

SENATE BILL NO. 197—SENATORS WIENER, RAWSON, TOWNSEND,
TITUS, MATHEWS, CARE, PORTER AND SCHNEIDER

FEBRUARY 16, 1999

Referred to Committee on Human Resources and Facilities

SUMMARY—Establishes certain programs relating to prevention and treatment of fetal alcohol syndrome. (BDR 40-134)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: Yes.

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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 public health; creating the advisory board on fetal alcohol syndrome and providing its duties; requiring certain persons to post and give warnings relating to the consumption of alcohol during pregnancy to pregnant women and mothers of children suffering from fetal alcohol syndrome; requiring the department of human resources to develop and carry out certain programs relating to the prevention and treatment of fetal alcohol syndrome; making various other changes relating to fetal alcohol syndrome; and providing other matters properly relating thereto.

- 1 WHEREAS, The occurrence of birth defects, mental retardation, attention
- 2 deficit disorder and other genetic disorders is significantly increased in the
- 3 children of women who consume alcohol during pregnancy; and
- 4 WHEREAS, The incidence of fetal alcohol syndrome in this state is 2 1/2
- 5 times greater than the incidence of Down's syndrome; and
- 6 WHEREAS, The residents of this state are becoming increasingly
- 7 concerned about the effects relating to fetal alcohol syndrome and its
- 8 associated costs to mothers, children and society as a whole; and
- 9 WHEREAS, In addition to the medical problems associated with fetal
- 10 alcohol syndrome there are tremendous social costs, including increased
- 11 expenditures for social services, education, the system of juvenile justice,
- 12 law enforcement agencies and the prison system; and
- 13 WHEREAS, There has been a significant national increase in the use of
- 14 alcohol by pregnant women in the past decade; and

1 WHEREAS, The State of Nevada has the highest percentage in the nation
2 of women who report chronic alcohol abuse, the second highest percentage
3 in the nation of women who report binge drinking and the highest rate in
4 the nation of teenage pregnancy; and

5 WHEREAS, Fetal alcohol syndrome is a lifelong condition; and

6 WHEREAS, Fetal alcohol syndrome frequently occurs in more than one
7 child born to the same mother and is more likely to occur in the children of
8 a woman who has suffered from fetal alcohol syndrome; and

9 WHEREAS, Fetal alcohol syndrome is entirely preventable and, even if a
10 woman has consumed alcohol during her pregnancy, preventing further
11 consumption of alcohol may reduce the harmful consequences to her child;
12 and

13 WHEREAS, Because there are multiple problems associated with fetal
14 alcohol syndrome and with parenting a child who suffers from fetal alcohol
15 syndrome, a variety of integrated services, including health, educational
16 and social services, are necessary to address those problems; and

17 WHEREAS, Existing services are limited in their effectiveness in
18 preventing and treating fetal alcohol syndrome because those services are
19 inadequate and there is a lack of coordination among the agencies that
20 provide those services; now, therefore,
21

22 THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
23 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:
24

25 **Section 1.** Chapter 442 of NRS is hereby amended by adding thereto
26 the provisions set forth as sections 2 to 21, inclusive, of this act.

27 **Sec. 2. 1.** *Except as otherwise provided in subsection 2, each*
28 *person who contracts with this state to treat, advise or counsel a pregnant*
29 *woman or a mother of a child suffering from fetal alcohol syndrome*
30 *shall post in a conspicuous place in his office the written warnings and*
31 *give to the woman or mother the oral warnings prescribed by the*
32 *regulations adopted by the department pursuant to section 3 of this act*
33 *relating to the possible problems, complications and injuries that the*
34 *consumption of alcohol during pregnancy may cause to the woman and*
35 *her fetus.*

36 **2.** *A person is not required to post the written warnings described in*
37 *subsection 1 if the office in which he works has at least one copy of those*
38 *warnings posted in a conspicuous place.*

39 **Sec. 3.** *The department shall adopt regulations prescribing the form*
40 *and content of the written warnings that are required to be posted and*
41 *the oral warnings that are required to be given to a pregnant woman or a*
42 *mother of a child suffering from fetal alcohol syndrome.*

1 **Sec. 4. As used in sections 4 to 9, inclusive, of this act, unless the**
2 **context otherwise requires, “board” means the advisory board on fetal**
3 **alcohol syndrome.**

4 **Sec. 5. 1. The advisory board on fetal alcohol syndrome is hereby**
5 **created. The board consists of 18 members, as follows:**

6 **(a) The director of the department of human resources shall appoint:**

7 **(1) One member who is an employee of the health division; and**

8 **(2) One member who is an employee of the division of child and**
9 **family services.**

10 **(b) The Nevada State Medical Association shall appoint:**

11 **(1) One member who is a physician certified by the American**
12 **Board of Pediatrics, or an equivalent organization; and**

13 **(2) One member who is a physician certified by the American**
14 **Board of Obstetrics and Gynecology, or an equivalent organization.**

15 **(c) The Nevada Hospital Association shall appoint one member who is**
16 **an administrator of a hospital.**

17 **(d) The Nevada Association of Health Plans shall appoint one**
18 **member as its representative.**

19 **(e) The Great Basin Primary Care Association shall appoint one**
20 **member as its representative.**

21 **(f) The governor shall appoint:**

22 **(1) One member who is a member of the advisory board on**
23 **maternal and child health;**

