

SENATE BILL NO. 210—SENATOR TOWNSEND

FEBRUARY 17, 1999

Referred to Committee on Commerce and Labor

SUMMARY—Provides for regulation of persons who counsel alcohol and drug abusers.
(BDR 54-163)

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 professions; creating the board of examiners for alcohol and drug abuse counselors; prescribing the powers and duties of the board; requiring persons who counsel alcohol and drug abusers to be licensed by the board; prescribing the requirements for licensure; 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.** Title 54 of NRS is hereby amended by adding thereto a
- 2 new chapter to consist of the provisions set forth as sections 2 to 40,
- 3 inclusive, of this act.
- 4 **Sec. 2.** *As used in this chapter, unless the context otherwise requires,*
- 5 *the words and terms defined in sections 3 to 7, inclusive, of this act, have*
- 6 *the meanings ascribed to them in those sections.*
- 7 **Sec. 3.** *“Board” means the board of examiners for alcohol and drug*
- 8 *abuse counselors.*
- 9 **Sec. 4.** *“Habitual use” means the use of alcohol and drugs that*
- 10 *endangers the health, safety or welfare of the user or any other person.*
- 11 **Sec. 5.** *“License” means a license issued by the board pursuant to*
- 12 *the provisions of this chapter.*
- 13 **Sec. 6.** *“Licensee” means a person who is licensed as an alcohol*
- 14 *and drug abuse counselor or alcohol and drug abuse counselor intern*
- 15 *pursuant to the provisions of this chapter.*
- 16 **Sec. 7.** *“Practice of counseling alcohol and drug abusers” means*
- 17 *the application of counseling to reduce or eliminate the habitual use of*

1 *alcohol or other drugs, other than any maintenance dosage of a narcotic*
2 *or habit-forming drug administered pursuant to chapter 453 of NRS.*

3 **Sec. 8.** *The practice of counseling alcohol and drug abusers is*
4 *hereby declared to be a learned profession, affecting public health, safety*
5 *and welfare and is subject to regulation to protect the public from the*
6 *practice of counseling alcohol and drug abusers by unqualified persons*
7 *and from unprofessional conduct by persons who are licensed to engage*
8 *in the practice of counseling alcohol and drug abusers.*

9 **Sec. 9.** *A license issued pursuant to the provisions of this chapter is*
10 *a privilege that may be revoked in accordance with the disciplinary*
11 *procedures set forth in this chapter and in regulations adopted by the*
12 *board pursuant thereto, and no holder of such a license acquires thereby*
13 *any vested right.*

14 **Sec. 10.** *The provisions of this chapter do not apply to:*

15 1. *A physician who is licensed pursuant to the provisions of chapter*
16 *630 of NRS; or*

17 2. *A psychologist who is licensed pursuant to the provisions of*
18 *chapter 641 of NRS.*

19 **Sec. 11. 1.** *The board of examiners for alcohol and drug abuse*
20 *counselors, consisting of five members appointed by the governor, is*
21 *hereby created.*

22 2. *The board must consist of:*

23 (a) *Three members who are licensed or eligible for licensing as*
24 *alcohol and drug abuse counselors pursuant to the provisions of this*
25 *chapter;*

26 (b) *One member who is an educator; and*

27 (c) *One member who is a psychologist licensed pursuant to the*
28 *provisions of chapter 641 of NRS.*

29 3. *A person may not be appointed to the board unless he is:*

30 (a) *A citizen of the United States or is lawfully entitled to remain and*
31 *work in the United States; and*

32 (b) *A resident of this state.*

33 4. *No member of the board may be held liable in a civil action for*
34 *any act that he performs in good faith in the execution of his duties*
35 *pursuant to the provisions of this chapter.*

36 5. *The board shall adopt such regulations as are necessary to carry*
37 *out the provisions of this chapter.*

38 **Sec. 12. 1.** *After the initial terms, members of the board must be*
39 *appointed to terms of 4 years and may not serve more than two*
40 *consecutive terms.*

41 2. *Upon the expiration of his term, a member continues to serve on*
42 *the board until a qualified person has been appointed as his successor.*

1 **3. The governor may, after notice and hearing, remove any member**
2 **of the board for misconduct, incompetence, neglect of duty or any other**
3 **sufficient cause.**

4 **Sec. 13. 1. The board shall:**

5 **(a) Elect annually from its members a president, vice president and**
6 **secretary-treasurer. If the president, vice president or secretary-treasurer**
7 **is replaced by another person appointed by the governor, the board shall**
8 **elect from its members a replacement for the president, vice president or**
9 **secretary-treasurer.**

10 **(b) Meet not less than twice a year and may meet at other times at the**
11 **call of the president or a majority of its members.**

12 **(c) Not incur any expenses that exceed the money received from time**
13 **to time as fees provided by the provisions of this chapter.**

14 **(d) Prepare and maintain a complete record of its transactions and**
15 **proceedings.**

16 **(e) Adopt a seal of which each court of this state shall take judicial**
17 **notice.**

18 **2. A majority of the board constitutes a quorum to transact the**
19 **business of the board.**

20 **Sec. 14. 1. Each member of the board is entitled to receive:**

21 **(a) A salary of not more than \$80 per day, as fixed by the board, while**
22 **engaged in the business of the board; and**

23 **(b) A per diem allowance and travel expenses, at a rate fixed by the**
24 **board, while engaged in the business of the board. The rate must not**
25 **exceed the rate provided for officers and employees of this state**
26 **generally.**

27 **2. While engaged in the business of the board, each employee of the**
28 **board is entitled to receive a per diem allowance and travel expenses at a**
29 **rate fixed by the board. The rate must not exceed the rate provided for**
30 **officers and employees of this state generally.**

31 **Sec. 15. The secretary-treasurer of the board shall prepare and**
32 **maintain:**

33 **1. A separate list of the names and addresses of:**

34 **(a) The applicants for a license; and**

35 **(b) The licensees.**

36 **2. A record of each examination conducted by the board.**

37 **3. An inventory of:**

38 **(a) The property of the board; and**

39 **(b) The property of this state that is in the possession of the board.**

40 **Sec. 16. The board may:**

41 **1. Maintain offices in as many locations in this state as it considers**
42 **necessary to carry out the provisions of this chapter.**

1 2. *Employ attorneys, investigators and other persons necessary to*
2 *carry out its duties.*

3 Sec. 17. 1. *Except as otherwise provided in subsection 4, all*
4 *expenses incurred by the board in carrying out the provisions of this*
5 *chapter must be paid from the money which it receives. No part of the*
6 *salaries or expenses of the board may be paid out of the state general*
7 *fund.*

8 2. *All money received by the board must be deposited in a bank or*
9 *other financial institution in this state and paid out on its order for its*
10 *expenses.*

11 3. *The board may delegate to a hearing officer or panel its authority*
12 *to take any disciplinary action pursuant to this chapter, impose and*
13 *collect fines and penalties therefor and deposit the money therefrom in a*
14 *bank or other financial institution in this state.*

15 4. *If a hearing officer or panel is not authorized to take disciplinary*
16 *action pursuant to subsection 3 and the board deposits the money*
17 *collected from the imposition of fines with the state treasurer for credit to*
18 *the state general fund, it may present a claim to the state board of*
19 *examiners for recommendation to the interim finance committee if*
20 *money is needed to pay attorney's fees or the costs of an investigation, or*
21 *both.*

