by the complainant and returned to the Board.

3. After the complainant signs and returns the limited waiver of confidentiality regarding his or her records to the Board, the Board will initially consider the accusation as an informal complaint.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists by R173-03, eff. 8-20-2004; A by Bd. of Exam'rs for Marriage & Fam. Therapists & Clinical Prof. Counselors by R060-08, 9-18-2008)

**NAC 641A.427 Informal complaints: Examination by staff; notice to respondent.** ([NRS 641A.160](#))

1. Upon receipt of an informal complaint pursuant to the provisions of [NAC 641A.421](#) or [641A.424](#), the staff shall examine the informal complaint to determine whether it:

- (a) Has been properly verified; and
- (b) Alleges sufficient facts to warrant further proceedings.

2. If the staff determines that the informal complaint has been properly verified and alleges sufficient facts to warrant further proceedings, the staff shall notify the respondent by sending a copy or a summary of the informal complaint by certified mail to the respondent.

3. The notification must set forth the alleged violations of a provision of this chapter or of [chapter 641A](#) of NRS arising in the informal complaint and request a response from the respondent for review by the Board before a hearing is set.

4. The transmission of the copy or summary of the informal complaint shall be deemed to be a notice of intended action pursuant to subsection 3 of [NRS 233B.127](#).

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists by R173-03, eff. 8-20-2004)

**NAC 641A.431 Informal complaints: Response; failure to respond; review by staff.** ([NRS 641A.160](#))

1. Upon the receipt of a copy or summary of an informal complaint that has been filed against him or her pursuant to [NAC 641A.427](#), the respondent shall submit to the Board a written response to the informal complaint within 15 days after the date on which the informal complaint was served.

2. A response to an informal complaint must:
- (a) Respond to the allegations made in the informal complaint; and

(b) Be accompanied by all documentation that would be useful to the staff and legal counsel for the Board in the review of the allegations made in the informal complaint and the responses made by the respondent to those allegations.

3. In addition to any other disciplinary action, if the respondent fails to respond as required pursuant to subsection 1, he or she shall be deemed to have admitted the allegations in the informal complaint. Based on these admissions, the Board may enter a finding and impose appropriate discipline on the respondent in the same manner as if the allegations had been proven by substantial evidence at a hearing of the Board held on the complaint.

4. In cases in which a response is filed as required pursuant to subsection 1, the staff shall review the informal complaint and the responses made thereto, may enlist the aid of a member of the Board or other qualified persons in the review and may take any other reasonable action necessary to further the review.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists by R173-03, eff. 8-20-2004)

**NAC 641A.434 Informal complaints: Investigation by staff. ([NRS 641A.160](#))** After the initial review of the informal complaint and the responses made thereto conducted pursuant to the provisions of subsection 4 of [NAC 641A.431](#), the staff may:

1. Investigate the allegations and employ such people as they deem necessary to further the investigation;

2. Consult with experts in the appropriate fields, including, without limitation, the employment of such persons for the purposes of an investigation or a hearing;

3. Investigate new leads and allegations that may come to their knowledge in the course of the investigation;

4. Enlist the aid of a member of the Board or another qualified person in the conduct of the investigation; and

5. Take any other reasonable action necessary to further the investigation.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists by R173-03, eff. 8-20-2004)

**NAC 641A.437 Informal complaints: Assistance by Division of Public and Behavioral Health of Department of Health and Human Services. ([NRS 641A.160](#))** If the staff and legal counsel for the Board determine that the preliminary information from its investigation of an informal complaint reasonably indicates that a program in which a marriage and family therapist, clinical professional counselor or intern is employed or otherwise treating clients may have also violated any statutes or regulations applicable to the operation of the program, the staff and legal counsel for the Board may:

1. Coordinate with and seek the assistance of the Division of Public and Behavioral Health of the Department of Health and Human Services in the investigation of the alleged violations; and

