
ASSEMBLY BILL NO. 265—ASSEMBLYMEN LESLIE, GIBBONS, BUCKLEY, DE BRAGA,
PARNELL, PARKS, WILLIAMS AND MANENDO

FEBRUARY 16, 1999

JOINT SPONSOR: SENATOR TOWNSEND

Referred to Committee on Health and Human Services

SUMMARY—Makes various changes concerning facilities for treatment of abuse of alcohol or drugs. (BDR 40-1088)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: No.

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

AN ACT relating to facilities for the treatment of substance abuse; providing in skeleton form for the licensure and regulation of facilities for the treatment of abuse of alcohol or drugs by the bureau of alcohol and drug abuse in the rehabilitation division of the department of employment, training and rehabilitation; transferring the duties of the department of human resources related to such facilities to the bureau of alcohol and drug abuse; providing a penalty; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 449.0045 is hereby amended to read as follows:
2 449.0045 “Facility for the dependent” includes a ~~facility for the~~
3 ~~treatment of abuse of alcohol or drugs,~~ facility for the care of adults
4 during the day ~~for~~ **and** residential facility for groups.
5 **Sec. 2.** NRS 449.017 is hereby amended to read as follows:
6 449.017 1. Except as otherwise provided in subsection 2, “residential
7 facility for groups” means an establishment that furnishes food, shelter,
8 assistance and limited supervision to:
9 (a) Any aged, infirm, mentally retarded or handicapped person; or
10 (b) Four or more females during pregnancy or after delivery.

2. The term does not include:

(a) An establishment which provides care only during the day;

(b) A natural person who provides care for no more than two persons in his own home;

(c) A natural person who provides care for one or more persons related to him within the third degree of consanguinity or affinity; or

(d) A facility funded by the welfare division, ~~for~~ the mental hygiene and mental retardation division of the department of human resources ~~or~~ *the bureau of alcohol and drug abuse in the rehabilitation division of the department of employment, training and rehabilitation.*

Sec. 3. NRS 449.070 is hereby amended to read as follows:

449.070 The provisions of NRS 449.001 to 449.240, inclusive, do not apply to:

1. Any facility conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of the church or denomination, except that such a facility must comply with all regulations relative to sanitation and safety applicable to other facilities of a similar category ; ~~or~~

2. Foster homes as defined in NRS 424.014 ; ~~or~~

3. Any medical facility or facility for the dependent operated and maintained by the United States Government or an agency thereof ~~or~~ ; *or*

4. A facility for the treatment of abuse of alcohol or drugs that is licensed by the bureau of alcohol or drug abuse in the rehabilitation division of the department of employment, training and rehabilitation pursuant to sections 11 to 28, inclusive, of this act.

Sec. 4. Chapter 458 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 to 37, inclusive, of this act.

Sec. 5. *As used in sections 5 to 37, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 6 to 10, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 6. *“Bureau” means the bureau of alcohol and drug abuse in the rehabilitation division of the department.*

Sec. 7. *“Chief” means the chief of the bureau.*

Sec. 8. *“Client” means a resident or patient of a facility for the treatment of abuse of alcohol or drugs.*

Sec. 9. *“Department” means the department of employment, training and rehabilitation.*

1 **Sec. 10.** *“Facility for the treatment of abuse of alcohol or drugs”*
2 *means any public or private entity that provides residential treatment,*
3 *including, without limitation, mental and physical restoration of abusers*
4 *of alcohol or drugs. The term does not include a medical facility as*
5 *defined in NRS 449.0151.*

6 **Sec. 11.** *The name, sign, listing or other designation of a facility for*
7 *the treatment of abuse of alcohol or drugs must not contain any term that*
8 *is misleading to the public with regard to the services offered by the*
9 *facility.*

10 **Sec. 12.** 1. *No person, state or local government or agency thereof*
11 *may operate or maintain in this state a facility for the treatment of abuse*
12 *of alcohol or drugs without first obtaining a license therefor as provided*
13 *in sections 11 to 28, inclusive, of this act.*

14 2. *Any person who operates a facility for the treatment of abuse of*
15 *alcohol or drugs without a license issued by the bureau is guilty of a*
16 *misdemeanor.*