22 Sec. 18. 1. *Any records or information obtained during the course*
23 *of an investigation by the board and any record of the investigation are*
24 *confidential until the investigation is completed. Upon completion of the*
25 *investigation, the information and records are public records if:*

26 (a) *Disciplinary action is imposed by the board as a result of the*
27 *investigation; or*

28 (b) *The person regarding whom the investigation was made submits a*
29 *written request to the board asking that the information and records be*
30 *made public records.*

31 2. *The provisions of this section do not prohibit the board from*
32 *providing any such records or information to another licensing board or*
33 *an agency, including, without limitation, a law enforcement agency, that*
34 *is investigating a person who is licensed pursuant to the provisions of this*
35 *chapter.*

36 Sec. 19. 1. *The board may issue subpoenas for the attendance of*
37 *witnesses and the production of books and papers.*

38 2. *The district court, in and for the county in which a hearing is held,*
39 *may compel the attendance of witnesses, the giving of testimony and the*
40 *production of books and papers as required by a subpoena issued by the*
41 *board.*

1 **3. If a witness refuses to attend or testify or to produce any books or**
2 **papers required by a subpoena, the board may file a petition ex parte**
3 **with the district court, setting forth that:**

4 **(a) Notice has been given of the time and place for the attendance of**
5 **the witness or the production of the books or papers;**

6 **(b) The witness has been subpoenaed by the board pursuant to this**
7 **section;**

8 **(c) The witness has failed or refused to attend or produce the books or**
9 **papers required by the subpoena before the board in the cause or**
10 **proceeding named in the subpoena, or has refused to answer questions**
11 **propounded to him in the course of the hearing; and**

12 **(d) The board therefore requests an order of the court compelling the**
13 **witness to attend and testify or produce the books and papers before the**
14 **board.**

15 **4. The court, upon such a petition, shall enter an order directing the**
16 **witness to appear before the court at a time and place fixed by the court**
17 **in the order, and to show cause why he has not attended or testified or**
18 **produced the books or papers before the board. The time may not be**
19 **more than 10 days after the date of the order. A certified copy of the**
20 **order must be served upon the witness.**

21 **5. If the court determines that the subpoena was regularly issued by**
22 **the board, the court shall enter an order that the witness appear before**
23 **the board at the time and place fixed in the order, and testify or produce**
24 **the required books or papers. The failure to obey the order is a contempt**
25 **of the court that issued it.**

26 **Sec. 20. Each witness who appears by an order of the board is**
27 **entitled to receive for his attendance the same fees and mileage allowed**
28 **by law to a witness in a civil case. The amount must be paid by the party**
29 **who requested the subpoena. If a witness who has not been required to**
30 **attend at the request of any party is subpoenaed by the board, his fees**
31 **and mileage must be paid from the money of the board.**

32 **Sec. 21. 1. The board may, in any hearing before it, cause the**
33 **deposition of witnesses to be taken in the manner prescribed for**
34 **depositions in civil actions in this state.**

35 **2. The district court in and for the county in which a hearing is held**
36 **shall, upon the application of the board, issue a commission to another**
37 **state for the taking of evidence in that state for use in a proceeding**
38 **before the board.**

39 **Sec. 22. 1. If the board receives a copy of a court order issued**
40 **pursuant to NRS 425.540 that provides for the suspension of all**
41 **professional, occupational and recreational licenses, certificates and**
42 **permits issued to a licensee, the board shall deem the license to be**
43 **suspended at the end of the 30th day after the date on which the court**

1 *order was issued unless the board receives a letter issued to the licensee*
2 *by the district attorney or other public agency pursuant to NRS 425.550*
3 *stating that the licensee has complied with the subpoena or warrant or*
4 *has satisfied the arrearage pursuant to NRS 425.560.*

5 *2. The board shall reinstate a license that has been suspended by a*
6 *district court pursuant to NRS 425.540 if the board receives a letter*
7 *issued by the district attorney or other public agency pursuant to NRS*
8 *425.550 to the licensee stating that the licensee has complied with the*
9 *subpoena or warrant or has satisfied the arrearage pursuant to NRS*
10 *425.560.*

11 *Sec. 23. Each applicant for a license must submit to the board:*

12 *1. An application on a form provided by the board; and*

13 *2. The application fee prescribed in section 35 of this act.*

14 *Sec. 24. An application for a license must set forth the social*
15 *security number of the applicant.*

16 *Sec. 25. 1. An applicant for the issuance, renewal, reinstatement*
17 *or restoration of a license shall submit to the board the statement*
18 *prescribed by the welfare division of the department of human resources*
19 *pursuant to NRS 425.520. The statement must be completed and signed*
20 *by the applicant.*

21 *2. The board shall include the statement required pursuant to*
22 *subsection 1 in:*

23 *(a) The application or any other forms that must be submitted for the*
24 *issuance, renewal, reinstatement or restoration of the license; or*

25 *(b) A separate form prescribed by the board.*

26 *3. A license may not be issued, renewed, reinstated or restored by the*
27 *board if the applicant:*

28 *(a) Fails to submit the statement required pursuant to subsection 1; or*

29 *(b) Indicates on the statement submitted pursuant to subsection 1 that*
30 *he is subject to a court order for the support of a child and is not in*
31 *compliance with the order or a plan approved by the district attorney or*
32 *other public agency enforcing the order for the repayment of the amount*
33 *owed pursuant to the order.*

34 *4. If an applicant indicates on the statement submitted pursuant to*
35 *subsection 1 that he is subject to a court order for the support of a child*
36 *and is not in compliance with the order or a plan approved by the district*
37 *attorney or other public agency enforcing the order for the repayment of*
38 *the amount owed pursuant to the order, the board shall advise the*
39 *applicant to notify the district attorney or other public agency enforcing*
40 *the order to determine the actions that the applicant may take to satisfy*
41 *the arrearage.*

1 **Sec. 26. 1. The board shall issue a license as an alcohol and drug**
2 **abuse counselor to a person who:**

3 **(a) Is not less than 21 years of age;**

4 **(b) Is a citizen of the United States or is lawfully entitled to remain**
5 **and work in the United States;**

6 **(c) Has received a master's degree or a doctoral degree from an**
7 **accredited college or university in nursing or in a field of social science**
8 **approved by the board;**

9 **(d) Has completed 4,000 hours of supervised counseling of alcohol**
10 **and drug abusers;**

11 **(e) Passes the written and oral examinations prescribed by the board**
12 **pursuant to section 29 of this act;**

13 **(f) Pays the fees required pursuant to section 35 of this act; and**

14 **(g) Submits the statement required pursuant to section 25 of this act.**

15 **2. A license as an alcohol and drug abuse counselor is valid for 2**
16 **years and may be renewed.**

17 **3. An alcohol and drug abuse counselor may:**

18 **(a) Engage in the practice of counseling alcohol and drug abusers;**

19 **(b) Diagnose or classify a person as an alcoholic or abuser of drugs;**
20 **and**

21 **(c) Supervise alcohol and drug abuse counselor interns.**

22 **Sec. 27. 1. The board shall issue a license as an alcohol and drug**
23 **abuse counselor intern to a person who:**

