

ASSEMBLY BILL NO. 181—ASSEMBLYMEN EVANS, LESLIE, PARKS, GOLDWATER, HUMKE, MANENDO, DE BRAGA, OHRENSCHALL, KOIVISTO, BACHE, HETTRICK, CEGAVSKE, BERMAN, WILLIAMS, BEERS, CLABORN, MCCLAIN, FREEMAN, ARBERRY, CHOWNING, SEGERBLOM, NEIGHBORS, CARPENTER, LEE, BUCKLEY, ANDERSON, PERKINS, GIUNCHIGLIANI, COLLINS, MORTENSON, TIFFANY, THOMAS AND DINI

FEBRUARY 10, 1999

JOINT SPONSORS: SENATORS WIENER, RAWSON, TITUS,
TOWNSEND AND COFFIN

Referred to Concurrent Committees on Health and Human Services
and Ways and Means

SUMMARY—Makes various changes relating to provision of services relating to substance abuse and mental health. (BDR 40-1059)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget.

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

AN ACT relating to public health; providing for the transfer of the bureau of alcohol and drug abuse from the department of employment, training and rehabilitation to the department of human resources; providing for additional services relating to substance abuse and mental health; requiring the commission on substance abuse education, prevention, enforcement and treatment to conduct annual evaluations of programs to treat substance abuse; requiring the establishment of pilot projects in family resource centers to provide services relating to substance abuse; and providing other matters properly relating thereto.

1 WHEREAS, Approximately 16,000 children residing in this state are in need of
2 services relating to the prevention and treatment of substance abuse and intervention
3 into problems of substance abuse; and

4 WHEREAS, Approximately 500 of those children are in need of comprehensive
5 evaluations relating to substance abuse, intensive residential or outpatient treatment,
6 detoxification or transitional housing; and

1 WHEREAS, There is inadequate funding of such services in this state and many
2 severely addicted children residing in this state are placed on waiting lists or must go
3 outside this state to receive the care that they need; and

4 WHEREAS, There is a strong link between substance abuse and mental illness,
5 with approximately 60 percent of all relevant cases involving a dual diagnosis of
6 mental illness and substance abuse; and

7 WHEREAS, There currently exists little coordination between state agencies and
8 organizations providing services relating to mental health and state agencies and
9 organizations providing services relating to substance abuse; now, therefore,

10
11 THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
12 AND ASSEMBLY, DO ENACT AS FOLLOWS:
13

14 **Section 1.** NRS 449.00455 is hereby amended to read as follows:

15 449.00455 "Facility for the treatment of abuse of alcohol or drugs"
16 means any public or private establishment which provides residential
17 treatment, including mental and physical restoration, of abusers of alcohol
18 or drugs **and** which is certified by the bureau of alcohol and drug abuse in
19 ~~{the rehabilitation division of}~~ the department of ~~{employment, training and~~
20 ~~rehabilitation,}~~ **human resources** pursuant to subsection 3 of NRS 458.025.
21 It does not include a medical facility or services offered by volunteers or
22 voluntary organizations.

23 **Sec. 2.** NRS 453.1545 is hereby amended to read as follows:

24 453.1545 1. The board and the division shall cooperatively develop a
25 computerized program to track each prescription for a controlled substance
26 listed in schedule II, III or IV that is filled by a pharmacy. The program
27 must:

28 (a) Be designed to provide information regarding the inappropriate use
29 of controlled substances listed in schedules II, III and IV to pharmacies,
30 practitioners and appropriate state agencies in order to prevent the
31 improper or illegal use of such controlled substances.

32 (b) Be administered by the board, the division, the bureau of alcohol and
33 drug abuse ~~{of the rehabilitation division of}~~ **in** the department of
34 ~~{employment, training and rehabilitation}~~ **human resources** and various
35 practitioners, representatives of professional associations for practitioners,
36 representatives of occupational licensing boards and prosecuting attorneys
37 selected by the board and the division.

38 (c) Not infringe on the legal use of a controlled substance for the
39 management of severe or intractable pain.

40 2. The board and division must have access to the program established
41 pursuant to subsection 1 for the purpose of identifying any suspected

1 fraudulent or illegal activity related to the dispensing of controlled
2 substances.

3 3. The board ~~and~~ or division shall report any activity it reasonably
4 suspects may be fraudulent or illegal to the appropriate law enforcement
5 agency or occupational licensing board and provide the law enforcement
6 agency or occupational licensing board with the relevant information
7 obtained from the program for further investigation.

8 4. Information obtained from the program is confidential and, except as
9 otherwise provided by this section, must not be disclosed to any person.

10 Information obtained from the program must be disclosed:

11 (a) Upon the request of a person about whom the information requested
12 concerns or upon the request on his behalf by his attorney; or

13 (b) Upon the lawful order of a court of competent jurisdiction.

14 5. The board and the division may apply for any available grants and
15 accept any gifts, grants or donations to assist in developing and maintaining
16 the program required by this section.

17 **Sec. 3.** NRS 453.580 is hereby amended to read as follows:

18 453.580 1. A court may establish an appropriate treatment program
19 to which it may assign a person pursuant to NRS 453.3363 or 458.300 or it
20 may assign such a person to an appropriate facility for the treatment of
21 abuse of alcohol or drugs which is certified by the bureau of alcohol and
22 drug abuse ~~{of the rehabilitation division of}~~ in the department of
23 ~~{employment, training and rehabilitation.}~~ **human resources.** The
24 assignment must include the terms and conditions for successful completion
25 of the program and provide for progress reports at intervals set by the court
26 to ensure that the person is making satisfactory progress towards
27 completion of the program.

28 2. A program to which a court assigns a person pursuant to subsection
29 1 must include:

30 (a) Information and encouragement for the participant to cease abusing
31 alcohol or using controlled substances through educational, counseling and
32 support sessions developed with the cooperation of various community,
33 health, substance abuse, religious, social service and youth organizations;

34 (b) The opportunity for the participant to understand the medical,
35 psychological and social implications of substance abuse; and

36 (c) Alternate courses within the program based on the different
37 substances abused and the addictions of participants.

38 3. If the offense with which the person was charged involved the use or
39 possession of a controlled substance, in addition to the program or as a part
40 of the program the court must also require frequent urinalysis to determine
41 that the person is not using a controlled substance. The court shall specify
42 how frequent such examinations must be and how many must be

1 successfully completed, independently of other requisites for successful
2 completion of the program.

3 4. Before the court assigns a person to a program pursuant to this
4 section, the person must agree to pay the cost of the program to which he is
5 assigned and the cost of any additional supervision required pursuant to
6 subsection 3, to the extent of his financial resources. If the person does not
7 have the financial resources to pay all of the related costs, the court shall, to
8 the extent practicable, arrange for the person to be assigned to a program at
9 a facility that receives a sufficient amount of federal or state funding to
10 offset the remainder of the costs.

11 **Sec. 4.** Chapter 458 of NRS is hereby amended by adding thereto the
12 provisions set forth as sections 5 to 8, inclusive, of this act.