2. Request the Division of Public and Behavioral Health to share with the staff and legal counsel for the Board any findings made by and information in the possession of the Division, to the fullest extent allowable under 42 C.F.R. Part 2.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists by R173-03, eff. 8-20-2004; A by Bd. of Exam'rs for Marriage & Fam. Therapists & Clinical Prof. Counselors by R060-08, 9-18-2008)

**NAC 641A.441 Informal complaints: Request for records or other evidence; failure to comply with request. ([NRS 641A.160](#))**

1. During an investigation of an informal complaint, the staff or investigator, if any, may demand that a respondent produce his or her records or other evidence for inspection or copying, with or without prior notice to the respondent and with or without a subpoena. A respondent shall not deny any such request for records or other evidence if the record or other evidence is not subject to the provisions of 42 C.F.R. Part 2.

2. If the respondent initially refuses or fails to cooperate with a request for records in violation of this section, the Board may immediately suspend his or her license until the respondent complies with the request for records or other evidence.

3. If the respondent continues to refuse or fail to cooperate with a request for records or other evidence in violation of this section after the Board has suspended his or her license pursuant to subsection 2, the Board may take such further disciplinary action against the respondent as the Board determines necessary.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists by R173-03, eff. 8-20-2004; A by Bd. of Exam'rs for Marriage & Fam. Therapists & Clinical Prof. Counselors by R060-08, 9-18-2008; R091-14, 6-28-2016; R094-18, 8-30-2018)

**NAC 641A.444 Informal complaints: Removal and reproduction of records or other evidence. ([NRS 641A.160](#))**

1. If the staff or investigator, if any, determines that a specific record or other specific evidence is material to or necessary for an investigation conducted pursuant to [NAC 641A.434](#), the staff or investigator may remove the record or evidence and provide a copy of the record or evidence to the owner of that record.

2. If the record or other evidence can be readily copied at the location where the record or evidence is located, the staff or investigator shall make a copy of the record or evidence at that location.

3. If the record or other evidence cannot be readily copied at the location where the record or evidence is located, the staff or investigator may remove the record or evidence from that location to copy the record or evidence.

4. If the staff or investigator removes a record or other evidence to be copied pursuant to subsection 3, the staff or investigator shall provide the person to whom the record or evidence being removed belongs with a receipt for the record or evidence and, not later than 5 business days after the record or evidence is removed, provide a copy of the record or evidence to that person.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists by R173-03, eff. 8-20-2004)

**NAC 641A.447 Informal complaints: Confidentiality. ([NRS 641A.160](#))**

1. Except as otherwise provided in this subsection, the staff, legal counsel for the Board and investigator, if any, shall keep all information gathered during an investigation of a complaint confidential during the investigation. Except as otherwise provided in this section, nothing in this subsection prohibits the staff, legal counsel for the Board or investigator, if any, from:

(a) If the confidential information to be communicated is relevant to the investigation or regulation of the person or program by another agency or board, communicating confidential information to, or otherwise cooperating with, another agency or board that:

(1) Is investigating a person licensed by the Board;

(2) Is investigating a program in which a person licensed by the Board is engaging in the practice of marriage and family therapy or the practice of clinical professional counseling; or

(3) Regulates or has jurisdiction over the violations of law alleged in a complaint; or

(b) Communicating confidential information to the operator of a program, or his or her designee, if the complaint to which the confidential information relates:

- (1) Is filed against a person who is a member of the staff of that program; and
- (2) Alleges the existence of a condition which poses a significant hazard to the health or safety of the clients and staff of, and the visitors to, the program.

2. Notwithstanding any provision of this section to the contrary, information which is subject to the standards of confidentiality set forth in 42 C.F.R. Part 2 may be communicated by the Board, staff, legal counsel for the Board or investigator, if any, only if such communication does not violate those standards of confidentiality.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists by R173-03, eff. 8-20-2004; A by Bd. of Exam'rs for Marriage & Fam. Therapists & Clinical Prof. Counselors by R060-08, 9-18-2008)

**NAC 641A.451 Informal complaints: Action upon completion of investigation; notice of hearing and formal complaint. ([NRS 641A.160](#))**

1. When an investigation of an informal complaint conducted pursuant to [NAC 641A.434](#) is complete, the staff and investigator, if any, shall determine whether substantial evidence exists to sustain the alleged violation of a statute or regulation set forth in the informal complaint.