24 **(2) One member who represents a clinic for health care that**
25 **specializes in caring for women and children;**

26 **(3) One member who represents persons who operate community-**
27 **based programs for the prevention or treatment of substance abuse; and**

28 **(4) One member who is a resident of this state and represents the**
29 **general public.**

30 **(g) The dean of the University of Nevada School of Medicine shall**
31 **appoint one member who is a member of the faculty of the University of**
32 **Nevada School of Medicine.**

33 **(h) The chief justice of the supreme court shall appoint:**

34 **(1) One member who is a judge of a juvenile court in this state; and**

35 **(2) One member who is a judge of a family court in this state.**

36 **(i) The State Bar of Nevada shall appoint one member who is an**
37 **attorney who practices law in the juvenile courts of this state.**

38 **(j) The director of the department of employment, training and**
39 **rehabilitation shall appoint one member who is an employee of the**
40 **department of employment, training and rehabilitation.**

1 (k) *The superintendent of public instruction and the director of the*
2 *department of prisons are ex officio members of the board and each may,*
3 *if he wishes, designate a person to serve on the board in his place or to*
4 *attend a meeting of the board in his place.*

5 2. *If any of the appointing entities listed in subsection 1 cease to*
6 *exist, the appointments required by subsection 1 must be made by the*
7 *successor in interest of the entity or, if there is no successor in interest, by*
8 *the governor.*

9 3. *The board may appoint one or more persons who have special*
10 *expertise relating to fetal alcohol syndrome to assist the board in the*
11 *performance of its duties.*

12 Sec. 6. 1. *At the first meeting of the board and each year*
13 *thereafter, the board shall elect a chairman and vice chairman from*
14 *among its members. If a vacancy occurs in the chairmanship or vice*
15 *chairmanship, the board shall elect a member to serve the remainder of*
16 *the unexpired term.*

17 2. *Except for the initial and ex officio members, the term of office of*
18 *each member of the board is 2 years. Each appointed member shall*
19 *continue in office until his successor is appointed. An appointed member*
20 *of the board may be reappointed for not more than two additional terms*
21 *and thereafter may be appointed to assist the board pursuant to*
22 *subsection 3 of section 5 of this act. A vacancy in an appointed position*
23 *must be filled by appointment for the unexpired term in the same manner*
24 *as the original appointment.*

25 3. *The membership of a judge who is appointed to the board*
26 *pursuant to section 5 of this act and who does not become a candidate for*
27 *reelection or who is defeated for reelection terminates upon the*
28 *expiration of the term of office of the judge. The vacancy created by such*
29 *a termination must be filled in the manner set forth in subsection 2.*

30 Sec. 7. 1. *The board shall meet at the call of the chairman as often*
31 *as required to perform its duties, but not less than once a year.*

32 2. *A majority of the board constitutes a quorum for the transaction*
33 *of business, and a majority of those members present at any meeting is*
34 *sufficient for any action taken by the board.*

35 3. *The department shall provide necessary staff to assist the board in*
36 *performing its duties.*

37 Sec. 8. 1. *Each member of the board serves without compensation.*

38 2. *While engaged in the business of the board, each member is*
39 *entitled to receive the per diem allowance and travel expenses provided*
40 *for state officers and employees generally. The per diem allowance and*
41 *travel expenses of:*

1 ***(a) A member of the board who is an officer or employee of this state***
2 ***or a local government thereof must be paid by the state agency or the***
3 ***local government of this state that employs him; and***

4 ***(b) Any other member of the board must be paid by the department.***

5 ***3. Each member of the board who is an officer or employee of this***
6 ***state or a local government must be relieved from the duties of his***
7 ***employment without loss of his regular compensation so that he may***
8 ***perform his duties on the board in the most timely manner practicable. A***
9 ***state agency or local government shall not require an officer or employee***
10 ***who is a member of the board to make up the time he is absent from***
11 ***work to fulfill his obligations as a member, and shall not require the***
12 ***member to take annual leave or compensatory time for the absence.***

13 ***Sec. 9. The board shall assist:***

14 ***1. The health division in developing the program of public education***
15 ***that it is required to develop pursuant to section 10 of this act, including,***
16 ***without limitation, preparing and obtaining information relating to fetal***
17 ***alcohol syndrome for distribution to patients;***

18 ***2. The department in reviewing, amending and distributing the***
19 ***guidelines developed by the University of Nevada School of Medicine***
20 ***pursuant to section 12 of this act;***

21 ***3. The department in determining, based upon the annual report***
22 ***submitted to the board pursuant to section 18 of this act, the most***
23 ***effective methods of:***

24 ***(a) Preventing fetal alcohol syndrome; and***

25 ***(b) Collecting information relating to the incidence of fetal alcohol***
26 ***syndrome in this state;***

27 ***4. The department in developing and promoting the guidelines for***
28 ***prevention of the consumption of alcohol by women during pregnancy***
29 ***that it is required to develop and promote pursuant to section 18 of this***
30 ***act;***

31 ***5. The department in developing and carrying out those programs***
32 ***for women who have abused alcohol during their pregnancy and for the***
33 ***children of those women that it is required to develop and carry out***
34 ***pursuant to section 20 of this act; and***

35 ***6. The department in reviewing the statistical data reported to the***
36 ***department relating to the incidence of fetal alcohol syndrome in this***
37 ***state.***