13 **Sec. 5. 1. *The bureau shall prepare requests for proposals for the***
14 ***provision by facilities of:***

15 ***(a) Residential treatment of adolescents who engage in substance***
16 ***abuse;***

17 ***(b) Outpatient treatment of adolescents who engage in substance***
18 ***abuse;***

19 ***(c) Comprehensive evaluations of adolescents with problems relating***
20 ***to substance abuse or mental illness, or both; and***

21 ***(d) Transitional housing for adolescents who engage in substance***
22 ***abuse.***

23 **2. Upon accepting a proposal submitted in accordance with this**
24 **section, the bureau may advance not more than 8 percent of the amount**
25 **of the proposal to the facility that submitted the proposal to help defray**
26 **the costs of starting the provision of the services, including, without**
27 **limitation, the cost of beds, equipment and rental space for expansion.**

28 **3. The bureau shall establish such requirements for the requests for**
29 **proposals as it determines necessary.**

30 **4. The bureau shall hire, to the extent of legislative authorization,**
31 **such staff as it determines necessary to carry out the provisions of this**
32 **section and section 6 of this act.**

33 **Sec. 6. The bureau shall, on or before September 1 of each odd-**
34 **numbered year, submit to the director a report covering the biennium**
35 **ending on June 30 of that year. The report must include:**

36 **1. The name of each facility that received money pursuant to section**
37 **5 of this act during the biennium, and the amount of money that each**
38 **facility received for each type of service provided;**

39 **2. If a facility received money pursuant to section 5 of this act during**
40 **the biennium to help defray the costs of starting the provision of services,**
41 **the name of the facility, the amount of money received and an**
42 **accounting of how the money was used;**

1 3. *The number of adolescents who received any of the services*
2 *described in section 5 of this act from such facilities during the*
3 *biennium, and the number of adolescents who were receiving such*
4 *services as of the end of the biennium; and*

5 4. *As of the end of the biennium:*

6 (a) *The number of adolescents on waiting lists to receive the services*
7 *described in section 5 of this act; and*

8 (b) *An estimate of the number of other adolescents in this state who*
9 *are in need of the services described in section 5 of this act.*

10 **Sec. 7.** *The commission shall:*

11 1. *Establish a standard system for referrals between providers of*
12 *services relating to the treatment of mental health problems and*
13 *providers of services relating to treatment for substance abuse;*

14 2. *Identify the facilities for the treatment of substance abuse located*
15 *in this state in which at least one specialist in mental health should be*
16 *placed;*

17 3. *Identify the facilities for the treatment of mental health problems*
18 *located in this state in which at least one counselor in substance abuse*
19 *should be placed;*

20 4. *Determine the cost of placing such specialists and counselors in*
21 *facilities pursuant to subsections 2 and 3;*

22 5. *Determine the process by which clients in a facility for the*
23 *treatment of substance abuse would receive treatment for mental health*
24 *problems when necessary; and*

25 6. *Determine the process by which clients in a facility for the*
26 *treatment of mental health problems would receive treatment for*
27 *substance abuse when necessary.*

28 **Sec. 8.** 1. *The commission shall:*

29 (a) *Establish a standard report card that identifies at least four key*
30 *indicators of the level of substance abuse by adolescents and adults*
31 *residing in this state; and*

32 (b) *Publicize the indicators to be used in the report card.*

33 2. *The commission shall annually compile a list of substance abuse*
34 *programs in this state that are publicly or privately financed, or both,*
35 *including:*

36 (a) *Treatment programs for adolescents and adults;*

37 (b) *Intervention programs for adolescents and adults;*

38 (c) *Prevention programs for adolescents and adults; and*

39 (d) *Education programs for adolescents and adults.*

40 **Sec. 9.** NRS 458.010 is hereby amended to read as follows:

41 458.010 As used in NRS 458.010 to 458.360, inclusive, *and sections 5*
42 *and 6 of this act,* unless the context requires otherwise:

1 1. "Alcohol and drug abuse program" means a project concerned with
2 education, prevention and treatment directed toward achieving the mental
3 and physical restoration of alcohol and drug abusers.

4 2. "Alcohol and drug abuser" means a person whose consumption of
5 alcohol or other drugs, or any combination thereof, interferes with or
6 adversely affects his ability to function socially or economically.

7 3. "Alcoholic" means any person who habitually uses alcoholic
8 beverages to the extent that he endangers the health, safety or welfare of
9 himself or any other person or group of persons.

10 4. "Bureau" means the bureau of alcohol and drug abuse in ~~the~~
11 ~~rehabilitation division of~~ the department.

12 5. "Chief" means the chief of the bureau.

13 6. "Civil protective custody" means a custodial placement of a person
14 for the purpose of protecting his health or safety. Civil protective custody
15 does not have any criminal implication.

16 7. "Department" means the department of ~~employment, training and~~
17 ~~rehabilitation.~~ **human resources.**

18 8. "Director" means the director of the department.

19 9. "Facility" means a physical structure used for the education,
20 prevention and treatment, including mental and physical restoration, of
21 alcohol and drug abusers.

22 **Sec. 10.** NRS 458.025 is hereby amended to read as follows:

23 458.025 The bureau of alcohol and drug abuse is hereby created in ~~the~~
24 ~~rehabilitation division of~~ the department. The bureau:

25 1. Shall formulate and operate a comprehensive state plan for alcohol
26 and drug abuse programs which must include:

27 (a) A survey of the need for education, prevention and treatment of
28 alcohol and drug abuse, including a survey of the facilities needed to
29 provide services and a plan for the development and distribution of services
30 and programs throughout the state.

31 (b) A plan for programs to educate the public in the problems of the
32 abuse of alcohol and other drugs.

33 (c) A survey of the need for trained teachers, persons who have
34 professional training in fields of health and others involved in the education
35 and prevention of alcohol and drug abuse and in the treatment and
36 recovery of alcohol and drug abusers, and a plan to provide the necessary
37 treatment.

38 In developing and revising the state plan, the bureau shall consider, among
39 other things, the amount of money available from the Federal Government
40 for alcohol and drug abuse programs and the conditions attached to the
41 acceptance of the money, and the limitations of legislative appropriations
42 for alcohol and drug abuse programs.

2. Is responsible for coordinating efforts to carry out the state plan and coordinating all state and federal financial support of alcohol and drug abuse programs in the state. The bureau must be consulted in the planning of projects and advised of all applications for grants from within the state which are concerned with alcohol and drug abuse programs, and shall review and advise concerning the applications.

3. Shall develop and publish standards of certification and may certify or deny certification of any facilities, programs or personnel on the basis of the standards, and publish a list of certified facilities, programs and personnel. Any facilities, programs or personnel which are not certified are ineligible to receive state and federal money for alcohol and drug abuse programs. The chief shall establish requirements for continuing education for persons certified as counselors and administrators of the programs and may set fees for certification of facilities, programs or personnel. The fees must be calculated to produce the revenue estimated to cover the costs related to the certifications, but in no case may the fee for a certificate exceed \$100.

4. Upon request from a facility which is self-supported, may certify the facility, its programs and personnel and add them to the list of certified facilities, programs and personnel.

Sec. 11. NRS 458.100 is hereby amended to read as follows:

458.100 1. All gifts or grants of money which the bureau is authorized to accept must be deposited in the state treasury for credit to the state grant and gift account for alcohol and drug abuse which is hereby created in the department of ~~employment, training and rehabilitation's~~ **human resources'** gift fund.

2. Money in the account must be used ~~for the purpose of carrying~~ **to carry** out the provisions of NRS 458.010 to 458.360, inclusive, **and sections 5 and 6 of this act** and other programs or laws administered by the bureau.

3. All claims must be approved by the chief before they are paid.

Sec. 12. NRS 458.370 is hereby amended to read as follows:

458.370 As used in NRS 458.370 to 458.420, inclusive, **and sections 7 and 8 of this act**, unless the context otherwise requires, "commission" means the commission on substance abuse education, prevention, enforcement and treatment.

Sec. 13. NRS 458.400 is hereby amended to read as follows:

458.400 1. The commission may accept gifts, grants, appropriations and donations if its acceptance does not reduce, limit or cause it to be in competition for money normally available to local agencies and community programs, unless otherwise provided by a specific statute.