2. If the staff and investigator determine that no allegation of a violation of a statute or regulation set forth in the informal complaint can be sustained, the staff shall notify, in writing, the complainant and the respondent of this determination.

3. If the staff and investigator determine that a violation of a statute or regulation as alleged in the informal complaint can be sustained, the legal counsel for the Board shall:

(a) In compliance with [NRS 622.330](#), offer mediation, settlement agreements, stipulations of facts and liability or informal hearings; or

(b) Prepare a notice of hearing and a formal complaint.

4. A notice of hearing and a formal complaint must:

(a) Be a plain statement of the facts and applicable provisions of statutes and regulations regarding the acts of the respondent alleged to be in violation of the statutes and regulations governing the practice of marriage and family therapy or clinical professional counseling, as applicable;

(b) Include the date, time and place that the Board will hear the matter, if this information is known at the time when the notice of hearing and the formal complaint are sent to the respondent; and

(c) Be signed by the legal counsel for the Board and, if a member of the Board was active in the investigation, by that member of the Board.

5. The staff shall send a notice of hearing and a formal complaint prepared pursuant to subsection 4 to the respondent by certified mail.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists by R173-03, eff. 8-20-2004; A by Bd. of Exam'rs for Marriage & Fam. Therapists & Clinical Prof. Counselors by R094-18, 8-30-2018)

**NAC 641A.454 Formal complaints: Answer; failure to answer. ([NRS 641A.160](#))**

1. A respondent who receives a notice of hearing and a formal complaint pursuant to [NAC 641A.451](#) must file an answer to the notice of hearing and the formal complaint not later than 15 days after the date on which the notice of hearing and the formal complaint were served.

2. An answer to a notice of hearing and a formal complaint filed by a respondent must include a response to each allegation and statement made in the notice of hearing and the formal complaint by either admitting to or denying the allegation or statement.

3. In addition to any other disciplinary action, if the respondent fails to file an answer as required pursuant to subsection 1, he or she shall be deemed to have admitted each allegation and statement contained in the notice of hearing and the formal complaint. Based on these admissions, the Board may enter a finding and impose appropriate discipline on the respondent in the same manner as if the allegations had been proven by substantial evidence at a hearing of the Board held on the formal complaint.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists by R173-03, eff. 8-20-2004)

**NAC 641A.457 Formal complaints: Consolidation. ([NRS 641A.160](#))** The Board may join two or more formal complaints into one formal complaint if:

1. The causes of action of each formal complaint are against the same person and deal with substantially the same or similar violations of statutes and regulations; and

2. The joining of the formal complaints will serve the best interests of the Board, complainants and respondent.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists by R173-03, eff. 8-20-2004)

**NAC 641A.461 Formal complaints: Exchange of evidence and lists of witnesses. ([NRS 641A.160](#))**

1. Not later than 10 days after a respondent files an answer to a formal complaint pursuant to the provisions of [NAC 641A.454](#), the parties to the formal complaint shall exchange:

(a) A copy of all documents and other evidence that are reasonably available to the party and that the party reasonably anticipates will be used by the party at the hearing; and

(b) A written list of all persons who the party reasonably anticipates will be called to testify at the hearing by the party. The list must include the name and address of each potential witness and a general description of the anticipated subject matter of his or her testimony.

2. If, after initially providing the documents and list of witnesses pursuant to subsection 1, a party to the formal complaint reasonably anticipates that other documents or witnesses will be used in support of his or her position, or if any of the documents or information previously provided changes, the party to the formal complaint shall supplement and update his or her submission to the other parties to the formal complaint.