38 ***Sec. 10. 1. The health division shall develop and carry out a***
39 ***program of public education to increase public awareness about the***
40 ***dangers of fetal alcohol syndrome and other adverse effects on a fetus***
41 ***that may result from the consumption of alcohol during pregnancy. The***
42 ***program must include, without limitation:***

1 ***(a) Educational messages that are directed toward the general public***
2 ***and specific geographical areas and groups of persons in this state that***
3 ***are identified pursuant to subsection 1 of section 19 of this act as having***
4 ***women who are at a high risk of consuming alcohol during pregnancy.***

5 ***(b) Providing training materials to school personnel to assist them in***
6 ***identifying pupils who are suffering from fetal alcohol syndrome, caring***
7 ***for those pupils and referring the parents of those pupils to programs for***
8 ***the treatment of substance abuse, providers of health care or other***
9 ***services and other available resources.***

10 ***(c) A toll-free telephone service for providing information relating to***
11 ***programs for the treatment of substance abuse, providers of health care***
12 ***or other services and other available resources, and referrals to those***
13 ***programs, if appropriate. The telephone number must be disclosed in the***
14 ***educational messages provided pursuant to this section.***

15 ***(d) Preparation of information relating to fetal alcohol syndrome for***
16 ***distribution to patients in an obstetrical unit of a hospital, obstetric***
17 ***center, a clinic for family planning and other health facilities in this***
18 ***state.***

19 ***2. The department shall conduct periodic evaluations of the program***
20 ***to determine its effectiveness.***

21 ***Sec. 11. 1. The health division may apply for and accept gifts,***
22 ***grants and contributions from any public or private source to carry out***
23 ***its duties pursuant to the provisions of section 10 of this act.***

24 ***2. The department shall account separately for the money received***
25 ***from those gifts, grants or contributions. The director shall administer***
26 ***the account.***

27 ***3. The money in the account must be used only to develop and carry***
28 ***out the program of public education set forth in section 10 of this act.***

29 ***4. The advisory board on fetal alcohol syndrome may make***
30 ***recommendations to the director concerning the use of the money in the***
31 ***account. The director shall consider the recommendations of the board.***

32 ***Sec. 12. 1. The University of Nevada School of Medicine shall***
33 ***develop guidelines to assist a provider of health care or other services in***
34 ***identifying:***

35 ***(a) Pregnant women who are at a high risk of consuming alcohol***
36 ***during pregnancy; and***

37 ***(b) Children who are suffering from fetal alcohol syndrome.***

38 ***2. The department shall:***

39 ***(a) Review, amend, adopt and distribute the guidelines developed by***
40 ***the University of Nevada School of Medicine pursuant to subsection 1;***
41 ***and***

1 **(b) Within the limits of available appropriations, develop and**
2 **administer programs of perinatal care that include, without limitation,**
3 **screening a pregnant woman to determine whether her fetus is at a high**
4 **risk of developing fetal alcohol syndrome.**

5 **Sec. 13. 1. A provider of health care or other services who treats,**
6 **advises or counsels a pregnant woman shall use the guidelines developed**
7 **by the University of Nevada School of Medicine pursuant to section 12 of**
8 **this act to determine if the woman is at a high risk of consuming alcohol**
9 **during her pregnancy. If the provider of health care or other services**
10 **determines that the woman is at a high risk of consuming alcohol during**
11 **her pregnancy, the provider of health care or other services shall:**

12 **(a) Provide the woman with the list of licensed providers of health**
13 **care or other services and public agencies established pursuant to section**
14 **20 of this act;**

15 **(b) Inform the woman that he may refer her to the department to**
16 **obtain additional information concerning other available resources; and**

17 **(c) If the woman consents to such a referral, file a report of referral**
18 **with the department within 72 hours. The report of referral must be on a**
19 **form prescribed by the department.**

20 **2. Upon receipt of a report of referral, the department shall provide**
21 **information to the woman concerning resources available to the woman**
22 **and her family.**

23 **3. The information contained in a report of referral made pursuant**
24 **to this section must be made available to the health division without any**
25 **identifying information and may be used by the division only for**
26 **statistical purposes.**

27 **4. The consent required by this section shall be deemed a waiver of**
28 **the doctor-patient privilege set forth in NRS 49.215 to 49.245, inclusive,**
29 **solely for the purpose of making a report of referral pursuant to this**
30 **section.**

31 **5. The fact that a woman is referred to the department, the report of**
32 **referral and any other associated documentation required to be provided**
33 **pursuant to this section is confidential and must not be used in any**
34 **criminal prosecution of the woman.**

35 **6. A provider of health care or other services shall:**

36 **(a) Maintain a record of the number of pregnant women he treats;**
37 **and**

38 **(b) Submit that information to the department on or before February**
39 **1 of each year.**

40 **7. A provider of health care or other services is not liable in a civil**
41 **action for any act performed in good faith and within the scope of**
42 **complying with the provisions of this section.**

1 **Sec. 14.** *The division of child and family services of the department*
2 *or a licensed child-placing agency shall inquire, during its initial contact*
3 *with a natural parent of a child who is to be placed for adoption, about*
4 *consumption of alcohol or substance abuse by the mother of the child*
5 *during pregnancy. The information obtained from the inquiry must be:*

6 1. *Included in the report provided to the adopting parents of the child*
7 *pursuant to NRS 127.152; and*

8 2. *Reported to the department on a form prescribed by the*
9 *department. The report must not contain any identifying information and*
10 *may be used only for statistical purposes.*