2. All money received by the commission must be deposited in the fund for substance abuse education, prevention, enforcement and treatment which is hereby created as a special revenue fund.

3. The money in the fund may be used only to:

(a) Make grants to programs for substance abuse education, prevention, enforcement and treatment; and

(b) Carry out the provisions of NRS 458.370 to 458.420, inclusive ~~H~~, *and sections 7 and 8 of this act.*

4. All claims against the fund must be paid as other claims against the state are paid.

5. Any money received by the commission on the condition that it be expended for a specific purpose must be accounted for separately in the fund.

Sec. 14. NRS 4.373 is hereby amended to read as follows:

4.373 1. Except as otherwise provided in subsection 2 ~~H~~ or by specific statute, or unless the suspension of a sentence is expressly forbidden, a justice of the peace may suspend, for not more than 1 year, the sentence of a person convicted of a misdemeanor. When the circumstances warrant, the justice of the peace may order as a condition of suspension that the offender:

(a) Make restitution to the owner of any property that is lost, damaged or destroyed as a result of the commission of the offense;

(b) Engage in a program of work for the benefit of the community, for not more than 200 hours;

(c) Actively participate in a program of professional counseling at the expense of the offender;

(d) Abstain from the use of alcohol and controlled substances;

(e) Refrain from engaging in any criminal activity;

(f) Engage or refrain from engaging in any other conduct deemed appropriate by the justice of the peace;

(g) Submit to a search and seizure by the chief of a department of alternative sentencing, an assistant alternative sentencing officer or any other law enforcement officer at any time of the day or night without a search warrant; and

(h) Submit to periodic tests to determine whether the offender is using a controlled substance or consuming alcohol.

2. If a person is convicted of a misdemeanor that constitutes domestic violence pursuant to NRS 33.018, the justice of the peace may, after the person has served any mandatory minimum period of confinement, suspend the remainder of the sentence of the person for not more than 3 years upon the condition that the person actively participate in:

(a) A program of treatment for the abuse of alcohol or drugs which is certified by the bureau of alcohol and drug abuse ~~for the rehabilitation~~

1 ~~division of~~ **in** the department of ~~employment, training and rehabilitation;~~
2 **human resources;**

3 (b) A program for the treatment of persons who commit domestic
4 violence that has been certified pursuant to NRS 228.470; or

5 (c) Both programs set forth in paragraphs (a) and (b),
6 and that he comply with any other condition of suspension ordered by the
7 justice of the peace.

8 3. The justice of the peace may order reports from a person whose
9 sentence is suspended at such times as he deems appropriate concerning the
10 compliance of the offender with the conditions of suspension. If the
11 offender complies with the conditions of suspension to the satisfaction of
12 the justice of the peace, the sentence may be reduced to not less than the
13 minimum period of confinement established for the offense.

14 4. The justice of the peace may issue a warrant for the arrest of an
15 offender who violates or fails to fulfill a condition of suspension.

16 **Sec. 15.** NRS 5.055 is hereby amended to read as follows:

17 5.055 1. Except as otherwise provided in subsection 2 ~~or~~ **or** by
18 specific statute , or unless the suspension of a sentence is expressly
19 forbidden, a municipal judge may suspend, for not more than 1 year, the
20 sentence of a person convicted of a misdemeanor. When the circumstances
21 warrant, the municipal judge may order as a condition of suspension that
22 the offender:

23 (a) Make restitution to the owner of any property that is lost, damaged
24 or destroyed as a result of the commission of the offense;

25 (b) Engage in a program of work for the benefit of the community, for
26 not more than 200 hours;

27 (c) Actively participate in a program of professional counseling at the
28 expense of the offender;

29 (d) Abstain from the use of alcohol and controlled substances;

30 (e) Refrain from engaging in any criminal activity;

31 (f) Engage or refrain from engaging in any other conduct deemed
32 appropriate by the municipal judge;

33 (g) Submit to a search and seizure by the chief of a department of
34 alternative sentencing, an assistant alternative sentencing officer or any
35 other law enforcement officer at any time of the day or night without a
36 search warrant; and

37 (h) Submit to periodic tests to determine whether the offender is using
38 any controlled substance or alcohol.

39 2. If a person is convicted of a misdemeanor that constitutes domestic
40 violence pursuant to NRS 33.018, the municipal judge may, after the
41 person has served any mandatory minimum period of confinement, suspend
42 the remainder of the sentence of the person for not more than 3 years upon

43 the condition that the person actively participate in:

1 (a) A program of treatment for the abuse of alcohol or drugs which is
2 certified by the bureau of alcohol and drug abuse ~~{of the rehabilitation~~
3 ~~division of}~~ in the department of ~~{employment, training and rehabilitation;}~~
4 **human resources;**

5 (b) A program for the treatment of persons who commit domestic
6 violence that has been certified pursuant to NRS 228.470; or

7 (c) Both programs set forth in paragraphs (a) and (b),
8 and that he comply with any other condition of suspension ordered by the
9 municipal judge.

10 3. The municipal judge may order reports from a person whose
11 sentence is suspended at such times as he deems appropriate concerning the
12 compliance of the offender with the conditions of suspension. If the
13 offender complies with the conditions of suspension to the satisfaction of
14 the municipal judge, the sentence may be reduced to not less than the
15 minimum period of confinement established for the offense.

16 4. The municipal judge may issue a warrant for the arrest of an
17 offender who violates or fails to fulfill a condition of suspension.

18 **Sec. 16.** NRS 62.2275 is hereby amended to read as follows:

19 62.2275 1. If a child within the jurisdiction of the juvenile court is
20 found by the juvenile court to have committed the unlawful act of:

21 (a) Driving under the influence of intoxicating liquor or a controlled
22 substance in violation of NRS 484.379 or 484.3795;

23 (b) Using, possessing, selling or distributing a controlled substance; or

24 (c) Purchasing, consuming or possessing an alcoholic beverage in
25 violation of NRS 202.020,

26 the judge, or his authorized representative, shall require the child to
27 undergo an evaluation to determine if the child is an abuser of alcohol or
28 other drugs.

29 2. The evaluation of a child pursuant to this section:

30 (a) Must be conducted by:

31 (1) A counselor certified to make that classification by the bureau of
32 alcohol and drug abuse;

33 (2) A physician certified to make that classification by the board of
34 medical examiners; or

35 (3) A person who is approved to make that classification by the
36 bureau of alcohol and drug abuse,
37 who shall report to the judge the results of the evaluation and make a
38 recommendation to the judge concerning the length and type of treatment
39 required by the child.

40 (b) May be conducted at an evaluation center.

41 3. The judge shall:

42 (a) Order the child to undergo a program of treatment as recommended
43 by the person who conducted the evaluation pursuant to subsection 2.

1 (b) Require the treatment facility to submit monthly reports on the
2 treatment of the child pursuant to this section.

3 (c) Order the child, if he is at least 18 years of age or an emancipated
4 minor, or the parent or legal guardian of the child, to the extent of the
5 financial resources of the child or his parent or legal guardian, to pay any
6 charges relating to the evaluation and treatment of the child pursuant to this
7 section. If the child, or his parent or legal guardian, does not have the
8 financial resources to pay all of those charges:

9 (1) The judge shall, to the extent possible, arrange for the child to
10 receive treatment from a treatment facility which receives a sufficient
11 amount of federal or state money to offset the remainder of the costs; and

12 (2) The judge may order the child to perform supervised work for the
13 benefit of the community in lieu of paying the charges relating to his
14 evaluation and treatment. The work must be performed for and under the
15 supervising authority of a county, city, town or other political subdivision
16 or agency of the State of Nevada or a charitable organization that renders
17 service to the community or its residents. The court may require the child
18 or his parent or legal guardian to deposit with the court a reasonable sum of
19 money to pay for the cost of policies of insurance against liability for
20 personal injury and damage to property or for industrial insurance, or both,
21 during those periods in which the child performs the work, unless, in the
22 case of industrial insurance, it is provided by the authority for which he
23 performs the work.