17 **Sec. 13.** 1. *The bureau shall adopt:*

18 (i) *Licensing standards for facilities for the treatment of abuse of*
19 *alcohol or drugs;*

20 (ii) *Regulations governing the licensing of such facilities; and*

21 (iii) *Any other regulations as it deems necessary or convenient to carry*
22 *out the provisions of sections 11 to 28, inclusive, of this act.*

23 2. *The bureau may charge a fee for an application for the issuance*
24 *or renewal of a license to operate a facility for the treatment of abuse of*
25 *alcohol or drugs. The fee must be calculated to produce the revenue*
26 *estimated to cover the costs of the bureau related to the licensure.*

27 3. *The bureau shall require that the practices and policies of each*
28 *facility for the treatment of abuse of alcohol or drugs provide adequately*
29 *for the protection of the health, safety and physical, moral and mental*
30 *well-being of each client accommodated in the facility.*

31 4. *The bureau shall establish minimum qualifications for an*
32 *administrator and employee of a facility for the treatment of abuse of*
33 *alcohol or drugs. In establishing the qualifications, the bureau shall*
34 *consider the related standards set by nationally recognized organizations*
35 *that accredit such facilities.*

36 **Sec. 14.** 1. *A person, state or local government or agency thereof*
37 *desiring a license to operate a facility for the treatment of abuse of*
38 *alcohol or drugs must file with the bureau an application on a form*
39 *prescribed, prepared and furnished by the bureau, containing:*

40 (i) *The name of the applicant and, if a natural person, whether the*
41 *applicant has attained the age of 21 years.*

42 (ii) *The location of the facility.*

1 (c) In specific terms, the nature of services and type of care to be
2 offered, as defined in the regulations.

3 (d) The number of beds authorized by the chief or, if such
4 authorization is not required, the number of beds the facility will contain.

5 (e) The name of the person in charge of the facility.

6 (f) Evidence satisfactory to the bureau that the applicant is of
7 reputable and responsible character. If the applicant is a firm,
8 association, organization, partnership, business trust, corporation or
9 company, similar evidence must be submitted as to the members thereof,
10 and the person in charge of the facility for which application is made. If
11 the applicant is a political subdivision of the State of Nevada or other
12 governmental agency, similar evidence must be submitted as to the
13 person in charge of the institution for which application is made.

14 (g) Evidence satisfactory to the bureau of the ability of the applicant
15 to comply with the provisions of sections 11 to 28, inclusive, of this act
16 and the standards and regulations adopted by the bureau.

17 (h) Evidence satisfactory to the bureau that the facility conforms to
18 the zoning regulations of the local government within which the facility
19 will be operated or that the applicant has applied for an appropriate
20 reclassification, variance, permit for special use or other exception for
21 the facility.

22 (i) Any other information deemed necessary by the bureau for the
23 proper administration and enforcement of sections 11 to 28, inclusive, of
24 this act.

25 2. Each application and reapplication for a license to operate a
26 facility for the treatment of abuse of alcohol or drugs must be
27 accompanied by a fee in an account determined by regulation of the
28 bureau.

29 **Sec. 15.** Each license issued to operate a facility for the treatment of
30 abuse of alcohol or drugs expires on December 31 following its issuance
31 and is renewable for 1 year upon reapplication and payment of the fee
32 required pursuant to section 14 of this act, unless the bureau finds, after
33 an investigation, that the facility has not:

34 1. Satisfactorily complied with the provisions of sections 11 to 28,
35 inclusive, of this act or the standards and regulations adopted by the
36 bureau;

37 2. Obtained the approval of the director of the department of human
38 resources before undertaking a project, if such approval is required by
39 NRS 439A.100; or

40 3. Conformed to all applicable local zoning regulations.