24 **(a) Is not less than 21 years of age;**

25 **(b) Is a citizen of the United States or is lawfully entitled to remain**
26 **and work in the United States;**

27 **(c) Has a high school diploma or a general equivalency diploma;**

28 **(d) Pays the fees required pursuant to section 35 of this act;**

29 **(e) Submits proof to the board that he is enrolled in a program from**
30 **which he will earn an associate's degree, bachelor's degree or master's**
31 **degree in nursing or in a field of social science approved by the board;**
32 **and**

33 **(f) Submits the statement required pursuant to section 25 of this act.**

34 **2. A license as an alcohol and drug abuse counselor intern is valid**
35 **for 1 year and may be renewed.**

36 **3. An alcohol and drug abuse counselor intern may engage in the**
37 **practice of counseling alcohol and drug abusers under the supervision of**
38 **an alcohol and drug abuse counselor.**

39 **Sec. 28. 1. Except as otherwise provided in subsection 2, a person**
40 **shall not engage in the practice of counseling alcohol and drug abusers**
41 **unless that person is licensed by the board as an alcohol and drug abuse**
42 **counselor or alcohol and drug abuse counselor intern pursuant to the**
43 **provisions of this chapter.**

1 **2. A person may engage in the practice of counseling alcohol and**
2 **drug abusers under the supervision of an alcohol and drug abuse**
3 **counselor for not more than 30 days if that person:**

4 **(a) Is qualified to be licensed as an alcohol and drug abuse counselor**
5 **pursuant to the provisions of this chapter; and**

6 **(b) Submits an application to the board for a license as an alcohol and**
7 **drug abuse counselor pursuant to the provisions of this chapter.**

8 **Sec. 29. 1. Each applicant for a license as an alcohol and drug**
9 **abuse counselor must pass a written and oral examination concerning**
10 **his knowledge of the practice of counseling alcohol and drug abusers,**
11 **the provisions of this chapter and any regulations adopted by the board**
12 **pursuant to the provisions of this chapter.**

13 **2. The board shall:**

14 **(a) Examine applicants at least two times each year.**

15 **(b) Establish the time and place for the examinations.**

16 **(c) Provide such books and forms as may be necessary to conduct the**
17 **examinations.**

18 **(d) Establish, by regulation, the requirements for passing the**
19 **examination.**

20 **3. The board may employ other persons to conduct the examinations.**

21 **Sec. 30. 1. The board may hold hearings and conduct**
22 **investigations concerning any matter related to an application for a**
23 **license. In those hearings and investigations, the board may require the**
24 **presentation of evidence.**

25 **2. The board may refuse to issue a license to an applicant if the**
26 **board determines that the applicant:**

27 **(a) Is not of good moral character as it relates to the practice of**
28 **counseling alcohol and drug abusers;**

29 **(b) Has submitted a false credential to the board;**

30 **(c) Has been disciplined in another state, a possession or territory of**
31 **the United States or the District of Columbia in connection with the**
32 **practice of counseling alcohol and drug abusers;**

33 **(d) Has committed an act in another state, a possession or territory of**
34 **the United States or the District of Columbia in connection with the**
35 **practice of counseling alcohol and drug abusers that would be a violation**
36 **of the provisions of this chapter if the act were committed in this state; or**

37 **(e) Has failed to comply with any of the requirements for a license.**

38 **Sec. 31. The board shall issue a license without examination to a**
39 **person who holds a license as an alcohol and drug abuse counselor in**
40 **another state, a territory or possession of the United States or the District**
41 **of Columbia and the licensing requirements of that jurisdiction at the**
42 **time the license was issued are deemed by the board to be substantially**
43 **equivalent to the requirements set forth in the provisions of this chapter.**

1 **Sec. 32. 1. The board may issue a provisional license as an alcohol**
2 **and drug abuse counselor to a person who has applied to the board to**
3 **take the examination for a license as an alcohol and drug abuse**
4 **counselor and is otherwise eligible for that license pursuant to section 26**
5 **of this act.**

6 **2. A provisional license is valid for not more than 1 year and may not**
7 **be renewed.**

8 **Sec. 33. Except as otherwise provided in section 32 of this act, a**
9 **licensee may renew his license by submitting to the board:**

10 **1. An application for the renewal of his license;**

11 **2. The fee for the renewal of a license prescribed in section 35 of this**
12 **act;**

13 **3. Evidence of his completion of the continuing education required**
14 **by the board;**

15 **4. If the licensee is an alcohol and drug abuse counselor intern, the**
16 **name of the alcohol and drug abuse counselor who supervises him; and**

17 **5. The statement required pursuant to section 25 of this act.**

18 **Sec. 34. 1. A license that is not renewed on or before the date on**
19 **which it expires is delinquent. The board shall, within 30 days after the**
20 **license becomes delinquent, send a notice to the licensee by certified**
21 **mail, return receipt requested, to the address of the licensee as indicated**
22 **in the records of the board.**

23 **2. A licensee may renew a delinquent license within 60 days after the**
24 **license becomes delinquent by complying with the requirements of**
25 **section 33 of this act and paying, in addition to the fee for the renewal of**
26 **the license, the fee for the renewal of a delinquent license prescribed in**
27 **section 35 of this act.**

28 **3. A license expires 60 days after it becomes delinquent if it is not**
29 **renewed by the licensee within that period.**

30 **4. A license that has expired may be restored if the applicant:**

31 **(a) Submits to the board an application to restore the license;**

32 **(b) Submits to the board the statement required pursuant to section 25**
33 **of this act;**

34 **(c) Pays the renewal fees for the period during which the license was**
35 **expired and the fee for the restoration of a license prescribed in section**
36 **35 of this act;**

37 **(d) Passes the oral and written examinations prescribed by the board;**
38 **and**

39 **(e) Submits to the board evidence of his completion of the continuing**
40 **education required by the board.**

1 **Sec. 35. 1. The board shall charge and collect not more than the**
2 **following fees:**

3	
4	<i>For the initial application for a license.....\$60</i>
5	<i>For a provisional license125</i>
6	<i>For an initial license.....150</i>
7	<i>For renewal of a license as an alcohol and drug</i>
8	<i>abuse counselor.....300</i>
9	<i>For renewal of a license as an alcohol and drug</i>
10	<i>abuse counselor intern.....75</i>
11	<i>For the renewal of a delinquent license.....75</i>
12	<i>For the restoration of an expired license150</i>
13	<i>For the restoration of a suspended or revoked license 300</i>
14	<i>For a license without examination.....150</i>
15	<i>For an examination150</i>
16	

17 **2. The fees charged and collected pursuant to this section are not**
18 **refundable.**

19 **Sec. 36. The grounds for initiating disciplinary action pursuant to**
20 **the provisions of this chapter include:**

