

**PROPOSED REGULATION OF THE BOARD OF EXAMINERS  
FOR MARRIAGE AND FAMILY THERAPISTS AND CLINICAL  
PROFESSIONAL COUNSELORS**

**LCB File No. R125-23**

December 18, 2023

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

AUTHORITY: §§ 1-3, NRS 641A.160.

A REGULATION relating to professions; eliminating the requirement for an approved provider of continuing education to submit certain information to the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors; repealing the requirement that every written communication to the Board include certain information; repealing certain provisions relating to an applicant for a license to practice as a marriage and family therapist who fails an examination; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law requires the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors to establish requirements for continuing education to renew a license as a marriage and family therapist or clinical professional counselor. (NRS 641A.170, 641A.260) Existing regulations set forth procedures for: (1) an individual course or program of continuing education to be approved; or (2) a provider of continuing education to become an approved provider. (NAC 641A.121, 641A.123, 641A.126) Existing regulations further require an approved provider of continuing education to transmit certain information to the Board within 30 days after presenting a course or program of continuing education. (NAC 641A.126) **Section 1** of this regulation eliminates this requirement.

Existing regulations require that, for each course or program of continuing education presented, an approved provider of continuing education or a provider of continuing education that is not an approved provider keep a record of the course or program for 3 years that includes certain information. (NAC 641A.129) **Section 2** of this regulation eliminates this requirement.

**Section 3** of this regulation repeals a requirement that every written communication to the Board include the name and mailing address or electronic mail address of the sender. (NAC

641A.055) **Section 3** also repeals provisions that: (1) limit an applicant for a license to practice as a marriage and family therapist to take the examination for licensure not more than two times in a 12-month period; and (2) provide that the application of an applicant for a license to practice as a marriage and family therapist lapses if the applicant does not take or retake examination for licensure within a certain period of time. (NAC 641A.095

**Section 1.** NAC 641A.126 is hereby amended to read as follows:

641A.126 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.]~~ **4.]** 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.}~~ 5. Approval as a provider of continuing education expires 1 year after the date of issuance.

**Sec. 2.** NAC 641A.129 is hereby amended to read as follows:

641A.129 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~~, *issue* to each attendee who completes the course or program of continuing education a certificate that contains:

~~{a)}~~ 1. The name of the attendee;

~~{b)}~~ 2. The name of the instructor of the course or program;

~~{e)}~~ 3. The title of the course or program;

~~{d)}~~ 4. The number of hours of continuing education available for credit for attending the course or program; and

~~{e)}~~ 5. The date and location of the course or program.

**Sec. 3.** NAC 641A.055 and 641A.095 are hereby repealed.

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**TEXT OF REPEALED SECTIONS**

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**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.

**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.