1 **Sec. 16.** *The provisions of sections 11 to 28, inclusive, of this act do*
2 *not apply to:*

3 1. *A facility for the treatment of abuse of alcohol or drugs conducted*
4 *by and for the adherents of any church or religious denomination for the*
5 *purpose of providing facilities for the care and treatment of the sick who*
6 *depend solely upon spiritual means through prayer for healing in the*
7 *practice of the religion of the church or denomination, except that such a*
8 *facility must comply with all regulations relative to sanitation and safety*
9 *applicable to other facilities of a similar category;*

10 2. *Foster homes as defined in NRS 424.014; or*

11 3. *Any facility for the treatment of abuse of alcohol or drugs*
12 *operated and maintained by the United States Government or an agency*
13 *thereof.*

14 **Sec. 17.** 1. *The bureau shall issue a license to the applicant if,*
15 *after investigation, the bureau finds that the:*

16 (a) *Applicant is in full compliance with the provisions of sections 11 to*
17 *28, inclusive, of this act;*

18 (b) *Applicant is in substantial compliance with the standards and*
19 *regulations adopted by the bureau;*

20 (c) *Applicant, if he has undertaken a project for which approval is*
21 *required pursuant to NRS 439A.100, has obtained the approval of the*
22 *director of the department of human resources; and*

23 (d) *Facility conforms to the applicable zoning regulations.*

24 2. *A license applies only to the person to whom it is issued, is valid*
25 *only for the premises described in the license and is not transferable.*

26 **Sec. 18.** *Each license issued by the bureau to operate a facility for*
27 *the treatment of abuse of alcohol or drugs must be in the form prescribed*
28 *by the bureau and must contain:*

29 1. *The name of the person, state or local government or agency*
30 *thereof authorized to operate the licensed facility;*

31 2. *The location of the licensed facility; and*

32 3. *The number of beds authorized in the licensed facility, the nature*
33 *of services offered and the service delivery capacity.*

34 **Sec. 19.** 1. *The bureau may cancel the license of a facility for the*
35 *treatment of abuse of alcohol or drugs and issue a provisional license,*
36 *effective for a period determined by the bureau, to the facility if it:*

37 (a) *Is in operation at the time of the adoption of standards and*
38 *regulations pursuant to the provisions of sections 11 to 28, inclusive, of*
39 *this act and the bureau determines that the facility requires a reasonable*
40 *time under the particular circumstances within which to comply with the*
41 *standards and regulations; or*

1 **(b) Has failed to comply with the standards or regulations and the**
2 **bureau determines that the facility is in the process of making the**
3 **necessary changes or has agreed to make the changes within a**
4 **reasonable time.**

5 **2. The provisions of subsection 1 do not require the issuance of a**
6 **license to operate a facility for the treatment of abuse of alcohol or drugs**
7 **or prevent the bureau from refusing to renew or from revoking or**
8 **suspending such a license if the bureau deems such action necessary for**
9 **the health and safety of the clients of a facility for the treatment of abuse**
10 **of alcohol or drugs.**

11 **Sec. 20. 1. Money received from the licensing of facilities for the**
12 **treatment of abuse of alcohol or drugs must be forwarded to the state**
13 **treasurer for deposit in the state general fund.**

14 **2. The bureau shall enforce the provisions of sections 11 to 28,**
15 **inclusive, of this act and may incur any necessary expenses not in excess**
16 **of money appropriated for that purpose by the State of Nevada or**
17 **received from the Federal Government.**

18 **Sec. 21. The bureau may:**

19 **1. Upon receipt of an application for a license to operate a facility**
20 **for the treatment of abuse of alcohol or drugs, conduct an investigation**
21 **into the premises, facilities, qualifications of personnel, methods of**
22 **operation, policies and purposes of any person proposing to engage in**
23 **the operation of the facility. The facility for the treatment of abuse of**
24 **alcohol or drugs is subject to inspection and approval as to standards for**
25 **safety from fire, on behalf of the bureau, by the state fire marshal.**

26 **2. Upon receipt of a complaint against a facility for the treatment of**
27 **abuse of alcohol or drugs, except for a complaint concerning the cost of**
28 **services, conduct an investigation into the premises, facilities,**
29 **qualifications of personnel, methods of operation, policies, procedures**
30 **and records of that facility.**

31 **3. Employ such professional, technical and clerical assistance as it**
32 **deems necessary to carry out the provisions of sections 11 to 28,**
33 **inclusive, of this act.**