11 **Sec. 15.** 1. *The division of child and family services of the*
12 *department shall inquire, during its initial contact with a natural parent*
13 *of a child who is to be placed in a family foster home, about consumption*
14 *of alcohol or substance abuse by the mother of the child during*
15 *pregnancy. The information obtained from the inquiry must be:*

16 (a) *Provided to the provider of family foster care pursuant to NRS*
17 *424.038; and*

18 (b) *Reported to the department on a form prescribed by the*
19 *department. The report must not contain any identifying information and*
20 *may be used only for statistical purposes.*

21 2. *As used in this section, "family foster home" has the meaning*
22 *ascribed to it in NRS 424.013.*

23 **Sec. 16.** *An agency which provides protective services shall inquire,*
24 *during its initial contact with a natural parent of a child whom a court*
25 *has determined must be kept in temporary or permanent custody, about*
26 *consumption of alcohol or substance abuse by the mother of the child*
27 *during pregnancy. The information obtained from the inquiry must be:*

28 1. *Included in the report the agency is required to make pursuant to*
29 *NRS 432B.540; and*

30 2. *Reported to the department on a form prescribed by the*
31 *department. The report must not contain any identifying information and*
32 *may be used only for statistical purposes.*

33 **Sec. 17.** *The department shall adopt regulations necessary to carry*
34 *out the provisions of sections 13 to 16, inclusive, of this act.*

35 **Sec. 18.** 1. *The department shall:*

36 (a) *Conduct research to determine the most effective methods of:*

37 (1) *Preventing fetal alcohol syndrome; and*

38 (2) *Collecting information relating to the incidence of fetal alcohol*
39 *syndrome in this state.*

40 (b) *Develop and promote guidelines for prevention of the consumption*
41 *of alcohol by women during pregnancy. The guidelines must be*

1 *developed with the goal of increasing the use of programs for the*
2 *treatment of substance abuse by women before, during and after*
3 *pregnancy.*

4 *2. On or before a date specified by the advisory board on fetal*
5 *alcohol syndrome, the department shall submit to the advisory board an*
6 *annual report consisting of its findings from the research conducted*
7 *pursuant to subsection 1 and such other information as the board may*
8 *request.*

9 *Sec. 19. The department shall develop and maintain a program for*
10 *monitoring fetal alcohol syndrome, that includes, without limitation, a*
11 *method of:*

12 *1. Identifying the geographical areas in this state in which women*
13 *are at a high risk of consuming alcohol during pregnancy and groups of*
14 *persons in this state that include such women;*

15 *2. Identifying and evaluating deficiencies in existing systems for*
16 *delivering perinatal care;*

17 *3. Collecting and analyzing data relating to systems for delivering*
18 *perinatal care; and*

19 *4. Monitoring the effectiveness of the program.*

20 *Sec. 20. The department shall develop and carry out programs for*
21 *women who have abused alcohol during their pregnancy and for the*
22 *children of those women to the extent possible within the limits of*
23 *available appropriations, including, without limitation, programs*
24 *offering:*

25 *1. A comprehensive interdisciplinary plan for care that includes,*
26 *without limitation:*

27 *(a) Training in the identification and treatment of fetal alcohol*
28 *syndrome for families, providers of health care or other services,*
29 *educators and the staff of public agencies who care for or are involved*
30 *with children who may be suffering from fetal alcohol syndrome; and*

31 *(b) A list of licensed providers of health care or other services and*
32 *public agencies that provide the services prescribed in the*
33 *interdisciplinary plan for care;*

34 *2. Outreach services and programs for education and prevention of*
35 *alcohol or substance abuse in high schools and clinics for family*
36 *planning to identify pregnant women who are abusing alcohol and enroll*
37 *them in programs of perinatal care and programs for the treatment of*
38 *substance abuse;*

39 *3. Assistance in developing and carrying out systems for delivering*
40 *perinatal care in specific geographical regions of this state, particularly*
41 *in those geographical regions of this state that are medically*
42 *underserved;*

1 **4. Coordinated delivery of obstetrical care and treatment for**
2 **substance abuse;**

3 **5. Pediatric care that includes, without limitation, therapeutic**
4 **treatments for neurologically, behaviorally or developmentally impaired**
5 **infants;**

6 **6. Child care for a sibling of a child suffering from fetal alcohol**
7 **syndrome;**

8 **7. Classes on parenting skills;**

9 **8. Home visitation for those women who need additional support or**
10 **who are reluctant to enter a program for the treatment of substance**
11 **abuse;**

12 **9. Access to the special supplemental nutrition program for women,**
13 **infants and children established pursuant to 42 U.S.C. § 1786;**

14 **10. Vocational training for those women who are mothers and who**
15 **are seeking employment;**

16 **11. Low-income housing; and**

17 **12. Assistance in developing and carrying out a follow-up program**
18 **for infants who are at a high risk of developing fetal alcohol syndrome.**

19 **Sec. 21. As used in NRS 442.130 to 442.170, inclusive, unless the**
20 **context otherwise requires, “advisory board” means the advisory board**
21 **on maternal and child health.**

22 **Sec. 22. NRS 442.003 is hereby amended to read as follows:**

23 442.003 As used in this chapter, unless the context requires otherwise:

24 1. ~~“Advisory board” means the advisory board on maternal and child~~
25 ~~health.~~

26 ~~—2.]~~ “Department” means the department of human resources.