3. If a party to the formal complaint fails to provide documentation or information as required by this section, the presiding officer shall exclude the undisclosed document or the testimony of the witness at the hearing, unless the party seeking to include the document or witness demonstrates to the Board that the evidence or witness was not available upon diligent investigation before the date on which the exchange was required and that the evidence or witness was given or communicated to the other parties immediately after it was obtained.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists by R173-03, eff. 8-20-2004)

**NAC 641A.464 Discovery; depositions. ([NRS 641A.160](#))**

1. Discovery may only be done in accordance with the provisions of [NAC 641A.418](#) to [641A.464](#), inclusive.

2. The Board will not allow for the taking of depositions.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists by R173-03, eff. 8-20-2004)

**NAC 641A.467 Prehearing conferences and orders.** ([NRS 641A.160](#)) The presiding officer may order a prehearing conference and may enter such prehearing orders as the presiding officer determines are appropriate for the efficient conduct of the hearing, including, without limitation:

1. The exchange of written direct testimony of witnesses;
2. The exclusion of particular testimony or evidence;
3. The admission of particular testimony and other exhibits by agreement of the parties;
4. The advance marking of all exhibits;
5. The exchange by the parties of written prehearing statements or briefs similar to pretrial statements filed in district court; and
6. Settlement negotiations. Settlement negotiations, and the statements of parties relating thereto, made at a prehearing conference are not admissible in evidence at the hearing unless the parties agree and the agreement is incorporated in a prehearing order.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists by R173-03, eff. 8-20-2004)

**NAC 641A.471 Motions.** ([NRS 641A.160](#))

1. A motion concerning any matter before the Board must be made in writing, unless the motion is made during the hearing on that matter.
2. A written motion must set forth the nature of the relief sought by and the grounds for the motion.
3. The presiding officer may deny as untimely:
  - (a) Any motion made during a hearing if the motion could have reasonably been made before the hearing; and
  - (b) Any motion that is filed on a date that does not provide the opposing parties a reasonable time to respond.
4. A party may oppose a written motion by filing a written response to the motion with the Board and all the parties to the proceeding to which the motion relates.
5. If a written response to a motion is filed, the party who made the motion may file and serve a written reply to the response.
6. Except as otherwise provided in this section, the presiding officer shall rule on all written motions on a matter at or before the hearing scheduled on the matter. The presiding officer may rule on a motion without oral argument or may allow oral arguments to be made before ruling on the motion. If the presiding officer allows oral arguments on a written motion to be made, the presiding officer shall set a time and date for hearing the oral arguments.
7. The presiding officer may require the Board to vote to decide a motion.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists by R173-03, eff. 8-20-2004)

**NAC 641A.475 Filing and availability of pleadings, motions and other papers.** ([NRS 641A.160](#)) An original and two legible copies of each pleading, motion or other paper must be filed with the Board. The Board may direct that a copy of each pleading and motion be made available by the party filing it to any other person who the Board determines may be affected by the proceeding and who desires a copy.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists, eff. 12-14-87)

**NAC 641A.485 Service of documents.** ([NRS 641A.160](#))

1. Every notice, advisory opinion, declaratory order or other document to be served by the Board will be served by mail or delivered in person. Service thereof by mail shall be deemed complete when a true copy of the document, properly addressed and stamped, is deposited in the United States mail.

2. Every document required to be served by a party must be served by mail or delivered in person. Service thereof by mail shall be deemed complete when a true copy of the document, properly addressed and stamped, is deposited in the United States mail.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists, eff. 12-14-87)

**NAC 641A.495 Proof of service. (NRS 641A.160)** The Board will include with each document which it serves, other than one of its decisions or orders, an acknowledgment of service or the following certificate:

I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding by delivering a copy thereof in person to ..... or by mailing a copy thereof, properly addressed and with postage prepaid to.....