24 4. A treatment facility is not liable for any damages to person or
25 property caused by a child who drives while under the influence of an
26 intoxicating liquor or a controlled substance after the treatment facility has
27 certified to his successful completion of a program of treatment ordered
28 pursuant to this section.

29 5. The provisions of this section do not prohibit a judge from:

30 (a) Requiring an evaluation to be conducted by a person who is
31 employed by a private company if the company meets the standards of the
32 bureau of alcohol and drug abuse. Such an evaluation may be conducted at
33 an evaluation center pursuant to paragraph (b) of subsection 2.

34 (b) Ordering the child to attend a program of treatment which is
35 administered by a private company.

36 6. All information relating to the evaluation or treatment of a child
37 pursuant to this section is confidential and, except as otherwise authorized
38 by the provisions of this chapter or the juvenile court, must not be disclosed
39 to any person other than the juvenile court, the child and his attorney, if
40 any, his parents or guardian, the prosecuting attorney and any other person
41 for whom the communication of that information is necessary to effectuate
42 the evaluation or treatment of the child. A record of any finding that a child

1 has violated the provisions of NRS 484.379 or 484.3795 must be included
2 in the driver's record of that child for 7 years after the date of the offense.

3 7. As used in this section:

4 (a) "Bureau of alcohol and drug abuse" means the bureau of alcohol and
5 drug abuse in ~~the rehabilitation division of~~ the department of

6 ~~employment, training and rehabilitation.~~ *human resources.*

7 (b) "Evaluation center" has the meaning ascribed to it in NRS 484.3793.

8 (c) "Treatment facility" has the meaning ascribed to it in NRS 484.3793.

9 **Sec. 17.** NRS 200.485 is hereby amended to read as follows:

10 200.485 1. Unless a greater penalty is provided pursuant to NRS
11 200.481, a person convicted of a battery that constitutes domestic violence
12 pursuant to NRS 33.018:

13 (a) For the first offense within the immediately preceding 7 years, is
14 guilty of a misdemeanor and shall be sentenced to:

15 (1) Imprisonment in the city or county jail or detention facility for not
16 less than 2 days, but not more than 6 months; and

17 (2) Perform not less than 48 hours, but not more than 120 hours, of
18 community service.

19 The person shall be further punished by a fine of not less than \$200, but not
20 more than \$1,000. A term of imprisonment imposed pursuant to this
21 paragraph may be served intermittently at the discretion of the judge or
22 justice of the peace, except that each period of confinement must be not
23 less than 4 consecutive hours and must occur either at a time when the
24 person is not required to be at his place of employment or on a weekend.

25 (b) For the second offense within the immediately preceding 7 years, is
26 guilty of a misdemeanor and shall be sentenced to:

27 (1) Imprisonment in the city or county jail or detention facility for not
28 less than 10 days, but not more than 6 months; and

29 (2) Perform not less than 100 hours, but not more than 200 hours, of
30 community service.

31 The person shall be further punished by a fine of not less than \$500, but not
32 more than \$1,000.

33 (c) For the third and any subsequent offense within the immediately
34 preceding 7 years, is guilty of a category C felony and shall be punished as
35 provided in NRS 193.130.

36 2. In addition to any other penalty, if a person is convicted of a battery
37 which constitutes domestic violence pursuant to NRS 33.018, the court
38 shall:

39 (a) For the first offense within the immediately preceding 7 years,
40 require him to participate in weekly counseling sessions of not less than
41 1 1/2 hours per week for not less than 6 months, but not more than 12
42 months, at his own expense, in a program for the treatment of persons who
43 commit domestic violence that has been certified pursuant to NRS 228.470.

1 (b) For the second offense within the immediately preceding 7 years,
2 require him to participate in weekly counseling sessions of not less than 1
3 1/2 hours per week for 12 months, at his own expense, in a program for the
4 treatment of persons who commit domestic violence that has been certified
5 pursuant to NRS 228.470.

6 3. In addition to any other fine or penalty, the court shall order such a
7 person to pay an administrative assessment of \$35. Any money so collected
8 must be paid by the clerk of the court to the state treasurer on or before the
9 fifth day of each month for the preceding month for credit to the account
10 for programs related to domestic violence established pursuant to NRS
11 228.460.

12 4. In addition to any other penalty, the court may require such a person
13 to participate, at his own expense, in a program of treatment for the abuse
14 of alcohol or drugs that has been certified by the bureau of alcohol and
15 drug abuse ~~{of the rehabilitation division of}~~ in the department of
16 ~~{employment, training and rehabilitation.}~~ **human resources.**

17 5. If a person is charged with committing a battery which constitutes
18 domestic violence pursuant to NRS 33.018, a prosecuting attorney shall not
19 dismiss such a charge in exchange for a plea of guilty, guilty but mentally
20 ill or nolo contendere to a lesser charge or for any other reason unless he
21 knows, or it is obvious, that the charge is not supported by probable cause
22 or cannot be proved at the time of trial. A court shall not grant probation to
23 and, except as otherwise provided in NRS 4.373 and 5.055, a court shall
24 not suspend the sentence of such a person.

25 6. For the purposes of this section:

26 (a) "Battery" has the meaning ascribed to it in paragraph (a) of
27 subsection 1 of NRS 200.481; and

28 (b) "Offense" includes a battery which constitutes domestic violence
29 pursuant to NRS 33.018 or a violation of the law of any other jurisdiction
30 that prohibits the same or similar conduct.

31 **Sec. 18.** NRS 209.4232 is hereby amended to read as follows:

32 209.4232 "Bureau" means the bureau of alcohol and drug abuse ~~{of the~~
33 ~~rehabilitation division of}~~ in the department of ~~{employment, training and~~
34 ~~rehabilitation.}~~ **human resources.**

35 **Sec. 19.** NRS 209.448 is hereby amended to read as follows:

36 209.448 1. An offender who has no serious infraction of the
37 regulations of the department or the laws of the state recorded against him
38 must be allowed, in addition to the credits provided pursuant to NRS
39 209.433, 209.443, 209.446 or 209.4465, a deduction of not more than 30
40 days from the maximum term of his sentence for the successful completion
41 of a program of treatment for the abuse of alcohol or drugs which is
42 conducted jointly by the department and a person certified as a counselor
43 by the bureau of alcohol and drug abuse ~~{of the rehabilitation division of}~~

1 in the department of ~~employment, training and rehabilitation.~~ **human**
2 **resources.**

3 2. The provisions of this section apply to any offender who is
4 sentenced on or after October 1, 1991.

5 **Sec. 20.** NRS 211.340 is hereby amended to read as follows:

6 211.340 1. In addition to the credits on a term of imprisonment
7 provided for in NRS 211.310, 211.320 and 211.330, the sheriff of the
8 county or the chief of police of the municipality in which a prisoner is
9 incarcerated may deduct not more than 5 days from his term of
10 imprisonment if the prisoner:

11 (a) Successfully completes a program of treatment for the abuse of
12 alcohol or drugs which is conducted jointly by the local detention facility in
13 which he is incarcerated and a person certified as a counselor by the bureau
14 of alcohol and drug abuse ~~of the rehabilitation division of~~ in the
15 department of ~~employment, training and rehabilitation;~~ **human resources;**
16 and

17 (b) Is awarded a certificate evidencing his successful completion of the
18 program.