34 **Sec. 22. The bureau may deny an application for a license or may**
35 **suspend or revoke any license issued to operate a facility for the**
36 **treatment of abuse of alcohol or drugs upon any of the following**
37 **grounds:**

38 **1. Violation by the applicant or the licensee of any of the provisions**
39 **of sections 11 to 28, inclusive, of this act or of any other law of this state**
40 **or of the standards, rules and regulations adopted thereunder.**

- 1 2. Aiding, abetting or permitting the commission of any illegal act.
- 2 3. Engaging in conduct inimical to the public health, morals, welfare
- 3 and safety of the people of the State of Nevada in the maintenance and
- 4 operation of the premises for which a license is issued.
- 5 4. Engaging in conduct or in a practice detrimental to the health or
- 6 safety of the clients or employees of the facility.
- 7 5. Failing to obtain written approval for new construction from the
- 8 director of the department of human resources if approval is required
- 9 pursuant to NRS 439A.100.
- 10 **Sec. 23. 1. If a facility for the treatment of abuse of alcohol or**
- 11 **drugs violates any provision related to its licensure, including, without**
- 12 **limitation, any provision of sections 11 to 28, inclusive, of this act or any**
- 13 **condition, standard or regulation adopted by the bureau, the bureau in**
- 14 **accordance with the regulations adopted pursuant to section 24 of this**
- 15 **act may:**
- 16 (a) Prohibit the facility from admitting any client until it determines
- 17 that the facility has corrected the violation;
- 18 (b) Limit the occupancy of the facility to the number of beds occupied
- 19 when the violation occurred until it determines that the facility has
- 20 corrected the violation;
- 21 (c) Impose an administrative penalty of not more than \$1,000 per day
- 22 for each violation, together with interest thereon at a rate not to exceed
- 23 10 percent per annum; and
- 24 (d) Appoint temporary management to oversee the operation of the
- 25 facility and to ensure the health and safety of the clients of the facility,
- 26 until:
- 27 (1) It determines that the facility for the treatment of abuse of
- 28 alcohol or drugs has corrected the violation and has management that is
- 29 capable of ensuring continued compliance with the applicable statutes,
- 30 conditions, standards and regulations; or
- 31 (2) Improvements are made to correct the violation.
- 32 2. If the facility for the treatment of abuse of alcohol or drugs fails to
- 33 pay any administrative penalty imposed pursuant to paragraph (c) of
- 34 subsection 1, the bureau may:
- 35 (a) Suspend the license of the facility until the administrative penalty
- 36 is paid; and
- 37 (b) Collect court costs, reasonable attorney's fees and other costs
- 38 incurred to collect the administrative penalty.
- 39 3. The bureau may require any facility for the treatment of abuse of
- 40 alcohol or drugs that violates a provision of sections 11 to 28, inclusive,
- 41 of this act or a condition, standard or regulation adopted by the bureau,
- 42 to make any improvements necessary to correct the violation.

1 **4. Any money collected as administrative penalties pursuant to this**
2 **section must be accounted for separately and used to protect the health or**
3 **property of the clients of the facility for the treatment of abuse of alcohol**
4 **or drugs in accordance with applicable federal standards.**

5 **Sec. 24. The bureau shall adopt regulations establishing the criteria**
6 **for imposing each sanction set forth in section 23 of this act. The**
7 **regulations must:**

8 **1. Prescribe the circumstances and manner in which each sanction**
9 **applies;**

10 **2. Minimize the time between identification of a violation and the**
11 **imposition of a sanction;**

12 **3. Provide for the imposition of incrementally more severe sanctions**
13 **for repeated or uncorrected violations; and**

14 **4. Provide for less severe sanctions for lesser violations of applicable**
15 **state statutes, conditions, standards or regulations.**

16 **Sec. 25. 1. When the bureau intends to deny, suspend or revoke a**
17 **license to operate a facility for the treatment of abuse of alcohol or**
18 **drugs, or impose any sanction set forth in section 23 of this act, it shall**
19 **give reasonable notice to all parties by certified mail. The notice must**
20 **contain the legal authority, jurisdiction and reasons for the action to be**
21 **taken. Notice is not required if the bureau finds that the public health**
22 **requires immediate action. In that case, the bureau may order a**
23 **summary suspension of the license or impose any sanction prescribed by**
24 **section 23 of this act, pending proceedings for revocation or other action.**