DATED at.....  
this .....(day) of .....(month) of .....(year)

.....  
(Signature)

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists, eff. 12-14-87)

### Hearings and Rehearings

**NAC 641A.505 Notice of hearing. (NRS 641A.160)** The Board will serve notice of a hearing at least 10 days before the day set for the hearing. A hearing which has previously been continued may be reset on advance notice of at least 5 days.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists, eff. 12-14-87)

**NAC 641A.515 Failure to appear. (NRS 641A.160)**

1. If a party fails to appear at a hearing scheduled by the Board and no continuance has been requested or granted, the Board may hear testimony of witnesses who have appeared and proceed to consider the matter and dispose of it on the basis of the evidence before it.

2. Where, because of accident, sickness or other reasonable cause, a person fails to appear for a hearing or request a continuance thereof, he or she may, within a reasonable time but not more than 10 days after the date originally set for the hearing, apply to the Board to reopen the proceedings. Upon finding the cause sufficient and reasonable, the Board will set a new time and place for hearing and give the person notice thereof. Witnesses who have previously testified may not be required to appear at the second hearing unless so directed by the Board.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists, eff. 12-14-87)



**NAC 641A.525 Preliminary procedure. (NRS 641A.160)** The presiding member shall call the proceeding to order, proceed to take the appearances and act upon any pending motions or petitions. The parties may then make opening statements.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists, eff. 12-14-87; A by R173-03, 8-20-2004)

**NAC 641A.535 Conduct at hearings. (NRS 641A.160)** At a hearing before the Board, all parties and their counsel and the spectators shall conduct themselves in a respectful manner.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists, eff. 12-14-87)

**NAC 641A.545 Order of presentation. (NRS 641A.160)**

1. Each applicant, petitioner or complainant may present his or her evidence, and then such parties as may be opposing the application, petition or complaint may submit their evidence. The presiding member shall determine the order in which any intervener may introduce his or her evidence.

2. Evidence will ordinarily be received from the parties in the following order:

(a) Upon an application or petition:

- (1) Applicant or petitioner.
- (2) Staff.
- (3) Protestant.
- (4) Rebuttal by applicant or petitioner.

(b) Upon a complaint:

- (1) Complainant.
- (2) Respondent.
- (3) Rebuttal by complainant.
- (4) Rebuttal by respondent.

3. The Board or its presiding member may modify the order of presentation and may allow the parties to make closing statements.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists, eff. 12-14-87; A by R173-03, 8-20-2004)

**NAC 641A.555 Consolidation. (NRS 641A.160)** The presiding member may consolidate two or more proceedings for one hearing whenever it appears that the issues are substantially the same and the interests of the parties will not be prejudiced by a consolidation.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists, eff. 12-14-87; A by R173-03, 8-20-2004)

**NAC 641A.565 Stipulations. (NRS 641A.160)** With the approval of the presiding member, the parties may stipulate as to any fact at issue, either by a written stipulation introduced in evidence as an exhibit or by an oral statement shown upon the record. Any such stipulation is binding upon all parties to the stipulation, and it may be treated as evidence at the hearing. The presiding member may require evidential proof of the facts stipulated to, notwithstanding the stipulation.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists, eff. 12-14-87; A by R173-03, 8-20-2004)

**NAC 641A.575 Briefs.** ([NRS 641A.160](#)) The Board may request briefs to be filed within a specified time. Briefs must be accompanied by proof of service.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists, eff. 12-14-87)

**NAC 641A.585 Official notice.** ([NRS 641A.160](#)) In addition to the facts mentioned in subsection 5 of [NRS 233B.123](#), the Board may take official notice of regulations, official reports, decisions, orders, standards or records of the Board, of any other regulatory agency of the State of Nevada or of any court of record.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists, eff. 12-14-87)

**NAC 641A.595 Informal hearing.** ([NRS 641A.160](#)) The Board may hold an informal hearing to:

1. Mediate problems;
2. Discuss factual or legal questions relating to the propriety of certain conduct;
3. Discuss certain conduct and warn holders of licenses that engaging in the conduct would be in violation of law or the Board's regulations; or
4. Determine the appropriateness of holding a formal hearing on any matter.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists, eff. 12-14-87; A by Bd. of Exam'rs for Marriage & Fam. Therapists & Clinical Prof. Counselors by R091-14, 6-28-2016; R094-18, 8-30-2018)