- 21 **1. A conviction of:**
22 **(a) A felony;**
23 **(b) An offense involving moral turpitude; or**
24 **(c) A violation of a federal or state law regulating the possession,**
25 **distribution or use of a controlled substance or dangerous drug as**
26 **defined in chapter 453 of NRS;**
27 **2. Fraud or deception in:**
28 **(a) Applying for a license;**
29 **(b) Taking an examination for a license;**
30 **(c) Documenting the continuing education required to renew or**
31 **reinstate a license;**
32 **(d) Submitting a claim for payment to an insurer; or**
33 **(e) The practice of counseling alcohol and drug abusers;**
34 **3. Allowing the unauthorized use of a license issued pursuant to this**
35 **chapter;**
36 **4. Professional incompetence;**
37 **5. The habitual use of alcohol or any other drug that impairs the**
38 **ability of the licensee to engage in the practice of counseling alcohol and**
39 **drug abusers;**
40 **6. Engaging in the practice of counseling alcohol and drug abusers**
41 **with an expired, suspended or revoked license; and**
42 **7. Engaging in behavior that is contrary to the ethical standards as**
43 **set forth in the regulations of the board.**

1 **Sec. 37. 1. The board or any of its members who become aware of**
2 **any ground for initiating disciplinary action against a person engaging**
3 **in the practice of counseling alcohol and drug abusers in this state shall,**
4 **and any other person who is so aware may, file a written complaint**
5 **specifying the relevant facts with the board. The complaint must**
6 **specifically charge one or more of the grounds for initiating disciplinary**
7 **action.**

8 **2. As soon as practicable after the filing of the complaint, the board**
9 **shall fix a date for a hearing thereon. The date must not be earlier than**
10 **30 days after the complaint is filed, except that the date may be changed**
11 **upon agreement of both parties. The board shall immediately notify the**
12 **licensee of the complaint and the date and place fixed for the hearing. A**
13 **copy of the complaint must be attached to the notice.**

14 **3. The failure of the licensee to appear at the hearing does not delay**
15 **or void the proceeding.**

16 **4. The board may, for good cause, continue a hearing from time to**
17 **time.**

18 **5. If, after notice and hearing, the board determines that a licensee**
19 **has violated a provision of this chapter or any regulation adopted**
20 **pursuant to this chapter, it may:**

21 **(a) Administer to the licensee a public or private reprimand;**

22 **(b) Suspend his license and impose conditions for the removal of the**
23 **suspension;**

24 **(c) Revoke his license and prescribe the requirements for the**
25 **reinstatement of the license;**

26 **(d) Require the licensee to be supervised by another person while he**
27 **engages in the practice of counseling alcohol and drug abusers;**

28 **(e) Require the licensee to participate in treatment or counseling and**
29 **pay the expenses of that treatment or counseling;**

30 **(f) Require the licensee to pay restitution to any person adversely**
31 **affected by the acts or omissions of the licensee;**

32 **(g) Impose a fine of not more than \$5,000;**

33 **(h) Require the licensee to pay the costs of the board for the**
34 **investigation and hearing; or**

35 **(i) Take any combination of the actions authorized by paragraphs (a)**
36 **to (h), inclusive.**

37 **6. If his license is revoked or suspended pursuant to subsection 5, the**
38 **licensee may apply to the board for a rehearing within 10 days after the**
39 **license is revoked or suspended. The licensee may apply to the board for**
40 **reinstatement of his revoked license not earlier than 1 year after the**
41 **license is revoked. The board may accept or reject the application and**
42 **may require the successful completion of an examination as a condition**
43 **of reinstatement of the license.**

1 **Sec. 38. A person who violates any of the provisions of this chapter**
2 **is guilty of a misdemeanor.**

3 **Sec. 39. The board shall adopt regulations that prescribe:**

4 **1. The ethical standards for licensed alcohol and drug abuse**
5 **counselors and licensed alcohol and drug abuse counselor interns; and**

6 **2. The requirements for continuing education for the renewal or**
7 **reinstatement of a license.**

8 **Sec. 40. 1. A person shall not:**

9 **(a) Hold himself out to the public as an alcohol and drug abuse**
10 **counselor or alcohol and drug abuse counselor intern;**

11 **(b) Use the title “alcohol and drug abuse counselor,” “alcohol and**
12 **drug abuse counselor intern,” “drug abuse counselor,” “substance abuse**
13 **counselor” or any similar title in connection with his work; or**

14 **(c) Imply in any way that he is licensed by the board,**
15 **unless he is licensed by the board pursuant to the provisions of this**
16 **chapter.**

17 **2. If the board believes that any person has violated or is about to**
18 **violate the provisions of subsection 1, it may bring an action in a court of**
19 **competent jurisdiction to enjoin that person from engaging in or**
20 **continuing the violation. An injunction:**

21 **(a) May be issued without proof of actual damage sustained by any**
22 **person.**

23 **(b) Does not prevent the criminal prosecution and punishment of a**
24 **person who violates the provisions of subsection 1.**

25 **3. A person who violates the provisions of subsection 1 is guilty of a**
26 **misdemeanor.**

27 **Sec. 41. NRS 641.029 is hereby amended to read as follows:**

28 641.029 ~~{This chapter does}~~ **The provisions of this chapter do** not
29 apply to:

30 1. A physician **who is** licensed to practice in this state;

31 2. A person **who is** licensed to practice dentistry in this state;

32 3. A person **who is** licensed as a marriage and family therapist pursuant
33 to chapter 641A of NRS;

34 4. A person **who is** licensed to engage in social work pursuant to
35 chapter 641B of NRS;

36 5. A person **who is** licensed as an occupational therapist or
37 occupational therapy assistant pursuant to **chapter 640A of NRS ;**
38 ~~{640A.010 to 640A.230, inclusive;}~~

39 6. A person ~~{certified as a counselor by the bureau of alcohol and drug~~
40 ~~abuse of the rehabilitation division of the department of employment,~~
41 ~~training and rehabilitation;}~~ **who is licensed as an alcohol and drug abuse**
42 **counselor or alcohol and drug abuse counselor intern pursuant to**
43 **sections 2 to 40, inclusive, of this act; or**

1 7. Any clergyman,
2 if such a person does not commit an act described in NRS 641.440 or
3 represent himself as a psychologist.

4 **Sec. 42.** NRS 641B.040 is hereby amended to read as follows:

5 641B.040 ~~[This chapter does]~~ ***The provisions of this chapter do*** not
6 apply to:

7 1. A physician ***who is*** licensed to practice in this state;

8 2. A nurse ***who is*** licensed to practice in this state;

9 3. A person ***who is*** licensed as a psychologist pursuant to chapter 641
10 of NRS;

11 4. A person ***who is*** certified as a marriage and family counselor
12 pursuant to chapter 641A of NRS;

13 5. A person ***who is*** licensed as an occupational therapist or
14 occupational therapy assistant pursuant to ***chapter 640A of NRS ;***
15 ~~[640A.010 to 640A.230, inclusive;]~~

16 6. A person ~~[certified as a counselor by the bureau of alcohol and drug~~
17 ~~abuse of the rehabilitation division of the department of employment,~~
18 ~~training and rehabilitation;]~~ ***who is licensed as an alcohol and drug abuse***
19 ***counselor or alcohol and drug abuse counselor intern pursuant to***
20 ***sections 2 to 40, inclusive, of this act;***

21 7. Any clergyman;

22 8. A county welfare director;

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

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

33 **Sec. 43.** NRS 62.2275 is hereby amended to read as follows:

34 62.2275 1. If a child within the jurisdiction of the juvenile court is
35 found by the juvenile court to have committed the unlawful act of:

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

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

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

41 the judge, or his authorized representative, shall require the child to
42 undergo an evaluation to determine if the child is an abuser of alcohol or
43 other drugs.