27 ~~[3.]~~ 2. “Director” means the director of the department of human
28 resources.

29 ~~[4.]~~ 3. “Health division” means the health division of the department of
30 human resources.

31 **4. “Provider of health care or other services” means:**

32 **(a) A person who has been certified as a counselor or an**
33 **administrator of an alcohol and drug abuse program pursuant to chapter**
34 **458 of NRS;**

35 **(b) A physician or a physician’s assistant who is licensed pursuant to**
36 **chapter 630 of NRS and who practices in the area of obstetrics and**
37 **gynecology, family practice, internal medicine, pediatrics or psychiatry;**

38 **(c) A licensed nurse;**

39 **(d) A licensed psychologist;**

40 **(e) A licensed marriage and family therapist;**

41 **(f) A licensed social worker; or**

42 **(g) A holder of a certificate of registration as a pharmacist.**

1 **Sec. 23.** NRS 442.170 is hereby amended to read as follows:

2 442.170 1. The state treasurer is custodian of all money appropriated
3 by this state, allotted to this state by the Federal Government, or received
4 by this state from other sources, for the purposes of NRS 442.130 to
5 442.170, inclusive ~~[-]~~, **and section 21 of this act.**

6 2. The division shall deposit the money in the state treasury for credit
7 to the account for maternal and child health services.

8 3. All claims and demands against the account must be paid only upon
9 the administrator's certifying the claims and demands in proper vouchers to
10 the state controller who shall thereupon draw his warrant or warrants
11 therefor, and the state treasurer shall pay them.

12 **Sec. 24.** Chapter 458 of NRS is hereby amended by adding thereto a
13 new section to read as follows:

14 **1. Except as otherwise provided in subsection 2, each person who has**
15 **been certified as a counselor or an administrator of an alcohol and drug**
16 **abuse program and who treats, advises or counsels a pregnant woman or**
17 **a mother of a child suffering from fetal alcohol syndrome shall post in a**
18 **conspicuous place in his office the written warnings and give to the**
19 **woman or mother the oral warnings prescribed by the regulations**
20 **adopted by the department of human resources pursuant to section 3 of**
21 **this act relating to the possible problems, complications and injuries that**
22 **the consumption of alcohol during pregnancy may cause to the woman**
23 **and her fetus.**

24 **2. A person who has been certified as a counselor or an**
25 **administrator of an alcohol and drug abuse program is not required to**
26 **post the written warnings described in subsection 1 if the office in which**
27 **he works has at least one copy of those warnings posted in a conspicuous**
28 **place.**

29 **Sec. 25.** NRS 458.025 is hereby amended to read as follows:

30 458.025 The bureau of alcohol and drug abuse is hereby created in the
31 rehabilitation division of the department. The bureau:

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

34 (a) A survey of the need for education, prevention and treatment of
35 alcohol and drug abuse, including a survey of the facilities needed to
36 provide services and a plan for the development and distribution of services
37 and programs throughout the state.

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

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

1 In developing and revising the state plan, the bureau shall consider, among
2 other things, the amount of money available from the Federal Government
3 for alcohol and drug abuse programs and the conditions attached to the
4 acceptance of the money, and the limitations of legislative appropriations
5 for alcohol and drug abuse programs.

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

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

23 4. ***Shall ensure that the requirements for continuing education***
24 ***established pursuant to subsection 3 include the completion every 2 years***
25 ***of at least 2 hours of instruction relating to the effects of consuming***
26 ***alcohol during pregnancy. The instruction must include, without***
27 ***limitation, training:***

28 ***(a) That increases the knowledge and develops the practical skills of a***
29 ***person who has been certified as a counselor or an administrator relating***
30 ***to addressing the needs of pregnant women who are at a high risk of***
31 ***consuming alcohol during pregnancy, children suffering from fetal***
32 ***alcohol syndrome and the families of those children;***

33 ***(b) That develops the skills of a person who has been certified as a***
34 ***counselor or an administrator relating to screening, counseling and***
35 ***referring for treatment women who consume alcohol during pregnancy***
36 ***and providing follow-up treatment for those women and their children;***
37 ***and***

38 ***(c) Relating to methods for the diagnosis and evaluation of fetal***
39 ***alcohol syndrome.***

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

1 **Sec. 26.** NRS 458.031 is hereby amended to read as follows:
2 458.031 The department shall administer the provisions of NRS
3 458.010 to 458.360, inclusive, **and section 24 of this act** as the sole agency
4 of the State of Nevada for that purpose.

5 **Sec. 27.** Chapter 630 of NRS is hereby amended by adding thereto a
6 new section to read as follows:

7 **1. Except as otherwise provided in subsection 2, each holder of a**
8 **license to practice medicine or as a physician's assistant issued by the**
9 **board pursuant to this chapter who practices in the area of obstetrics and**
10 **gynecology, family practice, internal medicine, pediatrics or psychiatry**
11 **and who treats, advises or counsels a pregnant woman or a mother of a**
12 **child suffering from fetal alcohol syndrome shall post in a conspicuous**
13 **place in his office the written warnings and give to the woman or mother**
14 **the oral warnings prescribed by the regulations adopted by the**
15 **department of human resources pursuant to section 3 of this act relating**
16 **to the possible problems, complications and injuries that the**
17 **consumption of alcohol during pregnancy may cause to the woman and**
18 **her fetus.**