19 2. The provisions of this section apply to any prisoner who is
20 sentenced on or after October 1, 1991, to a term of imprisonment of 90
21 days or more.

22 **Sec. 21.** NRS 232.940 is hereby amended to read as follows:

23 232.940 The rehabilitation division of the department consists of the
24 following bureaus:

25 1. Bureau of services to the blind and visually impaired.

26 2. ~~Bureau of alcohol and drug abuse.~~
27 ~~—3.~~ Bureau of vocational rehabilitation.

28 **Sec. 22.** NRS 484.3793 is hereby amended to read as follows:

29 484.3793 As used in NRS 484.3793 to 484.37947, inclusive:

30 1. "Evaluation center" means a facility which is approved by the
31 bureau of alcohol and drug abuse ~~of the rehabilitation division of~~ in the
32 department of ~~employment, training and rehabilitation~~ **human resources**
33 to provide an evaluation of an offender to a court in order to determine if
34 the offender is an abuser of alcohol or another drug. The term includes a
35 facility operated by a court or other governmental agency.

36 2. "Treatment facility" means a facility for the treatment of abuse of
37 alcohol or drugs, which is certified by the bureau of alcohol and drug abuse
38 ~~of the rehabilitation division of~~ in the department of ~~employment,~~
39 ~~training and rehabilitation.~~ **human resources.**

40 **Sec. 23.** NRS 484.37935 is hereby amended to read as follows:

41 484.37935 The bureau of alcohol and drug abuse ~~of the rehabilitation~~
42 ~~division of~~ in the department of ~~employment, training and rehabilitation~~
43 **human resources** shall adopt by regulation the standards to be used for

1 approving the operation of a facility as an evaluation center for the
2 purposes of NRS 484.37937 to 484.37945, inclusive.

3 **Sec. 24.** NRS 484.37937 is hereby amended to read as follows:

4 484.37937 1. Except as otherwise provided in subsection 2, a person
5 who is found guilty of a first violation of NRS 484.379 may, at that time or
6 any time before he is sentenced, apply to the court to undergo a program of
7 treatment for alcoholism or drug abuse which is certified by the bureau of
8 alcohol and drug abuse ~~of the rehabilitation division of~~ in the department
9 of ~~employment, training and rehabilitation~~ **human resources** for at least 6
10 months. The court shall authorize such treatment if:

11 (a) The person is diagnosed as an alcoholic or abuser of drugs by a:

12 (1) Counselor or other person certified to make that diagnosis by the
13 bureau of alcohol and drug abuse ~~of the rehabilitation division of~~ in the
14 department of ~~employment, training and rehabilitation;~~ **human resources;**
15 or

16 (2) Physician certified to make that diagnosis by the board of medical
17 examiners;

18 (b) He agrees to pay the cost of the treatment to the extent of his
19 financial resources; and

20 (c) He has served or will serve a term of imprisonment in jail of 1 day,
21 or has performed or will perform 48 hours of work for the community.

22 2. A person may not apply to the court to undergo a program of
23 treatment pursuant to subsection 1 if, within the immediately preceding 7
24 years, he has been found guilty of:

25 (a) A violation of NRS 484.3795;

26 (b) A homicide resulting from driving a vehicle while under the
27 influence of intoxicating liquor or a controlled substance; or

28 (c) A violation of the law of any other jurisdiction which prohibits the
29 same or similar conduct as set forth in paragraph (a) or (b).

30 3. For the purposes of subsection 1, a violation of the law of any other
31 jurisdiction which prohibits the same or similar conduct as NRS 484.379
32 constitutes a violation of NRS 484.379.

33 4. A prosecuting attorney may, within 10 days after receiving notice of
34 an application for treatment pursuant to this section, request a hearing on
35 the question of whether the offender is eligible to undergo a program of
36 treatment for alcoholism or drug abuse. The court shall order a hearing on
37 the application upon the request of the prosecuting attorney or may order a
38 hearing on its own motion. The hearing must be limited to the question of
39 whether the offender is eligible to undergo such a program of treatment.

40 5. At the hearing on the application for treatment, the prosecuting
41 attorney may present the court with any relevant evidence on the matter. If
42 a hearing is not held, the court shall decide the matter upon affidavits and
43 other information before the court.

6. If the court grants an application for treatment, the court shall:

(a) Immediately sentence the offender and enter judgment accordingly.

(b) Suspend the sentence of the offender for not more than 3 years upon the condition that the offender be accepted for treatment by a treatment facility, that he complete the treatment satisfactorily and that he comply with any other condition ordered by the court.

(c) Advise the offender that:

(1) If he is accepted for treatment by such a facility, he may be placed under the supervision of the facility for a period not to exceed 3 years and during treatment he may be confined in an institution or, at the discretion of the facility, released for treatment or supervised aftercare in the community.

(2) If he is not accepted for treatment by such a facility or he fails to complete the treatment satisfactorily, he shall serve the sentence imposed by the court. Any sentence of imprisonment must be reduced by a time equal to that which he served before beginning treatment.

(3) If he completes the treatment satisfactorily, his sentence will be reduced to a term of imprisonment which is no longer than that provided for the offense in paragraph (c) of subsection 1 and a fine of not more than the minimum fine provided for the offense in NRS 484.3792, but the conviction must remain on his record of criminal history.

7. The court shall administer the program of treatment pursuant to the procedures provided in NRS 458.320 and 458.330, except that the court:

(a) Shall not defer the sentence, set aside the conviction or impose conditions upon the election of treatment except as provided in this section.

(b) May immediately revoke the suspension of sentence for a violation of any condition of the suspension.

8. The court shall notify the department, on a form approved by the department, upon granting the application of the offender for treatment and his failure to be accepted for or complete treatment.

Sec. 25. NRS 484.3794 is hereby amended to read as follows:

484.3794 1. Except as otherwise provided in subsection 2, a person who is found guilty of a second violation of NRS 484.379 within 7 years may, at that time or any time before he is sentenced, apply to the court to undergo a program of treatment for alcoholism or drug abuse which is certified by the bureau of alcohol and drug abuse ~~{of the rehabilitation division of}~~ **in** the department of ~~{employment, training and rehabilitation}~~ **human resources** for at least 1 year if:

(a) He is diagnosed as an alcoholic or abuser of drugs by a:

(1) Counselor or other person certified to make that diagnosis by the bureau of alcohol and drug abuse ~~{of the rehabilitation division of}~~ **in** the department of ~~{employment, training and rehabilitation;}~~ **human resources;**
or

1 (2) Physician certified to make that diagnosis by the board of medical
2 examiners;

3 (b) He agrees to pay the costs of the treatment to the extent of his
4 financial resources; and

5 (c) He has served or will serve a term of imprisonment in jail of 5 days,
6 and if required pursuant to NRS 484.3792, has performed or will perform
7 not less than 50 hours, but not more than 100 hours, of work for the
8 community.

9 2. A person may not apply to the court to undergo a program of
10 treatment pursuant to subsection 1 if, within the immediately preceding 7
11 years, he has been found guilty of:

12 (a) A violation of NRS 484.3795;

13 (b) A homicide resulting from driving a vehicle while under the
14 influence of intoxicating liquor or a controlled substance; or

15 (c) A violation of the law of any other jurisdiction which prohibits the
16 same or similar conduct as set forth in paragraph (a) or (b).

17 3. For the purposes of subsection 1, a violation of the law of any other
18 jurisdiction which prohibits the same or similar conduct as NRS 484.379
19 constitutes a violation of NRS 484.379.

20 4. A prosecuting attorney may, within 10 days after receiving notice of
21 an application for treatment pursuant to this section, request a hearing on
22 the matter. The court shall order a hearing on the application upon the
23 request of the prosecuting attorney or may order a hearing on its own
24 motion.