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

(a) Must be conducted by:

(1) ~~{A counselor certified}~~ **An alcohol and drug abuse counselor who is licensed** to make that classification by the ~~{bureau of alcohol and drug abuse;}~~ **board of examiners for alcohol and drug abuse counselors;**
or

(2) A physician **who is** certified to make that classification by the board of medical examiners, ~~for~~

~~—(3) A person who is approved to make that classification by the bureau of alcohol and drug abuse;}~~

who shall report to the judge the results of the evaluation and make a recommendation to the judge concerning the length and type of treatment required by the child.

(b) May be conducted at an evaluation center.

3. The judge shall:

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

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

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

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

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

4. A treatment facility is not liable for any damages to person or property caused by a child who drives while under the influence of an intoxicating liquor or a controlled substance after the treatment facility has

1 certified to his successful completion of a program of treatment ordered
2 pursuant to this section.

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

4 (a) Requiring an evaluation to be conducted by a person who is
5 employed by a private company if the company meets the standards of the
6 bureau of alcohol and drug abuse. ~~[Such an]~~ **The** evaluation may be
7 conducted at an evaluation center pursuant to paragraph (b) of subsection 2.

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

10 6. All information relating to the evaluation or treatment of a child
11 pursuant to this section is confidential and, except as otherwise authorized
12 by the provisions of this chapter or the juvenile court, must not be disclosed
13 to any person other than the juvenile court, the child and his attorney, if
14 any, his parents or guardian, the prosecuting attorney and any other person
15 for whom the communication of that information is necessary to effectuate
16 the evaluation or treatment of the child. A record of any finding that a child
17 has violated the provisions of NRS 484.379 or 484.3795 must be included
18 in the driver's record of that child for 7 years after the date of the offense.

19 7. As used in this section:

20 (a) "Bureau of alcohol and drug abuse" means the bureau of alcohol and
21 drug abuse in the rehabilitation division of the department of employment,
22 training and rehabilitation.

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

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

25 **Sec. 44.** NRS 209.448 is hereby amended to read as follows:

26 209.448 1. An offender who has no serious infraction of the
27 regulations of the department or the laws of the state recorded against him
28 must be allowed, in addition to the credits provided pursuant to NRS
29 209.433, 209.443, 209.446 or 209.4465, a deduction of not more than 30
30 days from the maximum term of his sentence for the successful completion
31 of a program of treatment for the abuse of alcohol or drugs which is
32 conducted jointly by the department and a person ~~[certified as a counselor~~
33 ~~by the bureau of alcohol and drug abuse of the rehabilitation division of the~~
34 ~~department of employment, training and rehabilitation.]~~ **who is licensed as**
35 **an alcohol and drug abuse counselor by the board of examiners for**
36 **alcohol and drug abuse counselors.**

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

39 **Sec. 45.** NRS 211.340 is hereby amended to read as follows:

40 211.340 1. In addition to the credits on a term of imprisonment
41 provided for in NRS 211.310, 211.320 and 211.330, the sheriff of the
42 county or the chief of police of the municipality in which a prisoner is

1 incarcerated may deduct not more than 5 days from his term of
2 imprisonment if the prisoner:

3 (a) Successfully completes a program of treatment for the abuse of
4 alcohol or drugs which is conducted jointly by the local detention facility in
5 which he is incarcerated and a person ~~{certified as a counselor by the~~
6 ~~bureau of alcohol and drug abuse of the rehabilitation division of the~~
7 ~~department of employment, training and rehabilitation;}~~ **who is licensed as**
8 **an alcohol and drug abuse counselor by the board of examiners for**
9 **alcohol and drug abuse counselors;** and

10 (b) Is awarded a certificate evidencing his successful completion of the
11 program.

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

14 **Sec. 46.** NRS 218.825 is hereby amended to read as follows:

15 218.825 1. Each of the boards and commissions created by the
16 provisions of chapters 623 to 625A, inclusive, chapters 628 to 644,
17 inclusive, and chapters 654 and 656 of NRS **and sections 2 to 40,**
18 **inclusive, of this act** shall engage the services of a certified public
19 accountant or public accountant, or firm of either of such accountants, to
20 audit all ~~of~~ its fiscal records once each year for the preceding fiscal year
21 or once every other year for the 2 preceding fiscal years. The cost of the
22 audit must be paid by the board or commission audited.

23 2. A report of each such audit must be filed by the board or
24 commission with the legislative auditor and the director of the budget on or
25 before December 1 of each year in which an audit is conducted. All audits
26 must be conducted in accordance with generally accepted auditing
27 standards and all financial statements must be prepared in accordance with
28 generally accepted principles of accounting for special revenue funds.

29 3. The legislative auditor shall audit the fiscal records of any such
30 board or commission whenever directed to do so by the legislative
31 commission. When the legislative commission directs such an audit, it shall
32 also determine who is to pay the cost of the audit.

33 **Sec. 47.** NRS 232.920 is hereby amended to read as follows:

34 232.920 The director:

35 1. Shall:

36 (a) Organize the department into divisions and other operating units as
37 needed to achieve the purposes of the department;

38 (b) Upon request, provide the director of the department of
39 administration with a list of organizations and agencies in this state whose
40 primary purpose is the training and employment of handicapped persons;
41 and

42 (c) Except as otherwise provided by a specific statute, direct the
43 divisions to share information in their records with agencies of local

1 governments which are responsible for the collection of debts or
2 obligations if the confidentiality of the information is otherwise maintained
3 under the terms and conditions required by law.

4 2. Is responsible for the administration, through the divisions of the
5 department, of the provisions of NRS 458.010 to ~~[458.360,]~~ **458.350**,
6 inclusive, chapters 426, 426A, 612 and 615 of NRS, and all other
7 provisions of law relating to the functions of the department and its
8 divisions, but is not responsible for the professional line activities of the
9 divisions or other operating units except as specifically provided by law.

10 3. Is responsible for the preparation of a consolidated state plan for the
11 bureau of services to the blind and visually impaired, the bureau of
12 vocational rehabilitation and any other program administered by the
13 rehabilitation division which he considers appropriate to incorporate into
14 the consolidated state plan before submission to the Federal Government.
15 This subsection does not apply if any federal regulation exists which
16 prohibits a consolidated plan.

17 4. In developing and revising state plans pursuant to subsection 3, shall
18 consider, among other things, the amount of money available from the
19 Federal Government for the programs of the division and the conditions
20 attached to the acceptance of that money, and the limitations of legislative
21 appropriations for the programs.

22 5. May employ, within the limits of legislative appropriations, such
23 staff as is necessary to the performance of the duties of the department.

24 **Sec. 48.** NRS 284.013 is hereby amended to read as follows:

25 284.013 1. Except as otherwise provided in subsection 4, this chapter
26 does not apply to:

27 (a) Agencies, bureaus, commissions, officers or personnel in the
28 legislative department or the judicial department of state government,
29 including the commission on judicial discipline;

30 (b) Any person who is employed by a board, commission, committee or
31 council created in chapters 590, 623 to 625A, inclusive, 628, 630 to 644,
32 inclusive, 648, 652, 654 and 656 of NRS ~~[;]~~ **and sections 2 to 40,**
33 **inclusive, of this act;** or

34 (c) Officers or employees of any agency of the executive department of
35 the state government who are exempted by specific statute.

