



Governor: **Brian Sandoval**
Budget Period: **2019-2021 Biennium (FY20-21)**
Budget Session: **80TH REGULAR SESSION**
BDR Number: **19ABDC2030**
Title: **MFT-CPC Board Healthcare Revisions**

1. Description

Primary Department: **BDC BDC - LICENSING BOARDS & COMMISSIONS**
Primary Division: **BDC BDC - BDC LICENSING BOARDS & COMMISSIONS**
NRS title, chapter and sections, Nevada Constitutional provisions, administrative regulations (NAC) affected:

NRS 641A - Marriage and Family Therapists and Clinical Professional Counselors

Description of the problem to be solved or the goal of the proposed measure, or both:

Expansion of behavioral health workforce through streamlining counseling licensing process, augmenting practice scope, and increasing funding for Board operations, along with improving public accountability by increasing public participation on the Board.

Would this measure, if enacted, create or increase any fiscal liability of state government or decrease any revenue of state government which appears to be in excess of \$2,000?

No

Would this measure, if enacted, increase or newly provide for a term of imprisonment in the state prison or make release on parole or probation from the state prison less likely?

No

Bill Type: **Policy-Substantive**

Effective Date: **July 1, 2019**

2. BA/DU

Budget Accounts

B014 MARRIAGE & FAMILY THERAPISTS-NON-EXEC

3. Contacts

Primary Contact:

Name: **Jake Wiskerchen**

Title: **President, Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors**

Mailing Address: **418 Cheney Street Reno, NV 89502**

Phone: **(775) 287-1099**

Extension:

Email: **jake@zephyrwellness.org**

4. Agency Notes

Are there similar measures from current or previous sessions?

No

Are there federal laws, court cases, or attorney general opinions involved?

No

Are there similar statutes in other states?

Yes

What are they?

TBD

What would be the impacts of the BDR if implemented?

We anticipate manifold advantages, among which include, but are not limited to: enhanced behavioral health workforce via practice scope expansion, which will attract and retain more clinicians who can practice to the full scope of their training and education; improve accountability through a more balanced public representation on the Board; improve and expedite reciprocity licensing, also improving the workforce; ability to investigate complaints against licensees more quickly thus protecting the public more robustly; generally improving office operations and increasing constituent responsiveness; and removing conflicting language regarding supervision, resulting in more proficient oversight of intern licensees.

If the BDR fails to pass what are the consequences?

Nevada stays where it has been for a while: maintaining residence at the bottom of a lot of things in which we don't want to be in the bottom.

Describe any support for the BDR beyond the requesting agency

To date of this document, the Board has procured support from legislators representing all parts of the state, two of the four regional behavioral health policy boards (the other two have not heard the presentation yet), numerous community groups, organizations, and businesses, and the governor's office.

Describe any opposition to the BDR

Potential opposition might include fiscal hawks who reflexively oppose any governmental fee increases based solely upon ideology and various professional organizations that might perceive some of the changes as an attack upon their profession. This opposition will be minimal and largely limited to people who lack a basic understanding and/or acknowledgement that the Board's job is to promote and protect Nevada citizens' health and welfare, not individual private interests.

5. Analyst Notes

Is this a Governor's State of the State BDR?

Unanswered

Is the BDR Confidential?

Unanswered

Assigned Policy Analyst

Does this change appear reasonable?

Unanswered

Should this be in SAM or NAC instead of NRS?

Unanswered

Should this BDR wait or be delayed?

Unanswered

Approvals

Approval Level	User	Date
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NRS 641A.065 “Practice of clinical professional counseling” defined.

