

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

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GENERAL PROVISIONS

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

1. “Board” means the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors.
2. “Candidate” means a person seeking registration as an intern.
3. “Clinical practice” means the use of personal interaction, the theory of systems and other methods to solve problems of individual clients or regarding their marital or family relationships, or both.
4. “Intern” means a person who holds a master’s degree in marriage and family therapy, or an equivalent degree from an accredited university, whose registration by the Board has been approved.
5. “Internship” means an approved program of supervised and documented experience in clinical practice.
6. “License” has the meaning ascribed to it in [NRS 641A.040](#).
7. “Supervisor” means a marriage and family therapist who supervises an intern.
8. “Therapist” means a person who is licensed by the Board as a marriage and family therapist.

(Added to NAC by Bd. of Exam’rs for Marriage & Fam. Therapists, eff. 12-14-87; A 1-12-96)

NAC 641A.045 Meetings of Board. ([NRS 641A.160](#))

1. The Board will hold meetings at least twice yearly.
2. The members of the Board must be given 5 days’ notice of any special meeting.

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

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

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

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 or registration: Filing; action by Board. ([NRS 641A.160](#))

1. Any person desiring licensure or registration 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 institution of higher education he attended which are sent directly to the Board from the institution;
- (c) A total of three letters of personal or professional reference, or both, written by persons not related to the applicant which are addressed and sent directly to the Board;
- (d) A photograph of the applicant which has been taken within 12 months before the date of the application; and
- (e) A written summary by the applicant of his experiences and qualifications for licensing, including documentation of his internship and recommendations from supervisors or any person approved by the Board.

2. To have the Board act upon his application for a license at a scheduled meeting, the applicant must have filed his completed application with the Board at least 10 working 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 has previously submitted to the Board.

3. By submitting his 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 his 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.

6. The same application which is filed for registration as an intern must be refiled with the Board upon completion of the internship along with the completion of any portions of the application which are required for licensure.

(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)

NAC 641A.075 Qualifications of applicant: Degrees from accredited institutions. ([NRS 641A.160](#)) For the purposes of qualifying for licensure, each applicant's undergraduate and graduate degrees 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)

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

1. To qualify to take the written examination for licensure, an applicant's graduate education in marriage and family therapy must include the following areas of study:

Area of Study	Number of Courses	Minimum Number of Semester Hours of Credit	Minimum Number of Quarter Hours of Credit
Human Development, including			
Issues of Sexuality	2-4	6-12	8-16
Marital and Family Systems	2-4	6-12	8-16
Marital and Family Therapy	3-5	9-20	12-20
Ethics and Professional Studies	1	3	4

Supervised Clinical Practice	3	9	12
Diagnosis and Assessment	1	3-4	4
Research	1	3	4
Abuse of Alcohol or Controlled Substances	1	3	4

2. The courses in supervised clinical practice required pursuant to subsection 1 must include three courses taken during three semesters or four quarters over a minimum of 1 year.

3. The applicant must have completed at least 45 semester hours of graduate credit in courses relating to the areas of study described in subsection 1 before taking the written examination for licensure.

4. The Board may consider graduate degrees which are comparable to degrees in marriage and family therapy, psychology or social work, and which meet the requirements for course content listed in subsection 1 regardless of the terminology used in the degree granted by the educational institution.

(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)

NAC 641A.095 Written examination: Eligibility to take; time and place of administration; reexamination; lapse of application. (NRS 641A.160)

1. An applicant is not eligible to take the written examination until:

- (a) The Board has received his completed application and all supporting documents; and
- (b) All other requirements for licensure have been satisfied.

2. The Board will conduct written examinations in Reno and Las Vegas, Nevada, at least annually.

3. A failed examination may be retaken at the next scheduled offering of the examination, except that the examination may be taken only one additional time within the 12 months following the date of the original examination. Thereafter, only one examination in any calendar year may be taken. If an applicant fails the exam for a third time, the Board may require additional courses of study or may impose other conditions before allowing the applicant to retake the examination.