36 2. Except as otherwise provided in subsection 3, the terms and
37 conditions of employment of all persons referred to in subsection 1,
38 including salaries not prescribed by law and leaves of absence, including,
39 without limitation, annual leave and sick and disability leave, must be fixed
40 by the appointing or employing authority within the limits of legislative
41 appropriations or authorizations.

42 3. Except as otherwise provided in this subsection, leaves of absence
43 prescribed pursuant to subsection 2 must not be of lesser duration than

1 those provided for other state officers and employees pursuant to the
2 provisions of this chapter. The provisions of this subsection do not govern
3 the legislative commission with respect to the personnel of the legislative
4 counsel bureau.

5 4. Any board, commission, committee or council created in chapters
6 590, 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 652, 654 and
7 656 of NRS ***and sections 2 to 40, inclusive, of this act*** which contracts for
8 the services of a person, shall require the contract for those services to be in
9 writing. The contract must be approved by the state board of examiners
10 before those services may be provided.

11 **Sec. 49.** NRS 353A.010 is hereby amended to read as follows:

12 353A.010 As used in this chapter, unless the context otherwise
13 requires:

14 1. “Agency” means every agency, department, division, board,
15 commission or similar body, or elected officer, of the executive branch of
16 the state, except:

17 (a) A board or commission created by the provisions of chapters 623 to
18 625, inclusive, 628 to 644, inclusive, 654 and 656 of NRS ~~[-]~~ ***and sections***
19 ***2 to 40, inclusive, of this act.***

20 (b) The University and Community College System of Nevada.

21 (c) The public employees’ retirement system.

22 (d) The state industrial insurance system.

23 (e) The housing division of the department of business and industry.

24 (f) The Colorado River commission.

25 2. “Director” means the director of the department of administration.

26 3. “Internal accounting and administrative control” means a method
27 through which agencies can safeguard assets, check the accuracy and
28 reliability of their accounting information, promote efficient operations and
29 encourage adherence to prescribed managerial policies.

30 **Sec. 50.** NRS 458.010 is hereby amended to read as follows:

31 458.010 As used in NRS 458.010 to ~~[458.360,]~~ ***458.350***, inclusive,
32 unless the context requires otherwise:

33 1. “Alcohol and drug abuse program” means a project concerned with
34 education, prevention and treatment directed toward achieving the mental
35 and physical restoration of alcohol and drug abusers.

36 2. “Alcohol and drug abuser” means a person whose consumption of
37 alcohol or other drugs, or any combination thereof, interferes with or
38 adversely affects his ability to function socially or economically.

39 3. “Alcoholic” means any person who habitually uses alcoholic
40 beverages to the extent that he endangers the health, safety or welfare of
41 himself or any other person or group of persons.

42 4. “Bureau” means the bureau of alcohol and drug abuse in the
43 rehabilitation division of the department.

1 5. “Chief” means the chief of the bureau.

2 6. “Civil protective custody” means a custodial placement of a person
3 for the purpose of protecting his health or safety. Civil protective custody
4 does not have any criminal implication.

5 7. “Department” means the department of employment, training and
6 rehabilitation.

7 8. “Director” means the director of the department.

8 9. “Facility” means a physical structure used for the education,
9 prevention and treatment, including mental and physical restoration, of
10 alcohol and drug abusers.

11 **Sec. 51.** NRS 458.025 is hereby amended to read as follows:

12 458.025 The bureau of alcohol and drug abuse is hereby created in the
13 rehabilitation division of the department. The bureau:

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

16 (a) A survey of the need for education, prevention and treatment of
17 alcohol and drug abuse, including a survey of the facilities needed to
18 provide services and a plan for the development and distribution of services
19 and programs throughout the state.

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

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

27 In developing and revising the state plan, the bureau shall consider, among
28 other things, the amount of money available from the Federal Government
29 for alcohol and drug abuse programs and the conditions attached to the
30 acceptance of the money, and the limitations of legislative appropriations
31 for alcohol and drug abuse programs.

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

39 3. Shall develop and publish standards of certification and may certify
40 or deny certification of any facilities ~~[-, programs or personnel]~~ **or programs**
41 on the basis of the standards, and publish a list of certified facilities ~~[-,~~
42 ~~programs and personnel.]~~ **and programs.** Any facilities ~~[-, programs or~~
43 ~~personnel]~~ **or programs** which are not certified are ineligible to receive

1 state and federal money for alcohol and drug abuse programs. The chief
2 ~~{shall establish requirements for continuing education for persons certified~~
3 ~~as counselors and administrators of the programs and}~~ may set fees for
4 certification of facilities ~~{, programs or personnel.}~~ **or programs.** The fees
5 must be calculated to produce the revenue estimated to cover the costs
6 related to the certifications . ~~{, but in no case may the fee for a certificate~~
7 ~~exceed \$100.}~~

8 4. Upon request from a facility which is self-supported, may certify the
9 facility ~~{, its programs and personnel}~~ **and its programs** and add them to
10 the list of certified facilities ~~{, programs and personnel.}~~ **and programs.**

11 **Sec. 52.** NRS 458.031 is hereby amended to read as follows:

12 458.031 The department shall administer the provisions of NRS
13 458.010 to ~~{458.360,}~~ **458.350**, inclusive, as the sole agency of the State of
14 Nevada for that purpose.

15 **Sec. 53.** NRS 458.035 is hereby amended to read as follows:

16 458.035 The department may contract with any appropriate public or
17 private agency, organization or institution ~~{in order}~~ to carry out the
18 provisions of NRS 458.010 to ~~{458.360,}~~ **458.350**, inclusive.

19 **Sec. 54.** NRS 458.043 is hereby amended to read as follows:

20 458.043 As executive head of the bureau, the chief shall:

21 1. Direct and supervise all administrative and technical activities as
22 provided by NRS 458.010 to ~~{458.360,}~~ **458.350**, inclusive, subject to
23 administrative supervision by the director.

24 2. Subject to the approval of the director, appoint such technical,
25 clerical and operational staff as the execution of his duties and the
26 operation of the bureau may require.

27 **Sec. 55.** NRS 458.055 is hereby amended to read as follows:

28 458.055 1. To preserve the confidentiality of any information
29 concerning persons applying for or receiving any services pursuant to NRS
30 458.010 to ~~{458.360,}~~ **458.350**, inclusive, the bureau may establish and
31 enforce rules governing the confidential nature, custody, use and
32 preservation of the records, files and communications filed with the bureau.

33 2. Wherever information concerning persons applying for and
34 receiving any services pursuant to NRS 458.010 to ~~{458.360,}~~ **458.350**,
35 inclusive, is furnished to or held by any other government agency or a
36 public or private institution, the use of ~~{such}~~ **that** information by the
37 agency or institution is subject to the rules established by the bureau
38 pursuant to subsection 1.