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

2. The term includes:

~~(a) Counseling interventions to prevent, diagnose and treat mental, emotional or behavioral disorders and associated distresses which interfere with mental health;~~ and shall include without limitation

~~(b) The assessment or treatment of couples or families, if the assessment or treatment is provided by a person who, through the completion of coursework or supervised training or experience, has demonstrated competency in the assessment or treatment of couples or families as determined by the Board.~~

3. The term does not include:

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

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

~~— (c) The treatment of physical disease, injury or deformity;~~

~~— (d) The diagnosis or treatment of a psychotic disorder;~~

~~— (e) The use of projective techniques in the assessment of personality;~~

~~— (f) The use of psychological, neuropsychological or clinical tests designed to identify or classify abnormal or pathological human behavior;~~

~~— (g) The use of individually administered intelligence tests, academic achievement tests or neuropsychological tests; or~~

~~— (h) The use of psychotherapy to treat the concomitants of organic illness except in consultation with a qualified physician or licensed clinical psychologist.~~

(Added to NRS by [2007, 3052](#); A [2013, 540](#))

Rationale: This will open up CPC practice scope to treat couples and families, as well as individuals with schizophrenia and other psychotic disorders, along with the ability to perform psychometric testing, all of which will likely result in increased behavioral health workforce development as these restrictions appear nowhere else in the United States. Removal of the bulleted language concerning practice scope restriction aligns with professional ethics, which does not attempt to articulate what cannot be done, as that is covered by competence ethic.

NRS 641A.080 “Practice of marriage and family therapy” defined.

1. “Practice of marriage and family therapy” means the diagnosis and treatment of mental and emotional disorders, whether cognitive, affective or behavioral, within the context of interpersonal relationships, including, without limitation, marital and family systems, and involves the professional application or use of psychotherapy, counseling, evaluation, assessment instruments, consultation, treatment planning, supervision, research and prevention of mental and emotional disorders. The term includes, without limitation, the rendering of professional marital and family therapy services to a person, couple, family or family group or other group of persons.

2. The term does not include:

~~(a) The diagnosis or treatment of a psychotic disorder; or~~

~~(b) The use of a psychological or psychometric assessment test to determine intelligence, personality, aptitude, interests or addictions.~~

(Added to NRS by [1973, 486](#); A [1987, 2124](#); [1989, 1202](#); [1999, 795](#); [2007, 3055](#))

Rationale: Same as CPC rationale above.

NRS 641A.100 Qualifications of members; removal for misconduct.

1. The Governor shall appoint to the Board:
 - (a) ~~Four~~ **Three** members who are licensed marriage and family therapists and are in good standing with or acceptable for membership in their local or state societies and associations when they exist;
 - (b) Three members who are licensed clinical professional counselors and are in good standing with or acceptable for membership in their local or state societies and associations when they exist; and
 - (c) ~~Two~~ **Three** members who are representatives of the general public. These members must not be:
 - (1) A marriage and family therapist;
 - (2) A clinical professional counselor; or
 - (3) The spouse or the parent or child, by blood, marriage or adoption, of a marriage and family therapist or clinical professional counselor.
2. The Governor may, after notice and hearing, remove any member of the Board for misconduct in office, incompetence, neglect of duty or other sufficient cause.

(Added to NRS by [1973, 486](#); A [1977, 1258](#); [1987, 2124](#); [2003, 1198](#); [2007, 3056, 3057](#))

Rationale: In response to Dunning case from North Carolina and at the suggestion of Board legal counsel, this will balance the representation on the Board and improve public accountability by increasing public membership.

NRS 641A.235 License: Issuance; expiration; proration of fee.

1. The Board shall issue a license to an applicant who meets the requirements imposed pursuant to this chapter.
2. Except as otherwise provided in [NRS 641A.2872](#) and [641A.2882](#), a license expires on ~~January 1 the licensee's birthdate two years after issuance or renewal of each year.~~
3. The Board may prorate the fee for a license which expires less than 6 months after the date of issuance.

(Added to NRS by [1987, 2123](#); A [1989, 1570](#); [2007, 3059](#))

Rationale: Advantages are manifold. First, it will encourage attendance at extended conferences where continuing education credits exceed the 20 required annually. Second, it will space out renewals throughout the calendar year, thus ensuring a more even revenue flow. Third, it will ease the burden on both staff who process renewal applications and verify CEUs. Fourth, it pulls into alignment this Board's practices with those of other professions that no longer perform annual renewals.

NRS 641A.241 Expedited license by endorsement: Requirements; procedure for issuance.