4. The application of an applicant who does not:

- (a) Take an examination within 1 year after being notified of his 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)

NAC 641A.105 Fees. (NRS 641A.160) The Board will charge and collect the following fees, respectively:

For application for a license.....	\$75
For examination of an applicant for a license.....	200
For issuance of a license.....	50
For annual renewal of a license.....	150

For reinstatement of a license revoked for nonpayment of the fee for renewal..... 100
For an inactive license..... 150

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists, eff. 12-14-87; A 11-27-89)

NAC 641A.111 Interim permit. (NRS 641A.160)

1. The Board will, after verifying that an applicant for licensure meets the requirements of [NRS 641A.220](#) and holds an equivalent license in good standing from another jurisdiction, issue an interim permit authorizing the applicant to practice as a therapist, under the supervision of a person approved by the Board, until the results of the examination required by [NRS 641A.230](#) are received.

2. If the applicant does not pass the examination, the interim permit expires upon notification by the Board. The interim permit is not renewable.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists, eff. 1-12-96)

NAC 641A.116 Reinstatement of lapsed license. (NRS 641A.160) If a licensee allows his license to lapse, he 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)—(Substituted in revision for NAC 641A.217)

CONTINUING EDUCATION

NAC 641A.131 Requirements to renew license; failure to comply. (NRS 641A.160)

1. To maintain his licensure, a therapist must attend at least 40 hours of continuing education every 2 years.

2. A therapist shall not use more than 15 hours of distance education to satisfy the requirements of subsection 1.

3. A therapist is subject to disciplinary action by the Board if he fails to satisfy the requirements for continuing education.

4. 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)

NAC 641A.133 Evidence of completion. (NRS 641A.160)

1. An application for the renewal of a license must be accompanied by an affidavit evidencing the completion by the therapist of at least the minimum number of hours of continuing education required pursuant to [NAC 641A.131](#) during the 2 years immediately preceding the date of the application.

2. A therapist shall maintain sufficient documentation verifying the information which he includes in his affidavit relating to his continuing education for at least 3 years after the date on which the affidavit is executed. A therapist will not be given credit for any hours of continuing education that are not supported by documentation.

3. The Board may audit such affidavits as the Board deems necessary to verify the authenticity of the information set forth in the affidavit.

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

INTERNS

NAC 641A.146 Experience required for license; written reports from supervisor. ([NRS 641A.160](#))

1. Except as otherwise provided in [NAC 641A.111](#), before an applicant is eligible for licensure as a therapist, he must complete at least 3,000 hours of experience in an approved internship. The internship to provide the experience must be:

- (a) Approved by the Board before the applicant begins the internship; and
- (b) Completed within 6 years after the Board approves the internship.

2. An extension of that period may be granted at the Board's discretion. An extension is valid only for the period specified by the Board.

3. An intern shall, on or before September 15 and March 15 of each year, submit to the Board a written report from his supervisor evaluating his internship. The Board may terminate the registration of any intern who fails to file such a written report.

4. To satisfy the requirements of subsection 1, an intern must complete:

(a) At least 1,500 hours, completed at a rate not to exceed 20 hours per week, of direct contact with clients in the practice of marriage and family therapy;

(b) At least 300 hours of marriage and family therapy that is supervised by the primary supervisor or secondary supervisor of the intern, including:

- (1) At least 160 hours supervised by the primary supervisor of the intern; and
- (2) At least 40 hours supervised by the secondary supervisor of the intern; and

(c) At least 1,200 hours of work related to the practice of marriage and family therapy, including:

(1) In addition to the requirements of paragraph (a), direct contact with clients in the practice of marriage and family therapy that is:

- (I) Supervised by the primary supervisor of the intern; and
- (II) Completed at a rate not to exceed 20 hours per week;

(2) In addition to the requirements of paragraph (a), not more than 500 hours which consist of direct contact with clients in the practice of marriage and family therapy that is:

- (I) Performed in conjunction with a graduate program of study;
- (II) Supervised by the primary supervisor or secondary supervisor of the intern; and
- (III) Completed at a rate not to exceed 20 hours per week;

(3) In addition to the requirements of paragraph (b), not more than 300 hours of marriage and family therapy that are supervised by the primary supervisor or secondary supervisor of the intern;

(4) Not more than 300 hours of leading group counseling sessions;

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

- (I) Approved by the primary supervisor of the intern; and
- (II) Documented;

(6) 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 supervisor of the intern; and

(7) Not more than 50 hours of training approved by the primary 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.