25 **2. To contest the action of the bureau, a person must file an appeal**
26 **in the manner set forth in the regulations adopted by the bureau.**

27 **3. Upon receiving notice of an appeal, the bureau shall hold a**
28 **hearing in the manner set forth in the regulations adopted by the bureau.**

29 **4. The bureau shall adopt such regulations as are necessary to carry**
30 **out the provisions of this section.**

31 **Sec. 26. 1. The bureau may bring an action in the name of the**
32 **State of Nevada to enjoin any person, state or local government or**
33 **agency thereof from operating or maintaining a facility for the treatment**
34 **of abuse of alcohol or drugs:**

35 **(a) Without first obtaining a license therefor; or**

36 **(b) After his license has been revoked or suspended by the bureau.**

37 **2. It is sufficient in such action to allege that the defendant did, on a**
38 **certain date and in a certain place, operate and maintain a facility for the**
39 **treatment of abuse of alcohol or drugs without a license.**

40 **Sec. 27. 1. The bureau shall regularly inspect each facility for the**
41 **treatment of abuse of alcohol or drugs to ensure its compliance with the**
42 **provisions of sections 11 to 28, inclusive, of this act.**

1 2. Any authorized member or employee of the bureau may enter and
2 inspect a facility for the treatment of abuse of alcohol or drugs at any
3 time to ensure its compliance with or prevent a violation of any provision
4 of sections 11 to 28, inclusive, of this act.

5 **Sec. 28.** The district attorney of the county in which the facility for
6 the treatment of abuse of alcohol or drugs is located shall, upon
7 application by the bureau, institute and conduct the prosecution of any
8 action for violation of any provisions of sections 11 to 28, inclusive, of
9 this act.

10 **Sec. 29.** The chief may:

11 1. Adopt regulations concerning the exercise of the powers conferred
12 pursuant to this section and sections 30 and 31 of this act.

13 2. Hold public hearings, conduct investigations and require the filing
14 of information relating to any matter affecting the cost of services in all
15 facilities for the treatment of abuse of alcohol or drugs subject to the
16 provisions of this section and sections 30 and 31 of this act and may
17 subpoena witnesses, financial papers, records and documents in
18 connection therewith. An order requiring the filing of information or a
19 subpoena issued pursuant to this subsection must state the purpose for
20 which it is issued. The chief may also administer oaths in any hearing or
21 investigation.

22 3. Exercise, subject to the limitations and restrictions imposed
23 pursuant to this section and sections 30 and 31 of this act, all other
24 powers that are reasonably necessary to carry out the expressed objects
25 of those sections.

26 4. Delegate to any of the divisions of the department the authority to
27 carry out the provisions of this section and sections 30 and 31 of this act.

28 **Sec. 30.** In carrying out the duties set forth in this section and
29 sections 29 and 31 of this act, the chief may use his own staff or may
30 contract with any appropriate, independent and qualified organization.
31 Such a contractor shall not release or publish or otherwise use any
32 information made available to it pursuant to its contractual responsibility
33 unless permission is specifically granted by the director.

34 **Sec. 31.** 1. Each facility for the treatment of abuse of alcohol or
35 drugs that is subject to the provisions of this section and sections 29 and
36 30 of this act shall file with the bureau the following financial statements
37 or reports in a form and at intervals specified by the chief, but at least
38 annually:

39 (a) A balance sheet detailing the assets, liabilities and net worth of the
40 facility for the fiscal year; and

41 (b) A statement of income and expenses for the fiscal year.

1 2. Each facility for the treatment of abuse of alcohol or drugs shall
2 file with the bureau a proposed operating budget for the following fiscal
3 year at least 30 days before the start of that fiscal year.

4 3. The chief shall require the certification of specified financial
5 reports by an independent certified public accountant and may require
6 attestations from responsible officers of the facility for the treatment of
7 abuse of alcohol or drugs that the reports are, to the best of their
8 knowledge and belief, accurate and complete.