39 3. Except as otherwise provided in NRS 449.705 and chapter 629 of
40 NRS and except for purposes directly connected with the administration of
41 NRS 458.010 to ~~{458.360,}~~ **458.350**, inclusive, a person shall not disclose,

1 use or permit to be disclosed, any confidential information concerning a
2 person receiving services pursuant to NRS 458.010 to ~~458.360,~~ **458.350**,
3 inclusive.

4 **Sec. 56.** NRS 458.091 is hereby amended to read as follows:

5 458.091 Alcohol and drug abusers must be admitted to public or
6 private general medical hospitals which receive federal or state money for
7 alcohol and drug abuse programs, and must be treated in ~~such~~ **those**
8 hospitals on the basis of their medical need. No general medical hospital
9 that violates this section is eligible to receive further federal or state
10 assistance pursuant to NRS 458.010 to ~~458.360,~~ **458.350**, inclusive.

11 **Sec. 57.** NRS 458.100 is hereby amended to read as follows:

12 458.100 1. All gifts or grants of money which the bureau is
13 authorized to accept must be deposited in the state treasury for credit to the
14 state grant and gift account for alcohol and drug abuse which is hereby
15 created in the department of employment, training and rehabilitation's gift
16 fund.

17 2. Money in the account which has been received:

18 (a) Pursuant to NRS 369.174 must be used for the purposes specified in
19 NRS 458.097.

20 (b) From any other source must be used for the purpose of carrying out
21 the provisions of NRS 458.010 to ~~458.360,~~ **458.350**, inclusive, and other
22 programs or laws administered by the bureau.

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

24 **Sec. 58.** NRS 458.110 is hereby amended to read as follows:

25 458.110 In addition to the activities set forth in NRS 458.025 to
26 458.115, inclusive, the bureau may engage in any activity necessary to
27 effectuate the purposes of NRS 458.010 to ~~458.360,~~ **458.350**, inclusive.

28 **Sec. 59.** NRS 458.115 is hereby amended to read as follows:

29 458.115 Money to carry out the provisions of NRS 458.010 to
30 ~~458.360,~~ **458.350**, inclusive, must be provided by direct legislative
31 appropriation from the state general fund and paid out on claims as other
32 claims against the state are paid. All claims must be approved by the chief
33 before they are paid.

34 **Sec. 60.** NRS 484.37937 is hereby amended to read as follows:

35 484.37937 1. Except as otherwise provided in subsection 2, a person
36 who is found guilty of a first violation of NRS 484.379 may, at that time or
37 any time before he is sentenced, apply to the court to undergo a program of
38 treatment for alcoholism or drug abuse which is certified by the bureau of
39 alcohol and drug abuse of the rehabilitation division of the department of
40 employment, training and rehabilitation for at least 6 months. The court
41 shall authorize such treatment if:

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

43 ~~—(1) Counselor or other person certified~~ :

1 **(1) An alcohol and drug abuse counselor who is licensed** to make
2 that diagnosis by the ~~bureau of alcohol and drug abuse of the rehabilitation~~
3 ~~division of the department of employment, training and rehabilitation; or~~
4 ~~—(2) Physician]~~ **board of examiners for alcohol and drug abuse**
5 **counselors; or**

6 **(2) A physician who is** certified to make that diagnosis by the board
7 of medical examiners;

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

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

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

15 (a) A violation of NRS 484.3795;

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

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

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

23 4. A prosecuting attorney may, within 10 days after receiving notice of
24 an application for treatment pursuant to this section, request a hearing on
25 the question of whether the offender is eligible to undergo a program of
26 treatment for alcoholism or drug abuse. The court shall order a hearing on
27 the application upon the request of the prosecuting attorney or may order a
28 hearing on its own motion. The hearing must be limited to the question of
29 whether the offender is eligible to undergo such a program of treatment.

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

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

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

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

40 (c) Advise the offender that:

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

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

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

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

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

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

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

23 **Sec. 61.** NRS 484.3794 is hereby amended to read as follows:

24 484.3794 1. Except as otherwise provided in subsection 2, a person
25 who is found guilty of a second violation of NRS 484.379 within 7 years
26 may, at that time or any time before he is sentenced, apply to the court to
27 undergo a program of treatment for alcoholism or drug abuse which is
28 certified by the bureau of alcohol and drug abuse of the rehabilitation
29 division of the department of employment, training and rehabilitation for at
30 least 1 year if:

31 (a) He is diagnosed as an alcoholic or abuser of drugs by ~~the~~

32 ~~—(1) Counselor or other person certified~~ :

33 **(1) An alcohol and drug abuse counselor who is licensed** to make
34 that diagnosis by the ~~the bureau of alcohol and drug abuse of the rehabilitation~~
35 ~~division of the department of employment, training and rehabilitation; or~~

36 ~~—(2) Physician~~ **board of examiners for alcohol and drug abuse**
37 **counselors; or**

38 **(2) A physician who is** certified to make that diagnosis by the board
39 of medical examiners;

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

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

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

8 (a) A violation of NRS 484.3795;

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

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

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

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

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

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

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

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

32 (c) Advise the offender that:

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

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

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

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

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

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

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

15 **Sec. 62.** NRS 484.37943 is hereby amended to read as follows:

16 484.37943 1. If a person is found guilty of a first violation, if the
17 weight of alcohol in the defendant's blood at the time of the offense was
18 0.18 percent or more, or any second violation of NRS 484.379 within 7
19 years, the court shall, before sentencing the offender, require an evaluation
20 of the offender pursuant to subsection 3, 4 or 5 to determine whether he is
21 an abuser of alcohol or other drugs.

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

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

30 (a) ~~{A counselor certified}~~ **An alcohol and drug abuse counselor who**
31 **is licensed** to make that evaluation by the ~~{bureau of alcohol and drug~~
32 ~~abuse of the rehabilitation division of the department of employment,~~
33 ~~training and rehabilitation;}~~ **board of examiners for alcohol and drug**
34 **abuse counselors; or**

35 (b) A physician **who is** 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 the department of~~
39 ~~employment, training and rehabilitation,}~~

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. 63.** NRS 484.3796 is hereby amended to read as follows:

19 484.3796 1. Before sentencing an offender pursuant to NRS
20 484.3795 or paragraph (c) of subsection 1 of NRS 484.3792, the court shall
21 require that the offender be evaluated to determine whether he is an abuser
22 of alcohol or drugs and whether he can be treated successfully for his
23 condition.

24 2. The evaluation must be conducted by:

25 (a) ~~{A counselor certified}~~ **An alcohol and drug abuse counselor who**
26 **is licensed** to make such an evaluation by the ~~{bureau of alcohol and drug~~
27 ~~abuse of the rehabilitation division of the department of employment,~~
28 ~~training and rehabilitation;}~~ **board of examiners for alcohol and drug**
29 **abuse counselors;**

30 (b) A physician **who is** certified to make such an evaluation by the board
31 of medical examiners; or

32 (c) A psychologist **who is** certified to make such an evaluation by the
33 board of psychological examiners.

34 3. The **alcohol and drug abuse** counselor, physician or psychologist
35 who conducts the evaluation shall immediately forward the results of the
36 evaluation to the director of the department of prisons.

37 **Sec. 64.** NRS 488.430 is hereby amended to read as follows:

38 488.430 1. Before sentencing a defendant pursuant to NRS 488.420,
39 the court shall require that the defendant be evaluated to determine whether
40 he is an abuser of alcohol or drugs and whether he can be treated
41 successfully for his condition.