5. Except as otherwise provided in this subsection, credit must not be given for experience gained by a person before the person registered as an intern pursuant to the provisions of [NAC 641A.156](#). Credit may be given for hours received as part of a graduate program of study.

(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)

NAC 641A.156 Registration: Requirements; issuance of certificate. ([NRS 641A.160](#))

1. Except as otherwise provided in subsection 3, a candidate must:

(a) Satisfy the requirements of [NAC 641A.065](#) and [641A.075](#);

(b) Submit to the Board a proposed plan for internship, including the name of the proposed supervisors;

(c) Complete a personal interview and, if requested by the Board, pass an oral examination conducted by the Board; and

(d) Pass the examination required by [NRS 641A.230](#).

2. The Board will issue a certificate of registration as an intern in the State of Nevada to each qualified candidate who receives a passing score on the examination.

3. A person who began an internship before April 1, 1995, may elect to sit for the written examination required pursuant to [NRS 641A.230](#) either before or upon completion of his internship.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists, eff. 1-12-96; A by R173-03, 8-20-2004)

NAC 641A.176 Authority of Board to grant, deny, suspend or revoke registration; applicability of ethical standards; authority of Board to approve or deny supervisor. ([NRS 641A.160](#))

1. The Board may, for good cause shown, grant, deny, suspend or revoke the registration of internship of any person.

2. An intern is subject to the same standards of professional ethics as a therapist.

3. The Board may, for good cause shown, approve, deny or revoke the proposed supervisor of any intern.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists, eff. 1-12-96)

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

1. Each intern must have at least two supervisors approved by the Board. During the course of the supervision of the intern:

(a) The primary supervisor shall meet with the intern for at least 160 hours to discuss and evaluate the performance of the intern; and

(b) The secondary supervisor shall meet with the intern for at least 40 hours.

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

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

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

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

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

(b) Therapy sessions in which the supervisor participates;

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

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

4. The time required for supervision does not include the time devoted to attendance at seminars, workshops or classes.

(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)

NAC 641A.182 Supervisors: Qualifications. ([NRS 641A.160](#))

1. Except as otherwise provided in subsection 2, a supervisor of an intern must be a therapist and offer evidence to the Board of his training or experience, or both, which qualifies him to supervise.

2. In extenuating circumstances, the Board may approve as a secondary supervisor a person who is a licensed psychologist, psychiatrist or social worker who has received training in supervision.

3. Each supervisor must:

(a) Have been licensed for at least 3 years.

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

(c) Have never professionally provided mental health therapy to the intern.

(d) Agree to be available to consult with the Board concerning the professional record, competence in clinical practice, and emotional and mental stability or professional and ethical conduct of the intern.

4. Each primary supervisor must be designated by the American Association for Marriage and Family Therapy as a supervisor or supervisor candidate.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists, eff. 1-12-96; A by R173-03, 8-20-2004)

NAC 641A.186 Limitations on performing therapy. ([NRS 641A.160](#)) An intern may perform marriage and family therapy only under the supervision of a therapist and in accordance with his approved plan for internship.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists, eff. 1-12-96)

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

1. An intern may engage in private practice only at facilities which have a licensed therapist, psychologist, psychiatrist or social worker on the site.

2. An intern shall inform each of his clients that he is not a licensed therapist.

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

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists, eff. 1-12-96)

PROFESSIONAL CONDUCT

NAC 641A.243 Professional responsibility. ([NRS 641A.160](#)) A therapist or intern:

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

2. Shall not engage in the practice of marriage and family therapy while he is impaired by:

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

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

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

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

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

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

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 that is occurring.

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

10. Shall base his practice upon the recognized knowledge relevant to marriage and family therapy.

11. Shall critically examine and keep current with emerging knowledge relevant to the practice of marriage and family therapy.

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

(a) Sets forth his 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 patterns of interaction and impairment in the functioning of a client that is based upon comprehensive information about the client.

13. 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.

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

15. Shall not authorize a person under the supervision of the therapist to perform services that are outside of the scope of the license, certificate of registration, training or experience of the person performing the services, or allow such a person to hold himself out as having expertise in a field or activity in which that person is not qualified.