1. The Board may issue a license by endorsement to practice as a marriage and family therapist or clinical professional counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license as a marriage and family therapist or clinical professional counselor, as applicable, in the District of Columbia or any state or territory of the United States.
2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:
 - (a) Proof satisfactory to the Board that the applicant:
 - (1) Satisfies the requirements of subsection 1;
 - (2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

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

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

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

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

(d) Any other information required by the Board.

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

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

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

(Added to NRS by [2015, 3032](#))

Rationale: While the Board recognizes the legislature’s desire to give a preferential nod to veterans’ reciprocity licensing, it believes that what is good for the proverbial goose is likely just as beneficial to the entire gander. In keeping with the spirit of improving Nevada’s behavioral health workforce development, this will grant licenses faster and, subsequently, get citizens treated with fewer care delays.

NRS 641A.290 Fees.

1. The Board shall charge and collect ~~not more than~~ the following fees, ~~respectively~~, in U.S. dollars

	Not less than	Not more than
For a Application for a license	\$125	250
For e Examination of an applicant for a license	200	400
For issuance of a license.....	50	
For annual Biennial renewal of a license	150 300	600
For Biennial renewal of an inactive license	100	400
Semi-annual intern license renewal	25	100
Three-year intern license extension	100	200
Re-examination of academic coursework	50	125
For reinstatement of a license revoked for nonpayment of the fee for renewal.....	100	
Late fee for nonpayment of biennial renewal fee	100	400
For placement of a license an into inactive license status	150 100	400
Reinstatement of a license from inactive status	50	100
Duplicate license	10	100

Application of secondary supervisor status	75	150
Application of primary and secondary supervisor status	150	300
Continuing education course review and registration - initial	25	100
Continuing education course review and biennial renewal	10	100
Continuing education provider review and registration	100	500
Continuing education provider review and biennial renewal	100	500

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

3. Grace period for nonpayment of a biennial renewal fee shall be 10 business days, after which time the license will automatically be rendered inactive and the licensee shall remit the reinstatement fee to reactivate the license in addition to the late fee.

4. The three-year extension fee is separate and apart from the six-month renewal fee. (this might have to go into regulation but maybe not...? Just trying to avoid confusion.)

5. The Board shall adopt regulations to set and establish fees not inconsistent with this section. (is this redundant to 641A.160?)

(Added to NRS by [1973, 490](#); A [1985, 651](#); [1987, 2127](#); [1989, 1202](#); [2015, 3914](#))

Rationale: This is obviously suggested to increase revenue. Presently the Board's budget is around \$160k annually, which cannot fund many necessities, including a strong enough salary to attract a qualified full-time executive director, a complaint investigator, and market-competitive wages (plus fringe, such as health insurance) for office staff, which they currently do not receive.

NRS 641A.2872 Marriage and family therapist interns: Period of validity; eligibility for renewal; expiration. A license as a marriage and family therapist intern:

1. Is valid for 3 years and may be renewed not more than once; and
2. Expires upon:
 - (a) The termination of the supervision agreement with an approved supervisor; or;
 - ~~(b) A change in the approved supervisor; or~~
 - ~~(e)~~ (b) The issuance of a license as a marriage and family therapist to the holder of the license as a marriage and family therapist intern.

(Added to NRS by [2007, 3054](#))

NRS 641A.2882 Clinical professional counselor interns: Period of validity; eligibility for renewal; expiration. A license as a clinical professional counselor intern:

1. Is valid for 3 years and may be renewed not more than once; and
2. Expires upon:
 - (a) The termination of the supervision agreement with an approved supervisor; or;
 - ~~(b) A change in the approved supervisor; or~~
 - ~~(e)~~ (b) The issuance of a license as a clinical professional counselor to the holder of the license as a clinical professional counselor intern.

(Added to NRS by [2007, 3053](#))

Rationale: As currently written, 2878 and 2888 state that interns can change supervisors and their agreements and merely have to notify the Board. However, 2872 and 2882 state that internships (and, the intern's ability to practice) terminate with the termination of a supervision agreement, which

obviously occurs with any supervisory change. Both cannot exist simultaneously so the Board would like to allow supervisory changes without resulting in internship termination, as that obstructs practice and, in turn, care access.