9 4. The chief shall require the filing of all reports by specified dates,
10 and may adopt regulations that assess penalties for failure to file as
11 required, but he shall not require the submission of a final annual report
12 sooner than 6 months after the close of the fiscal year, and may grant
13 extensions to a facility for the treatment of abuse of alcohol or drugs that
14 can show that the required information is not available on the required
15 reporting date.

16 5. All reports, except privileged medical information and records
17 concerning the treatment provided for the abuse of alcohol or drugs,
18 filed pursuant to any provisions of this section and sections 29 and 30 of
19 this act are open to public inspection and must be available for
20 examination at the office of the bureau during regular business hours.

21 **Sec. 32. 1.** Each facility for the treatment of abuse of alcohol or
22 drugs must provide the services necessary to treat a client properly in a
23 particular case or must be able to arrange the transfer of the client to
24 another facility which can provide that care.

25 2. A client may be transferred to another facility only if the client has
26 received an explanation of the need to transfer him and the alternatives
27 available, unless his condition necessitates an immediate transfer to a
28 facility for a higher level of care and he cannot understand the
29 explanation.

30 **Sec. 33. 1.** If a client in a facility for the treatment of abuse of
31 alcohol or drugs is transferred to another facility or a physician licensed
32 to practice medicine, the facility for the treatment of abuse of alcohol or
33 drugs shall forward, upon request of the client, a copy of the records of
34 treatment of the client, on or before the date the client is transferred, to
35 the other facility or the physician. The facility for the treatment of abuse
36 of alcohol or drugs must obtain the oral or written consent of the client
37 before a copy of the records of treatment may be forwarded.

38 2. As used in this section, “records of treatment” includes, without
39 limitation, a medical history of the client, a summary of the current
40 mental and physical condition of the client and a discharge summary
41 that contains the information necessary for the proper treatment of the
42 client.

1 **Sec. 34.** *Each client of a facility for the treatment of abuse of*
2 *alcohol or drugs has the right to:*

3 1. *Receive information concerning any other medical or educational*
4 *facility or facility for the treatment of abuse of alcohol or drugs*
5 *associated with the facility at which he is a client that relates to his care.*

6 2. *Obtain information concerning the professional qualifications or*
7 *associations of the persons who are treating him.*

8 3. *Receive the name of the person responsible for coordinating his*
9 *care in the facility for the treatment of abuse of alcohol or drugs.*

10 4. *Be advised if the facility in which he is a client proposes to*
11 *perform experiments on clients that affect his own care or treatment.*

12 5. *Receive from his physician or counselor a complete and current*
13 *description of his diagnosis, plan for treatment and prognosis in terms*
14 *that he can understand. If it is not advisable to give this information to*
15 *the client, the physician or counselor shall:*

16 (a) *Provide the information to an appropriate person responsible for*
17 *the client; and*

18 (b) *Inform that person that he shall not disclose the information to the*
19 *client.*

20 6. *Receive from his physician or counselor the information necessary*
21 *for him to give his informed consent to a procedure or treatment. Except*
22 *in an emergency, this information must not be limited to a specific*
23 *procedure or treatment and must include, without limitation:*

24 (a) *A description of the significant medical or physical risks involved;*

25 (b) *Any information concerning alternatives to the treatment or*
26 *procedure if he requests that information;*

27 (c) *The name of the person responsible for the procedure or*
28 *treatment; and*

29 (d) *The costs likely to be incurred for the treatment or procedure and*
30 *any alternative treatment or procedure.*

31 7. *Examine the bill for his care and receive an explanation of the*
32 *bill, whether or not he is personally responsible for payment of the bill.*

33 8. *Know the regulations of the facility for the treatment of abuse of*
34 *alcohol or drugs concerning his conduct at the facility.*

35 **Sec. 35.** *Each client of a facility for the treatment of abuse of*
36 *alcohol or drugs has the right to:*

37 1. *Receive considerate and respectful care.*

38 2. *Refuse treatment to the extent permitted by law and to be informed*
39 *of the consequences of that refusal.*

40 3. *Refuse to participate in any medical experiments conducted at the*
41 *facility for the treatment of abuse of alcohol or drugs.*