25 5. At the hearing on the application for treatment, the prosecuting
26 attorney may present the court with any relevant evidence on the matter. If
27 a hearing is not held, the court shall decide the matter upon affidavits and
28 other information before the court.

29 6. If the court determines that an application for treatment should be
30 granted, the court shall:

31 (a) Immediately sentence the offender and enter judgment accordingly.

32 (b) Suspend the sentence of the offender for not more than 3 years upon
33 the condition that the offender be accepted for treatment by a treatment
34 facility, that he complete the treatment satisfactorily and that he comply
35 with any other condition ordered by the court.

36 (c) Advise the offender that:

37 (1) If he is accepted for treatment by such a facility, he may be placed
38 under the supervision of the facility for a period not to exceed 3 years and
39 during treatment he may be confined in an institution or, at the discretion of
40 the facility, released for treatment or supervised aftercare in the community.

41 (2) If he is not accepted for treatment by such a facility or he fails to
42 complete the treatment satisfactorily, he shall serve the sentence imposed

1 by the court. Any sentence of imprisonment must be reduced by a time
2 equal to that which he served before beginning treatment.

3 (3) If he completes the treatment satisfactorily, his sentence will be
4 reduced to a term of imprisonment which is no longer than that provided
5 for the offense in paragraph (c) of subsection 1 and a fine of not more than
6 the minimum provided for the offense in NRS 484.3792, but the conviction
7 must remain on his record of criminal history.

8 7. The court shall administer the program of treatment pursuant to the
9 procedures provided in NRS 458.320 and 458.330, except that the court:

10 (a) Shall not defer the sentence, set aside the conviction or impose
11 conditions upon the election of treatment except as provided in this section.

12 (b) May immediately revoke the suspension of sentence for a violation
13 of a condition of the suspension.

14 8. The court shall notify the department, on a form approved by the
15 department, upon granting the application of the offender for treatment and
16 his failure to be accepted for or complete treatment.

17 **Sec. 26.** NRS 484.37943 is hereby amended to read as follows:

18 484.37943 1. If a person is found guilty of a first violation, if the
19 weight of alcohol in the defendant's blood at the time of the offense was
20 0.18 percent or more, or any second violation of NRS 484.379 within 7
21 years, the court shall, before sentencing the offender, require an evaluation
22 of the offender pursuant to subsection 3, 4 or 5 to determine whether he is
23 an abuser of alcohol or other drugs.

24 2. If a person is convicted of a first violation of NRS 484.379 and he is
25 under 21 years of age at the time of the violation, the court shall, before
26 sentencing the offender, require an evaluation of the offender pursuant to
27 subsection 3, 4 or 5 to determine whether he is an abuser of alcohol or
28 other drugs.

29 3. Except as otherwise provided in subsection 4 or 5, the evaluation of
30 an offender pursuant to this section must be conducted at an evaluation
31 center by:

32 (a) A counselor certified to make that evaluation by the bureau of
33 alcohol and drug abuse ~~{of the rehabilitation division of}~~ **in** the department
34 of ~~{employment, training and rehabilitation,}~~ **human resources;**

35 (b) A physician certified to make that evaluation by the board of
36 medical examiners; or

37 (c) A person who is approved to make that evaluation by the bureau of
38 alcohol and drug abuse ~~{of the rehabilitation division of}~~ **in** the department
39 of ~~{employment, training and rehabilitation,}~~ **human resources,**

40 who shall report to the court the results of the evaluation and make a
41 recommendation to the court concerning the length and type of treatment
42 required for the offender.

1 4. The evaluation of an offender who resides more than 30 miles from
2 an evaluation center may be conducted outside an evaluation center by a
3 person who has the qualifications set forth in subsection 3. The person who
4 conducts the evaluation shall report to the court the results of the evaluation
5 and make a recommendation to the court concerning the length and type of
6 treatment required for the offender.

7 5. The evaluation of an offender who resides in another state may,
8 upon approval of the court, be conducted in the state where the offender
9 resides by a physician or other person who is authorized by the appropriate
10 governmental agency in that state to conduct such an evaluation. The
11 offender shall ensure that the results of the evaluation and the
12 recommendation concerning the length and type of treatment for the
13 offender are reported to the court.

14 6. An offender who is evaluated pursuant to this section shall pay the
15 cost of the evaluation. An evaluation center or a person who conducts an
16 evaluation in this state outside an evaluation center shall not charge an
17 offender more than \$100 for the evaluation.

18 **Sec. 27.** NRS 484.37947 is hereby amended to read as follows:

19 484.37947 The provisions of NRS 484.37943 and 484.37945 do not
20 prohibit a court from:

21 1. Requiring an evaluation pursuant to NRS 484.37943 to be
22 conducted by an evaluation center that is administered by a private
23 company if the company meets the standards of the bureau of alcohol and
24 drug abuse ~~{of the rehabilitation division of}~~ **in** the department of
25 ~~{employment, training and rehabilitation}~~ **human resources** pursuant to
26 NRS 484.37935; or

27 2. Ordering the offender to attend a program of treatment that is
28 administered by a private company.

29 **Sec. 28.** NRS 484.3796 is hereby amended to read as follows:

30 484.3796 1. Before sentencing an offender pursuant to NRS
31 484.3795 or paragraph (c) of subsection 1 of NRS 484.3792, the court shall
32 require that the offender be evaluated to determine whether he is an abuser
33 of alcohol or drugs and whether he can be treated successfully for his
34 condition.

35 2. The evaluation must be conducted by:

36 (a) A counselor certified to make such an evaluation by the bureau of
37 alcohol and drug abuse ~~{of the rehabilitation division of}~~ **in** the department
38 of ~~{employment, training and rehabilitation;}~~ **human resources;**

39 (b) A physician certified to make such an evaluation by the board of
40 medical examiners; or

41 (c) A psychologist certified to make such an evaluation by the board of
42 psychological examiners.

1 3. The counselor, physician or psychologist who conducts the
2 evaluation shall immediately forward the results of the evaluation to the
3 director of the department of prisons.

4 **Sec. 29.** NRS 488.430 is hereby amended to read as follows:

5 488.430 1. Before sentencing a defendant pursuant to NRS 488.420,
6 the court shall require that the defendant be evaluated to determine whether
7 he is an abuser of alcohol or drugs and whether he can be treated
8 successfully for his condition.

9 2. The evaluation must be conducted by:

10 (a) A counselor certified to make such an evaluation by the bureau of
11 alcohol and drug abuse ~~[of the rehabilitation division of]~~ **in** the department
12 of ~~[employment, training and rehabilitation;]~~ **human resources;**

13 (b) A physician certified to make such an evaluation by the board of
14 medical examiners; or

15 (c) A psychologist certified to make such an evaluation by the board of
16 psychological examiners.

17 3. The counselor, physician or psychologist who conducts the
18 evaluation shall immediately forward the results of the evaluation to the
19 director of the department of prisons.

20 **Sec. 30.** NRS 608.156 is hereby amended to read as follows:

21 608.156 1. If an employer provides health benefits for his employees,
22 he shall provide benefits for the expenses for the treatment of abuse of
23 alcohol and drugs. The annual benefits provided by the employer must
24 consist of:

25 (a) Treatment for withdrawal from the physiological effects of alcohol
26 or drugs, with a maximum benefit of \$1,500 per calendar year.

27 (b) Treatment for a patient admitted to a facility, with a maximum
28 benefit of \$9,000 per calendar year.

29 (c) Counseling for a person, group or family who is not admitted to a
30 facility, with a maximum benefit of \$2,500 per calendar year.