19 **2. A holder of a license is not required to post the written warnings**
20 **described in subsection 1 if the office in which he works has at least one**
21 **copy of those warnings posted in a conspicuous place.**

22 **Sec. 28.** NRS 630.253 is hereby amended to read as follows:

23 630.253 **1. The board shall ~~[-]~~ require each holder of a license as a**
24 **physician's assistant or a license to practice medicine to comply with the**
25 **requirements for continuing education adopted by the board** as a
26 prerequisite for the:

27 ~~{1-}~~ **(a)** Renewal of a license as a physician's assistant; or

28 ~~{2-}~~ **(b)** Biennial registration of the holder of a license to practice
29 medicine . ~~[-]~~

30 ~~require each holder to comply with the requirements for continuing~~
31 ~~education adopted by the board.~~

32 **2. These requirements ~~{may}~~ :**

33 **(a) Must include the completion every 2 years of at least 2 hours of**
34 **instruction relating to the effects of consuming alcohol during pregnancy**
35 **for each holder of a license as a physician's assistant or a license to**
36 **practice medicine who practices in the area of obstetrics and**
37 **gynecology, family practice, internal medicine, pediatrics or psychiatry.**
38 **The instruction must include, without limitation, training:**

39 **(1) That increases the knowledge and develops the practical skills of**
40 **the holder of the license relating to addressing the needs of pregnant**
41 **women who are at a high risk of consuming alcohol during pregnancy,**
42 **children suffering from fetal alcohol syndrome and the families of those**
43 **children;**

1 ***(2) That develops the skills of the holder of the license relating to***
2 ***screening, counseling and referring for treatment women who consume***
3 ***alcohol during pregnancy and providing follow-up treatment for those***
4 ***women and their children; and***

5 ***(3) Relating to methods for the diagnosis and evaluation of fetal***
6 ***alcohol syndrome.***

7 ***(b) May provide for the completion of one or more courses of***
8 ***instruction relating to risk management in the performance of medical***
9 ***services.***

10 **Sec. 29.** Chapter 632 of NRS is hereby amended by adding thereto a
11 new section to read as follows:

12 ***1. Except as otherwise provided in subsection 2, each holder of a***
13 ***license issued by the board pursuant to this chapter who treats, advises or***
14 ***counsels a pregnant woman or a mother of a child suffering from fetal***
15 ***alcohol syndrome shall post in a conspicuous place in his office the***
16 ***written warnings and give to the woman or mother the oral warnings***
17 ***prescribed by the regulations adopted by the department of human***
18 ***resources pursuant to section 3 of this act relating to the possible***
19 ***problems, complications and injuries that the consumption of alcohol***
20 ***during pregnancy may cause to the woman and her fetus.***

21 ***2. A holder of a license is not required to post the written warnings***
22 ***described in subsection 1 if the office in which he works has at least one***
23 ***copy of those warnings posted in a conspicuous place.***

24 **Sec. 30.** NRS 632.343 is hereby amended to read as follows:

25 632.343 1. The board shall not renew any license issued under this
26 chapter until the licensee has submitted proof satisfactory to the board of
27 completion, during the 2-year period before renewal of the license, of 30
28 hours in a program of continuing education approved by the board. The
29 licensee is exempt from this provision for the first biennial period after
30 graduation from an accredited school of professional nursing or practical
31 nursing.

32 ***2. The requirement of continuing education set forth in subsection 1***
33 ***must include the completion every 2 years of at least 2 hours of***
34 ***instruction relating to the effects of consuming alcohol during***
35 ***pregnancy. The instruction must include, without limitation, training:***

36 ***(a) That increases the knowledge and develops the practical skills of***
37 ***the licensee relating to addressing the needs of pregnant women who are***
38 ***at a high risk of consuming alcohol during pregnancy, children suffering***
39 ***from fetal alcohol syndrome and the families of those children;***

40 ***(b) That develops the skills of the licensee relating to screening,***
41 ***counseling and referring for treatment women who consume alcohol***
42 ***during pregnancy and providing follow-up treatment for those women***
43 ***and their children; and***

1 ***(c) Relating to methods for the diagnosis and evaluation of fetal***
2 ***alcohol syndrome.***

3 **3.** The board shall review all courses offered to nurses for the
4 completion of the requirement set ***forth*** in subsection 1. The board may
5 approve nursing and other courses which are directly related to the practice
6 of nursing as well as others which bear a reasonable relationship to current
7 developments in the field of nursing or any special area of practice in which
8 a licensee engages. These may include academic studies, workshops,
9 extension studies, home study and other courses.

10 **Sec. 31.** Chapter 639 of NRS is hereby amended by adding thereto a
11 new section to read as follows:

12 ***1. Except as otherwise provided in subsection 2, each holder of a***
13 ***certificate of registration as a pharmacist who treats, advises or counsels***
14 ***a pregnant woman or a mother of a child suffering from fetal alcohol***
15 ***syndrome shall post in a conspicuous place in his office the written***
16 ***warnings and give to the woman or mother the oral warnings prescribed***
17 ***by the regulations adopted by the department of human resources***
18 ***pursuant to section 3 of this act relating to the possible problems,***
19 ***complications and injuries that the consumption of alcohol during***
20 ***pregnancy may cause to the woman and her fetus.***

21 ***2. A holder of a certificate of registration as a pharmacist is not***
22 ***required to post the written warnings described in subsection 1 if the***
23 ***office in which he works has at least one copy of those warnings posted***
24 ***in a conspicuous place.***