16. 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 therapist or intern that was issued by another state or territory of the United States;

(b) A criminal charge is filed against the therapist or intern;

(c) The therapist 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 therapist 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 therapist or intern for any act relating to the practice of marriage and family therapy.

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

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

1. A therapist or intern shall serve his clients with professional skill and competence.

2. If a therapist 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 own best interest, the therapist 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 therapist or intern shall deal with the legal representative of the client in accordance with the best interest of the client.

4. A therapist 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 therapist or intern shall not misrepresent to a client the efficacy of his service or the results to be achieved.

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

7. A therapist or intern shall seek the advice and counsel of his colleagues and supervisors when such a consultation is in the best interest of the client.

8. A therapist 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 therapist or intern shall not withdraw his 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 therapist 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 therapist or intern shall not influence or attempt to influence a client in any manner which could be reasonably anticipated in his deriving benefits of an unprofessional nature from the client during the time that the client is receiving marriage and family therapy from the therapist or 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 therapist or intern treating the client, the therapist 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;

(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

(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 therapist or intern was providing marriage and family therapy to the client.

13. Within the 2 years immediately following the termination of a professional relationship with, internship for or supervision of a client, intern or other person, a therapist shall not solicit or enter into a dual relationship with the client, intern or other person if it is foreseeable that such a relationship would harm or exploit the client, intern or other person.

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

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

1. The Board hereby adopts by reference the *Code of Ethics* of the American Association for Marriage and Family Therapy as it existed on July 1, 2003, as a standard for professional conduct in the State of Nevada excluding those provisions which apply exclusively to the American Association for Marriage and Family Therapy. A violation of the provisions of the Code constitutes cause for disciplinary action.

2. The *Code of Ethics* of the American Association for Marriage and Family Therapy is available 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/about/ethics.htm>>. The first copy is provided at no cost.

(Added to NAC by Bd. of Exam'rs for Marriage & Fam. Therapists, eff. 1-12-96; A by R173-03, 8-20-2004)

NAC 641A.256 Disciplinary action: "Unprofessional conduct" interpreted; acts constituting unprofessional conduct. ([NRS 641A.160](#))

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 therapist or intern to constitute unprofessional conduct:

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

(b) Performing services relating to the practice of marriage and family therapy as a therapist or intern under a license or certificate of registration that has lapsed or been deactivated.

(c) Failing to cooperate with any investigation of a complaint filed against the therapist 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 which represents an extreme departure from the standard of care required from a therapist or intern under the circumstances.

(b) "Malpractice" means conduct in the practice of marriage and family therapy which falls below the standard of care required from a therapist or intern under the circumstances.

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

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

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

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

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

4. The failure of a therapist 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 therapist 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)

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.338](#), 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)

NAC 641A.303 “Accusation” defined. ([NRS 641A.160](#)) “Accusation” means a complaint against a therapist 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)

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)—(Substituted in revision for NAC 641A.285)

NAC 641A.308 “Certificate of registration” defined. ([NRS 641A.160](#)) “Certificate of registration” means a certificate of registration as a marriage and family therapist intern issued pursuant to the provisions of [NAC 641A.156](#).

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

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

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)—(Substituted in revision for NAC 641A.295)

NAC 641A.313 “Formal complaint” defined. ([NRS 641A.160](#)) “Formal complaint” means a complaint against a therapist 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)

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 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](#)) “Presiding officer” means:

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

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

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)

NAC 641A.338 “Staff” defined. ([NRS 641A.160](#)) “Staff” means the staff of the Board.

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

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 appearance at the beginning of a hearing or at any time designated by the presiding officer, by giving his name and address and stating his 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 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 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 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 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 him.

(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](#))

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 therapist or an 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)

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

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

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 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 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 Health Division 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 therapist 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 Health Division of the Department of Health and Human Services in the investigation of the alleged violations; and
2. Request the Health Division to share with the staff and legal counsel for the Board any findings made by and information in the possession of the Health 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)

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 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 license or certificate of registration 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 license or certificate of registration 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)

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 or certified by the Board;

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

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;

(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)

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 his 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 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 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 position, or if any of the documents or information previously provided changes, the party to the formal complaint shall supplement and update his 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 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 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 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)

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)