31 2. The maximum amount which may be paid in the lifetime of the
32 insured for any combination of the treatments listed in subsection 1 is
33 \$39,000.

34 3. These benefits must be paid in the same manner as benefits for any
35 other illness covered by the employer are paid.

36 4. The employee is entitled to these benefits if treatment is received in
37 any:

38 (a) Facility for the treatment of abuse of alcohol or drugs which is
39 certified by the bureau of alcohol and drug abuse in ~~[the rehabilitation~~
40 ~~division of]~~ the department of ~~[employment, training and rehabilitation.]~~
41 **human resources.**

42 (b) Hospital or other medical facility or facility for the dependent which
43 is licensed by the health division of the department of human resources,

1 accredited by the Joint Commission on Accreditation of Hospitals and
2 provides a program for the treatment of abuse of alcohol or drugs as part of
3 its accredited activities.

4 **Sec. 31.** NRS 641.029 is hereby amended to read as follows:

5 641.029 This chapter does not apply to:

- 6 1. A physician licensed to practice in this state;
- 7 2. A person licensed to practice dentistry in this state;
- 8 3. A person licensed as a marriage and family therapist pursuant to
9 chapter 641A of NRS;

10 4. A person licensed to engage in social work pursuant to chapter 641B
11 of NRS;

12 5. A person licensed as an occupational therapist or occupational
13 therapy assistant pursuant to NRS 640A.010 to 640A.230, inclusive;

14 6. A person certified as a counselor by the bureau of alcohol and drug
15 abuse ~~{of the rehabilitation division of}~~ in the department of ~~{employment,~~
16 ~~training and rehabilitation;}~~ **human resources;** or

17 7. Any clergyman,
18 if such a person does not commit an act described in NRS 641.440 or
19 represent himself as a psychologist.

20 **Sec. 32.** NRS 641B.040 is hereby amended to read as follows:

21 641B.040 This chapter does not apply to:

- 22 1. A physician licensed to practice in this state;
- 23 2. A nurse licensed to practice in this state;
- 24 3. A person licensed as a psychologist pursuant to chapter 641 of NRS;
- 25 4. A person certified as a marriage and family counselor pursuant to
26 chapter 641A of NRS;

27 5. A person licensed as an occupational therapist or occupational
28 therapy assistant pursuant to NRS 640A.010 to 640A.230, inclusive;

29 6. A person certified as a counselor by the bureau of alcohol and drug
30 abuse ~~{of the rehabilitation division of}~~ in the department of ~~{employment,~~
31 ~~training and rehabilitation;}~~ **human resources;**

32 7. Any clergyman;

33 8. A county welfare director;

34 9. Any person who may engage in social work or clinical social work
35 in his regular governmental employment but does not hold himself out to
36 the public as a social worker; or

37 10. A student of social work and any other person preparing for the
38 profession of social work under the supervision of a qualified social worker
39 in a training institution or facility recognized by the board, unless the
40 student or other person has been issued a provisional license pursuant to
41 paragraph (b) of subsection 1 of NRS 641B.275. Such a student must be
42 designated by the title "student of social work" or "trainee in social work,"
43 or any other title which clearly indicates his training status.

1 **Sec. 33.** NRS 689A.046 is hereby amended to read as follows:

2 689A.046 1. The benefits provided by a policy for health insurance
3 for treatment of the abuse of alcohol or drugs must consist of:

4 (a) Treatment for withdrawal from the physiological effect of alcohol or
5 drugs, with a minimum benefit of \$1,500 per calendar year.

6 (b) Treatment for a patient admitted to a facility, with a minimum
7 benefit of \$9,000 per calendar year.

8 (c) Counseling for a person, group or family who is not admitted to a
9 facility, with a minimum benefit of \$2,500 per calendar year.

10 2. These benefits must be paid in the same manner as benefits for any
11 other illness covered by a similar policy are paid.

12 3. The insured person is entitled to these benefits if treatment is
13 received in any:

14 (a) Facility for the treatment of abuse of alcohol or drugs which is
15 certified by the bureau of alcohol and drug abuse in ~~the rehabilitation~~
16 ~~division of~~ the department of ~~employment, training and rehabilitation.~~
17 *human resources.*

18 (b) Hospital or other medical facility or facility for the dependent which
19 is licensed by the health division of the department of human resources,
20 accredited by the Joint Commission on Accreditation of Hospitals and
21 provides a program for the treatment of abuse of alcohol or drugs as part of
22 its accredited activities.

23 **Sec. 34.** NRS 689B.036 is hereby amended to read as follows:

24 689B.036 1. The benefits provided by a group policy for health
25 insurance, as required in subsection 5 of NRS 689B.030, for treatment of
26 the abuse of alcohol or drugs must consist of:

27 (a) Treatment for withdrawal from the physiological effects of alcohol
28 or drugs, with a minimum benefit of \$1,500 per calendar year.

29 (b) Treatment for a patient admitted to a facility, with a minimum
30 benefit of \$9,000 per calendar year.

31 (c) Counseling for a person, group or family who is not admitted to a
32 facility, with a minimum benefit of \$2,500 per calendar year.

33 2. These benefits must be paid in the same manner as benefits for any
34 other illness covered by a similar policy are paid.

35 3. The insured person is entitled to these benefits if treatment is
36 received in any:

37 (a) Facility for the treatment of abuse of alcohol or drugs which is
38 certified by the bureau of alcohol and drug abuse in ~~the rehabilitation~~
39 ~~division of~~ the department of ~~employment, training and rehabilitation.~~
40 *human resources.*

41 (b) Hospital or other medical facility or facility for the dependent which
42 is licensed by the health division of the department of human resources,
43 accredited by the Joint Commission on Accreditation of Hospitals and

1 provides a program for the treatment of abuse of alcohol or drugs as part of
2 its accredited activities.

3 **Sec. 34.5.** NRS 695B.194 is hereby amended to read as follows:

4 695B.194 1. The annual benefits provided by a policy for group
5 health insurance issued by a medical service corporation, as required by
6 subsection 8 of NRS 695B.180, for treatment of the abuse of alcohol or
7 drugs must consist of:

8 (a) Treatment for withdrawal from the physiological effects of alcohol
9 or drugs, with a minimum benefit of \$1,500 per calendar year.

10 (b) Treatment for a patient admitted to a facility, with a minimum
11 benefit of \$9,000 per calendar year.

12 (c) Counseling for a person, group or family who is not admitted to a
13 facility, with a minimum benefit of \$2,500 per calendar year.

14 2. These benefits must be paid in the same manner as benefits for any
15 other illness covered by a similar policy are paid.

16 3. The insured person is entitled to these benefits if treatment is
17 received in any:

18 (a) Facility for the treatment of abuse of alcohol or drugs which is
19 certified by the bureau of alcohol and drug abuse in ~~{the rehabilitation~~
20 ~~division of}~~ the department of ~~{employment, training and rehabilitation.}~~
21 *human resources.*

22 (b) Hospital or other medical facility or facility for the dependent which
23 is licensed by the health division of the department of human resources,
24 accredited by the Joint Commission on Accreditation of Hospitals and
25 provides a program for the treatment of abuse of alcohol or drugs as part of
26 its accredited activities.

27 **Sec. 35.** NRS 695C.174 is hereby amended to read as follows:

28 695C.174 1. The benefits provided by health maintenance plans for
29 treatment of the abuse of alcohol or drugs as required by subparagraph (5)
30 of paragraph (b) of subsection 3 of NRS 695C.170, must consist of:

31 (a) Treatment for withdrawal from the physiological effects of alcohol
32 or drugs, with a minimum benefit of \$1,500 per calendar year.

33 (b) Treatment for a patient admitted to a facility, with a minimum
34 benefit of \$9,000 per calendar year.