25 **Sec. 32.** NRS 639.2176 is hereby amended to read as follows:

26 639.2176 The board shall adopt regulations necessary to carry out the
27 purposes of NRS 639.2171 to 639.2176, inclusive, which must include
28 ~~the~~ :

29 ***1. The*** methods of determining accredited programs . ~~[, the]~~

30 ***2. The*** number of hours of continuing professional education necessary
31 to constitute a continuing education unit . ~~[, the]~~

32 ***3. The*** number of units required of each pharmacist during the period
33 for which a certificate is issued . ~~[and such]~~

34 ***4. A requirement of the completion every 2 years of at least 2 hours***
35 ***of instruction relating to the effects of consuming alcohol during***
36 ***pregnancy. The instruction must include, without limitation, training:***

37 ***(a) That increases the knowledge and develops the practical skills of***
38 ***the pharmacist relating to addressing the needs of pregnant women who***
39 ***are at a high risk of consuming alcohol during pregnancy, children***
40 ***suffering from fetal alcohol syndrome and the families of those children;***

1 ***(b) That develops the skills of the pharmacist relating to screening,***
2 ***counseling and referring for treatment women who consume alcohol***
3 ***during pregnancy and providing follow-up treatment for those women***
4 ***and their children; and***

5 ***(c) Relating to methods for the diagnosis and evaluation of fetal***
6 ***alcohol syndrome.***

7 **5. Such** other regulations consistent with NRS 639.2171 to 639.2176,
8 inclusive, as the board may determine to be necessary.

9 **Sec. 33.** Chapter 641 of NRS is hereby amended by adding thereto a
10 new section to read as follows:

11 **1. Except as otherwise provided in subsection 2, each holder of a**
12 **license issued by the board pursuant to this chapter who treats, advises or**
13 **counsels a pregnant woman or a mother of a child suffering from fetal**
14 **alcohol syndrome shall post in a conspicuous place in his office the**
15 **written warnings and give to the woman or mother the oral warnings**
16 **prescribed by the regulations adopted by the department of human**
17 **resources pursuant to section 3 of this act relating to the possible**
18 **problems, complications and injuries that the consumption of alcohol**
19 **during pregnancy may cause to the woman and her fetus.**

20 **2. A holder of a license is not required to post the written warnings**
21 **described in subsection 1 if the office in which he works has at least one**
22 **copy of those warnings posted in a conspicuous place.**

23 **Sec. 34.** NRS 641.220 is hereby amended to read as follows:

24 641.220 1. To renew a license issued pursuant to this chapter, each
25 person must, on or before the first day of January of each odd-numbered
26 year:

27 (a) Apply to the board for renewal;

28 (b) Submit the statement required pursuant to NRS 641.175;

29 (c) Pay the biennial fee for the renewal of a license; and

30 (d) Submit evidence to the board of his completion of the requirements
31 for continuing education.

32 2. Upon renewing his license, the holder of the license shall declare his
33 areas of competence, as determined in accordance with NRS 641.112.

34 3. The board shall, as a prerequisite for the renewal of a license,
35 require each holder to comply with the requirements for continuing
36 education adopted by the board.

37 **4. The requirements for continuing education must include the**
38 **completion every 2 years of at least 2 hours of instruction relating to the**
39 **effects of consuming alcohol during pregnancy. The instruction must**
40 **include, without limitation, training:**

41 ***(a) That increases the knowledge and develops the practical skills of***
42 ***the holder of the license relating to addressing the needs of pregnant***

1 *women who are at a high risk of consuming alcohol during pregnancy,*
2 *children suffering from fetal alcohol syndrome and the families of those*
3 *children;*

4 *(b) That develops the skills of the holder of the license relating to*
5 *screening, counseling and referring for treatment women who consume*
6 *alcohol during pregnancy and providing follow-up treatment for those*
7 *women and their children; and*

8 *(c) Relating to methods for the diagnosis and evaluation of fetal*
9 *alcohol syndrome.*

10 **Sec. 35.** Chapter 641A of NRS is hereby amended by adding thereto a
11 new section to read as follows:

12 **1.** *Except as otherwise provided in subsection 2, each licensee who*
13 *treats, advises or counsels a pregnant woman or a mother of a child*
14 *suffering from fetal alcohol syndrome shall post in a conspicuous place*
15 *in his office the written warnings and give to the woman or mother the*
16 *oral warnings prescribed by the regulations adopted by the department of*
17 *human resources pursuant to section 3 of this act relating to the possible*
18 *problems, complications and injuries that the consumption of alcohol*
19 *during pregnancy may cause to the woman and her fetus.*

20 **2.** *A licensee is not required to post the written warnings described in*
21 *subsection 1 if the office in which he works has at least one copy of those*
22 *warnings posted in a conspicuous place.*

23 **Sec. 36.** NRS 641A.170 is hereby amended to read as follows:

24 641A.170 The board shall under the provisions of this chapter:

25 1. Examine and pass upon the qualifications of the applicants for
26 licensing.

27 2. License qualified applicants.

28 3. Revoke or suspend licenses.