1 **4. Retain his privacy concerning his program of treatment for the**
2 **abuse of alcohol or drugs and any medical care. Discussions concerning**
3 **the care of a client, consultation with other persons concerning the**
4 **client, examinations or treatments, and all communications and records**
5 **concerning the client, except as otherwise provided in NRS 108.640,**
6 **section 33 of this act and chapter 629 of NRS, are confidential. The**
7 **client must consent to the presence of any person who is not directly**
8 **involved with his care during any examination, consultation or**
9 **treatment.**

10 **5. Have any reasonable request for services reasonably satisfied by**
11 **the facility considering its ability to do so.**

12 **6. Receive continuous care from the facility. The client must be**
13 **informed:**

14 **(a) Of his appointments for treatment and the names of the persons**
15 **available at the facility for those treatments; and**

16 **(b) By his physician or counselor or an authorized representative of**
17 **the physician or counselor, of his need for continuing care.**

18 **Sec. 36. Each facility for the treatment of abuse of alcohol or drugs**
19 **shall inform each client or his legal representative, upon his admission to**
20 **the facility, of the rights of the clients pursuant to sections 32 to 35,**
21 **inclusive, of this act.**

22 **Sec. 37. 1. Except as otherwise provided in this section, a person**
23 **shall not intentionally prevent another person from entering or exiting**
24 **the office of a facility for the treatment of abuse of alcohol or drugs by**
25 **physically:**

26 **(a) Detaining the other person; or**

27 **(b) Obstructing, impeding or hindering the movement of the other**
28 **person.**

29 **2. The provisions of subsection 1 do not apply to:**

30 **(a) An officer, employee or agent of the facility for the treatment of**
31 **abuse of alcohol or drugs; or**

32 **(b) A peace officer as defined in NRS 169.125,**
33 **while acting within the course and scope of his duties or employment and**
34 **in accordance with applicable federal and state laws and regulations.**

35 **3. The provisions of subsection 1 do not prohibit a person from**
36 **maintaining a picket during a strike or work stoppage in compliance with**
37 **the provisions of NRS 614.160, or from engaging in any constitutionally**
38 **protected exercise of free speech.**

39 **4. A person who violates the provisions of subsection 1 is guilty of a**
40 **misdemeanor and shall be punished by a fine of not more than \$1,000, or**
41 **by imprisonment in the county jail for not more than 3 months, or by**
42 **both fine and imprisonment.**

43 **Sec. 38. NRS 449.00455 and 449.173 are hereby repealed.**

1 **Sec. 39.** The bureau of alcohol and drug abuse in the rehabilitation
2 division of the department of employment, training and rehabilitation shall
3 adopt regulations as required pursuant to sections 13, 14, 24 and 25 of this
4 act on or before January 1, 2000.

5 **Sec. 40.** This act becomes effective upon passage and approval for the
6 purpose of adopting regulations and for any other purposes related to the
7 preparation of the bureau of alcohol and drug abuse in the rehabilitation
8 division of the department of employment training and rehabilitation to
9 license facilities for the treatment of abuse of alcohol or drugs, and on
10 January 1, 2000, for all other purposes.

11 **Sec. 41.** 1. All administrative regulations adopted by the state board
12 of health concerning a facility for the treatment of abuse of alcohol or
13 drugs pursuant to the authority in subsection 1 of NRS 449.037 are hereby
14 declared to be void on January 1, 2000.

15 2. In preparing supplements to the Nevada Administrative Code, on or
16 after January 1, 2000, the Legislative Counsel shall remove all provisions
17 declared void by subsection 1.

TEXT OF REPEALED SECTIONS

449.00455 “Facility for the treatment of abuse of alcohol or drugs” defined. “Facility for the treatment of abuse of alcohol or drugs” means any public or private establishment which provides residential treatment, including mental and physical restoration, of abusers of alcohol or drugs which is certified by the bureau of alcohol and drug abuse in the rehabilitation division of the department of employment, training and rehabilitation, pursuant to subsection 3 of NRS 458.025. It does not include a medical facility or services offered by volunteers or voluntary organizations.

449.173 Applicability of provisions governing check of criminal history of applicant or employee. The provisions of NRS 449.176 to 449.188, inclusive, do not apply to any facility for the treatment of abuse of alcohol or drugs.