35 (c) Counseling for a person, group or family who is not admitted to a
36 facility, with a minimum benefit of \$2,500 per calendar year.

37 2. These benefits must be paid in the same manner as benefits for any
38 other illness covered by a similar policy are paid.

39 3. The insured person is entitled to these benefits if treatment is
40 received in any:

41 (a) Facility for the treatment of abuse of alcohol or drugs which is
42 certified by the bureau of alcohol and drug abuse in ~~{the rehabilitation~~

1 ~~division of~~ the department of ~~employment, training and rehabilitation.~~
2 *human resources.*

3 (b) Hospital or other medical facility or facility for the dependent which
4 is licensed by the health division of the department of human resources,
5 accredited by the Joint Commission on Accreditation of Hospitals and
6 provides a program for the treatment of abuse of alcohol or drugs as part of
7 its accredited activities.

8 **Sec. 36.** Section 15 of Senate Bill No. 101 of this session is hereby
9 amended to read as follows:

10 **Sec. 15.** NRS 453.1545 is hereby amended to read as follows:

11 453.1545 1. The board and the division shall cooperatively
12 develop a computerized program to track each prescription for a
13 controlled substance listed in schedule II, III or IV that is filled by a
14 pharmacy ~~that is registered with the board.~~ The program must:

15 (a) Be designed to provide information regarding ~~the~~ :

16 (1) *The* inappropriate use *by a patient* of controlled
17 substances listed in schedules II, III and IV to pharmacies,
18 practitioners and appropriate state agencies in order to prevent the
19 improper or illegal use of such controlled substances ~~that is~~ ; and

20 (2) *Statistical data relating to the use of such controlled*
21 *substances that is not specific to a particular patient.*

22 (b) Be administered by the board, the division, the bureau of
23 alcohol and drug abuse in the department of human resources and
24 various practitioners, representatives of professional associations
25 for practitioners, representatives of occupational licensing boards
26 and prosecuting attorneys selected by the board and the division.

27 (c) Not infringe on the legal use of a controlled substance for the
28 management of severe or intractable pain.

29 2. The board and division must have access to the program
30 established pursuant to subsection 1 for the purpose of identifying
31 any suspected fraudulent or illegal activity related to the dispensing
32 of controlled substances.

33 3. The board ~~or~~ division shall report any activity it reasonably
34 suspects may be fraudulent or illegal to the appropriate law
35 enforcement agency or occupational licensing board and provide
36 the law enforcement agency or occupational licensing board with
37 the relevant information obtained from the program for further
38 investigation.

39 4. Information obtained from the program *relating to a*
40 *practitioner or a patient* is confidential and, except as otherwise
41 provided by this section, must not be disclosed to any person.

42 ~~Information obtained from the program~~ *Such information* must
43 be

disclosed:

1 (a) Upon the request of a person about whom the information
2 requested concerns or upon the request on his behalf by his
3 attorney; or

4 (b) Upon the lawful order of a court of competent jurisdiction.

5 5. The board and the division may apply for any available
6 grants and accept any gifts, grants or donations to assist in
7 developing and maintaining the program required by this section.

8 **Sec. 37.** 1. The department of human resources shall establish three
9 pilot projects in family resource centers as follows:

10 (a) One pilot project must be located in a family resource center that is
11 located in a county whose population is 400,000 or more;

12 (b) One pilot project must be located in a family resource center that is
13 located in a county whose population is 100,000 or more but less than
14 400,000; and

15 (c) One pilot project must be located in a family resource center that is
16 located in a county whose population is less than 100,000.

17 2. Each pilot project must provide families with services related to the
18 prevention of substance abuse and intervention into problems of substance
19 abuse.

20 3. The commission shall:

21 (a) Define the scope of the services that must be provided by the pilot
22 projects;

23 (b) Prepare requests for proposals based on the scope of the services
24 needed;

25 (c) Set appropriate deadlines for receiving such proposals;

26 (d) Accept such proposals; and

27 (e) Review on a competitive basis the proposals submitted and award
28 the pilot projects.

29 4. The local governing board of a family resource center in which a
30 pilot project has been established shall, for each calendar year in which the
31 family resource center provides services pursuant to the pilot project,
32 submit a report to the commission and the director of the department of
33 human resources, and to the director of the legislative counsel bureau for
34 transmittal to the appropriate legislative committees. The report must
35 include:

36 (a) The kinds of services offered pursuant to the pilot project during the
37 previous 12 months;

38 (b) The number of adolescents and adults who received services
39 pursuant to the pilot project during the previous 12 months;

40 (c) An estimate of the number of adolescents and adults in the
41 community served by the family resource center who are or may be in need
42 of services relating to substance abuse, and a description of the services
43 needed; and

1 (d) Such other information as the commission or the director of the
2 department of human resources requests.

3 5. As used in this section:

4 (a) “Commission” means the commission on substance abuse education,
5 prevention, enforcement and treatment created within the department of
6 motor vehicles and public safety pursuant to NRS 458.380.

7 (b) “Family resource center” means a family resource center established
8 and operated pursuant to chapter 430A of NRS.

9 **Sec. 38.** The bureau of alcohol and drug abuse in the department of
10 human resources shall make available from its existing federal and state
11 funding sources the sum of \$158,400 for the three pilot projects to be
12 established pursuant to section 37 of this act.

13 **Sec. 39.** The state treasurer shall transfer any balance remaining
14 unexpended on June 30, 1999, in the state grant and gift account for
15 alcohol and drug abuse in the department of employment, training and
16 rehabilitation’s gift fund to the state grant and gift account for alcohol and
17 drug abuse which is created in the department of human resources’ gift
18 fund pursuant to section 11 of this act.

19 **Sec. 40.** 1. Any regulations adopted by the bureau of alcohol and
20 drug abuse in the rehabilitation division of the department of employment,
21 training and rehabilitation remain in force until amended by the bureau of
22 alcohol and drug abuse in the department of human resources. Such
23 regulations must be enforced by the bureau of alcohol and drug abuse in the
24 department of human resources.

25 2. Any contracts or other agreements entered into by the bureau of
26 alcohol and drug abuse in the rehabilitation division of the department of
27 employment, training and rehabilitation, or the department of employment,
28 training or rehabilitation pursuant to NRS 458.035 are binding on the
29 bureau of alcohol and drug abuse in the department of human resources or
30 the department of human resources, as appropriate. Such contracts or other
31 agreements must be enforced by the bureau of alcohol and drug abuse in
32 the department of human resources or the department of human resources,
33 as appropriate.

34 **Sec. 41.** On and after July 1, 1999, any certifications issued by the
35 bureau of alcohol and drug abuse in the rehabilitation division of the
36 department of employment, training and rehabilitation to facilities,
37 programs or personnel pursuant to NRS 458.025 before July 1, 1999, shall
38 be deemed to have been issued by the bureau of alcohol and drug abuse in
39 the department of human resources.

40 **Sec. 42.** This act becomes effective on July 1, 1999.

41 **Sec. 43.** The legislative counsel shall:

42 1. In preparing the reprint and supplements to the Nevada Revised
43 Statutes, with respect to any section that is not amended by this act or is

1 further amended by another act, appropriately change any references to the
2 bureau of alcohol and drug abuse in the rehabilitation division of the
3 department of employment, training and rehabilitation to the bureau of
4 alcohol and drug abuse in the department of human resources.

5 2. In preparing supplements to the Nevada Administrative Code,
6 appropriately change any references to the bureau of alcohol and drug
7 abuse in the rehabilitation division of the department of employment,
8 training and rehabilitation to the bureau of alcohol and drug abuse in the
9 department of human resources.

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