**NAC 641A.605 Submission for decision.** ([NRS 641A.160](#)) A proceeding stands submitted for decision by the Board after:

1. The taking of evidence;
  2. The filing of briefs; or
  3. The presentation of such oral arguments as may have been permitted by the Board,
- ↳ whichever occurs last.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists, eff. 12-14-87)

**NAC 641A.615 Petition for rehearing.** ([NRS 641A.160](#))

1. Within 15 days after the Board has made a decision or issued an order, the aggrieved party may apply for a rehearing by filing a written petition setting forth the grounds for the rehearing.
2. The Board will act upon such a petition within 30 days after receiving it. If no action is taken by the Board within the 30-day period, the petition shall be deemed denied.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists, eff. 12-14-87)

**NAC 641A.625 Rehearing on motion by Board.** ([NRS 641A.160](#)) The Board, on its own motion, may order a rehearing of its decision if mistake, fraud or misconception of facts existed in the forming of its original decision.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists, eff. 12-14-87)

**NAC 641A.635 Effect of filing petition for rehearing.** ([NRS 641A.160](#)) The filing of a petition for a rehearing does not excuse compliance with the order or decision, nor suspend its effectiveness, unless the Board, by order, allows the excuse or declares the suspension.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists, eff. 12-14-87)

## Declaratory Orders and Advisory Opinions

### **NAC 641A.645 Petition for declaratory order or advisory opinion. ([NRS 641A.160](#))**

1. The Board will consider petitions for declaratory orders or advisory opinions as to the applicability of any statutory provision or any regulation or decision of the Board.

2. A petition for a declaratory order or an advisory opinion must be in writing and be prepared in a form approved by the Board.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists, eff. 12-14-87)

### **NAC 641A.655 Consideration of petition. ([NRS 641A.160](#))**

1. Upon receiving a petition for a declaratory order or an advisory opinion, the Board will place the matter on the agenda for discussion at its next regularly scheduled meeting. If the petition is received within 10 days before the next regularly scheduled meeting, the petition may be placed on the agenda for discussion at the following meeting.

2. At the appropriate meeting, the Board will consider the matter and grant or deny the petition.

3. If the Board denies the petition, no further action will be taken.

4. If the Board grants the petition, the Board will issue its declaratory order or advisory opinion within 60 days after granting the petition, or within 120 days if good cause exists for an extended period of consideration. The Board may schedule a hearing on the issue raised in the petition before issuing its decision. Such a hearing constitutes sufficient cause to warrant the extension.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists, eff. 12-14-87)

**NAC 641A.665 Preparation of decision. ([NRS 641A.160](#))** After the Board determines that an issue concerning the applicability of a provision of a statute, regulation or decision should be addressed, the President or other presiding officer shall assign one member of the Board to write the order or opinion. Within 30 days thereafter, the member so assigned shall:

1. Review comments by all members of the Board on the issue;

2. Research the issue and, if necessary, seek the assistance of the Attorney General; and

3. Submit a draft of the order or opinion to the Board for its approval.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists, eff. 12-14-87)

**NAC 641A.675 Notice to petitioner. ([NRS 641A.160](#))** After the Board renders its declaratory order or advisory opinion, the Secretary-Treasurer shall give notice of it to the petitioner.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists, eff. 12-14-87)

**NAC 641A.685 Violation of order or opinion. ([NRS 641A.160](#))** After the Board renders such an order or opinion, any violation of it is cause for a disciplinary hearing.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists, eff. 12-14-87)

## Miscellaneous Petitions

### **NAC 641A.695 Petition for adoption, amendment or repeal of regulation. ([NRS 641A.160](#))**

1. A petition for the adoption, amendment or repeal of a regulation must be in writing and be prepared in a form approved by the Board.

2. If the Board receives such a petition within 30 days before its next regular meeting, the petition must be placed on the agenda for discussion to determine whether the petition should be denied or procedures for adoption of a regulation should be commenced.