29 4. Establish requirements for continuing education. *Those*
30 *requirements must include the completion each year of at least 1 hour of*
31 *instruction relating to the effects of consuming alcohol during*
32 *pregnancy. The instruction must include, without limitation, training:*

33 *(a) That increases the knowledge and develops the practical skills of*
34 *the licensee relating to addressing the needs of pregnant women who are*
35 *at a high risk of consuming alcohol during pregnancy, children suffering*
36 *from fetal alcohol syndrome and the families of those children;*

37 *(b) That develops the skills of the licensee relating to screening,*
38 *counseling and referring for treatment women who consume alcohol*
39 *during pregnancy and providing follow-up treatment for those women*
40 *and their children; and*

41 *(c) Relating to methods for the diagnosis and evaluation of fetal*
42 *alcohol syndrome.*

43 5. Collect all fees and make disbursements pursuant to this chapter.

1 **Sec. 37.** Chapter 641B of NRS is hereby amended by adding thereto a
2 new section to read as follows:

3 **1. Except as otherwise provided in subsection 2, each holder of a**
4 **license issued by the board pursuant to this chapter who treats, advises or**
5 **counsels a pregnant woman or a mother of a child suffering from fetal**
6 **alcohol syndrome shall post in a conspicuous place in his office the**
7 **written warnings and give to the woman or mother the oral warnings**
8 **prescribed by the regulations adopted by the department of human**
9 **resources pursuant to section 3 of this act relating to the possible**
10 **problems, complications and injuries that the consumption of alcohol**
11 **during pregnancy may cause to the woman and her fetus.**

12 **2. A holder of a license is not required to post the written warnings**
13 **described in subsection 1 if the office in which he works has at least one**
14 **copy of those warnings posted in a conspicuous place.**

15 **Sec. 38.** NRS 641B.280 is hereby amended to read as follows:

16 641B.280 1. Every holder of a license issued pursuant to this chapter
17 may renew his license annually by:

18 (a) Applying to the board for renewal;

19 (b) Submitting the statement required pursuant to NRS 641B.206;

20 (c) Paying the annual renewal fee set by the board; and

21 (d) Submitting evidence to the board of his completion of the required
22 continuing education.

23 2. The board shall, as a prerequisite for the renewal of a license,
24 require the holder **of a license** to comply with the requirements for
25 continuing education adopted by the board. **Those requirements must**
26 **include the completion each year of at least 1 hour of instruction relating**
27 **to the effects of consuming alcohol during pregnancy. The instruction**
28 **must include, without limitation, training:**

29 **(a) That increases the knowledge and develops the practical skills of**
30 **the holder of the license relating to addressing the needs of pregnant**
31 **women who are at a high risk of consuming alcohol during pregnancy,**
32 **children suffering from fetal alcohol syndrome and the families of those**
33 **children;**

34 **(b) That develops the skills of the holder of the license relating to**
35 **screening, counseling and referring for treatment women who consume**
36 **alcohol during pregnancy and providing follow-up treatment for those**
37 **women and their children; and**

38 **(c) Relating to methods for the diagnosis and evaluation of fetal**
39 **alcohol syndrome.**

40 **Sec. 39.** 1. The appointment of the members to the advisory board
41 on fetal alcohol syndrome created pursuant to section 5 of this act must be
42 made as soon as practicable after October 1, 1999.

1 2. The following initial members of the board must be appointed to
2 terms that expire on October 1, 2000:

3 (a) The member appointed pursuant to subparagraph (1) of paragraph
4 (a) of subsection 1 of section 5 of this act;

5 (b) The member appointed pursuant to subparagraph (1) of paragraph
6 (b) of subsection 1 of section 5 of this act;

7 (c) The member appointed pursuant to paragraph (c) of subsection 1 of
8 section 5 of this act;

9 (d) The member appointed pursuant to paragraph (d) of subsection 1 of
10 section 5 of this act;

11 (e) The member appointed pursuant to subparagraph (1) of paragraph
12 (f) of subsection 1 of section 5 of this act;

13 (f) The member appointed pursuant to subparagraph (3) of paragraph
14 (f) of subsection 1 of section 5 of this act;

15 (g) The member appointed pursuant to paragraph (g) of subsection 1 of
16 section 5 of this act; and

17 (h) The member appointed pursuant to subparagraph (1) of paragraph
18 (h) of subsection 1 of section 5 of this act.

19 3. The following initial members of the board must be appointed to
20 terms that expire on October 1, 2001:

21 (a) The member appointed pursuant to subparagraph (2) of paragraph
22 (a) of subsection 1 of section 5 of this act;

23 (b) The member appointed pursuant to subparagraph (2) of paragraph
24 (b) of subsection 1 of section 5 of this act;

25 (c) The member appointed pursuant to paragraph (e) of subsection 1 of
26 section 5 of this act;

27 (d) The member appointed pursuant to subparagraph (2) of paragraph
28 (f) of subsection 1 of section 5 of this act;

29 (e) The member appointed pursuant to subparagraph (4) of paragraph
30 (f) of subsection 1 of section 5 of this act;

31 (f) The member appointed pursuant to subparagraph (2) of paragraph
32 (h) of subsection 1 of section 5 of this act;

33 (g) The member appointed pursuant to paragraph (i) of subsection 1 of
34 section 5 of this act; and

35 (h) The member appointed pursuant to paragraph (j) of subsection 1 of
36 section 5 of this act.

37 **Sec. 40.** 1. This section and sections 3 and 17 of this act become
38 effective upon passage and approval.

39 2. Sections 1, 2, 4 to 16, inclusive, and 18 to 39, inclusive, of this act
40 become effective on October 1, 1999.