3. If the petition is received by the Board during any period in which a regular meeting is not scheduled within 30 days, the Secretary-Treasurer of the Board shall commence the Board's regulatory proceedings. The Board may, however, call a special meeting to deny the petition, thus terminating the proceedings.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists, eff. 12-14-87; A by R173-03, 8-20-2004)

**NAC 641A.705 Petition to appear before the Board. (NRS 641A.160)** Any person may petition the Board to appear and be heard on any matter within the jurisdiction of the Board, as follows:

1. The petitioner must use a form which is approved by the Board. The petition must contain a brief summary of the subject matter and contain the reasons for bringing the matter before the Board.

2. The petition must be received by the Board at least 10 days before the meeting at which the petitioner wishes to be heard, but the Board's Secretary-Treasurer may waive this requirement.

3. Upon receipt of the petition, the Secretary-Treasurer or another member of the Board or any other person designated by the Board to do so may make an initial evaluation to determine whether the subject of the petition is a proper item for the agenda of a formal hearing and, if so, whether a special meeting of the Board must be called for such a hearing.

4. If the person evaluates the petition as presenting cause for a disciplinary action involving a revocation, suspension or probation, the petitioner must file a formal complaint, and the Secretary-Treasurer shall notify the petitioner of the requirements for making such a complaint.

5. If the evaluation results in a determination that there is no possibility for a revocation, suspension or probation, and if the matter is within the Board's jurisdiction, the matter will be placed on the agenda as an item of new business for discussion.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists, eff. 12-14-87)

**Chapter 641A of NAC is hereby amended by adding thereto a new section to read as follows:**

***1. Informed written consent provided pursuant to NRS 641A.297 for the use of a recording of the provision of mental health services by a marriage and family therapist or clinical professional counselor to a client in a training activity must be in substantially the following form:***

***DRAFT OF INFORMED CONSENT***

***Agency/Practitioner Name***

***Informed Consent to Record Therapy Sessions via Electro-Mechanical or Electronic Recordings***

***I am requesting your permission to record our therapy session or sessions either by electro-mechanical or electronic recordings. The purpose of this recording is to help me serve you better and to review and evaluate my therapy techniques. No recording will be done without your prior knowledge and consent.***

***1. You are not required to be videotaped and are under no obligation to have sessions recorded.***

***2. You can request that the recorder be turned off at any time and may request that any***

- portion or the entire recording be erased.*
- 3. You may terminate this permission to record at any time.*
  - 4. The purpose of recording is for use in training and supervision.*
  - 5. The contents of these recorded sessions are confidential.*
  - 6. The electro-mechanical or electronic recordings will be stored in a secure location and will not be used for any other purpose without your explicit written permission.*
  - 7. The electro-mechanical or electronic recordings will be destroyed 1 year after the date of recording.*

*All viewers of the electro-mechanical or electronic recording, including myself, are bound by the ethical standards of the American Association for Marriage and Family Therapy or the National Board for Certified Counselors and the American Counseling Association, as applicable. This consent expires 365 days after the date of your signature below.*

*The original copy of this consent form will be kept in your records with this agency.*

*By signing below, you are stating that you have read and understood the Informed Consent to Record Therapy Sessions via Electro-Mechanical or Electronic Recordings and that you are permitting (Agency/Practitioner Name) to audio or video record our session(s).*

.....  
*Name of Client (Please print)*

.....  
*Signature Date*

- 2. A marriage and family therapist or clinical professional counselor shall maintain the informed written consent described in subsection 1 for at least 1 year after the date on which the recording to which the informed written consent pertains is destroyed.*
- 3. 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 a training activity shall destroy the recording on or before the date 1 year after the recording was made.*
- 4. As used in this section and NRS 641A.297, "training activity" means:*
  - (a) A meeting between a supervisor and an intern where a recording is reviewed; or*
  - (b) A presentation of a case by an intern to a supervisor and a discussion by a supervisor on the proper management and treatment of the case.*