2. The evaluation must be conducted by:

(a) ~~{A counselor certified}~~ **An alcohol and drug abuse counselor who is licensed** to make such an evaluation by the ~~{bureau of alcohol and drug abuse of the rehabilitation division of the department of employment, training and rehabilitation;}~~ **board of examiners for alcohol and drug abuse counselors;**

(b) A physician **who is** certified to make such an evaluation by the board of medical examiners; or

(c) A psychologist **who is** certified to make such an evaluation by the board of psychological examiners.

3. The **alcohol and drug abuse** counselor, physician or psychologist who conducts the evaluation shall immediately forward the results of the evaluation to the director of the department of prisons.

Sec. 65. NRS 608.0116 is hereby amended to read as follows:

608.0116 "Professional" means pertaining to an employee who is licensed or certified by the State of Nevada for and engaged in the practice of law or any of the professions regulated by chapters 623 to 645, inclusive, of NRS ~~{,}~~ **and sections 2 to 40, inclusive, of this act.**

Sec. 66. Section 26 of this act is hereby amended to read as follows:

Sec. 26. 1. The board shall issue a license as an alcohol and drug abuse counselor to a person who:

(a) Is not less than 21 years of age;

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(c) Has received a master's degree or a doctoral degree from an accredited college or university in nursing or in a field of social science approved by the board;

(d) Has completed 4,000 hours of supervised counseling of alcohol and drug abusers;

(e) Passes the written and oral examinations prescribed by the board pursuant to section 29 of this act; **and**

(f) Pays the fees required pursuant to section 35 of this act. ~~{,}~~

~~and~~
~~—(g) Submits the statement required pursuant to section 25 of this act.~~

2. A license as an alcohol and drug abuse counselor is valid for 2 years and may be renewed.

3. An alcohol and drug abuse counselor may:

(a) Engage in the practice of counseling alcohol and drug abusers;

(b) Diagnose or classify a person as an alcoholic or abuser of drugs; and

(c) Supervise alcohol and drug abuse counselor interns.

1 **Sec. 67.** Section 27 of this act is hereby amended to read as
2 follows:

3 Sec. 27. 1. The board shall issue a license as an alcohol and
4 drug abuse counselor intern to a person who:

- 5 (a) Is not less than 21 years of age;
6 (b) Is a citizen of the United States or is lawfully entitled to
7 remain and work in the United States;
8 (c) Has a high school diploma or a general equivalency diploma;
9 (d) Pays the fees required pursuant to section 35 of this act; **and**
10 (e) Submits proof to the board that he is enrolled in a program
11 from which he will earn an associate's degree or master's degree in
12 nursing or in a field of social science approved by the board . ~~}; and~~
13 ~~-(f) Submits the statement required pursuant to section 25 of this~~
14 ~~act.}~~

15 2. A license as an alcohol and drug abuse counselor intern is
16 valid for 1 year and may be renewed.

17 3. An alcohol and drug abuse counselor intern may engage in
18 the practice of counseling alcohol and drug abusers under the
19 supervision of an alcohol and drug abuse counselor.

20 **Sec. 68.** Section 33 of this act is hereby amended to read as follows:

21 Sec. 33. Except as otherwise provided in section 32 of this act,
22 a licensee may renew his license by submitting to the board:

- 23 1. An application for the renewal of his license;
24 2. The fee for the renewal of a license prescribed in section 35
25 of this act;
26 3. Evidence of his completion of the continuing education
27 required by the regulations of the board; **and**
28 4. If the licensee is an alcohol and drug abuse counselor intern,
29 the name of the alcohol and drug abuse counselor who supervises
30 him . ~~}; and~~
31 ~~-5- The statement required pursuant to section 25 of this act.}~~

32 **Sec. 69.** Section 34 of this act is hereby amended to read as follows:

33 Sec. 34. 1. A license that is not renewed on or before the
34 date on which it expires is delinquent. The board shall, within 30
35 days after the license becomes delinquent, send a notice to the
36 licensee by certified mail, return receipt requested, to the address of
37 the licensee as indicated in the records of the board.

38 2. A licensee may renew a delinquent license within 60 days
39 after the license becomes delinquent by complying with the
40 requirements of section 33 of this act and paying, in addition to the
41 fee for the renewal of the license, the fee for the renewal of a
42 delinquent license prescribed in section 35 of this act.

43 3. A license expires 60 days after it becomes delinquent if it is
44 not renewed by the licensee within that period.

1 4. A license that has expired may be restored if the applicant:

2 (a) Submits to the board an application to restore the license;

3 (b) ~~Submits to the board the statement required pursuant to~~
4 ~~section 25 of this act;~~

5 ~~—(c)—~~ Pays the renewal fees for the period during which the license
6 was expired and the fee for the restoration of a license prescribed in
7 section 35 of this act; and

8 ~~[(d)] (c)~~ Passes the oral and written examinations prescribed by
9 the board.

10 **Sec. 70.** NRS 458.026, 458.027, 458.028 and 458.360 are hereby
11 repealed.

12 **Sec. 71.** Notwithstanding the provisions of sections 2 to 40, inclusive,
13 of this act, a person who engages in the practice of counseling alcohol and
14 drug abusers is not required to be licensed as an alcohol and drug abuse
15 counselor or an alcohol and drug abuse counselor intern pursuant to the
16 provisions of this act before January 1, 2001.

17 **Sec. 72.** Notwithstanding the provisions of sections 2 to 40, inclusive,
18 of this act, an applicant for a license as:

19 1. An alcohol and drug abuse counselor must be issued a license by the
20 board of examiners for alcohol and drug abuse counselors if the applicant
21 submits to the board before January 1, 2001:

22 (a) An application on a form provided by the board;

23 (b) The application fee prescribed in section 35 of this act;

24 (c) Proof of his certification as an alcohol and drug abuse counselor by
25 the bureau of alcohol and drug abuse of the rehabilitation division of the
26 department of employment, training and rehabilitation; and

27 (d) The statement required pursuant to section 25 of this act unless after
28 October 1, 1999, the provisions of 42 U.S.C. § 666 requiring each state to
29 establish procedures under which the state has authority to withhold or
30 suspend, or to restrict the use of professional, occupational and recreational
31 licenses of persons who:

32 (1) Have failed to comply with a subpoena or warrant relating to a
33 procedure to determine the paternity of a child or to establish or enforce an
34 obligation for the support of a child; or

35 (2) Are in arrears in the payment for the support of one or more
36 children,

37 are repealed by the Congress of the United States.

38 2. An alcohol and drug abuse counselor intern must be issued a license
39 by the board of examiners for alcohol and drug abuse counselors if the
40 applicant submits to the board before January 1, 2001:

41 (a) An application on a form provided by the board;

1 (b) The application fee prescribed in section 35 of this act;

2 (c) Proof of his certification as an intern counselor by the bureau of
3 alcohol and drug abuse of the rehabilitation division of the department of
4 employment, training and rehabilitation; and

5 (d) The statement required pursuant to section 25 of this act unless after
6 October 1, 1999, the provisions of 42 U.S.C. § 666 requiring each state to
7 establish procedures under which the state has authority to withhold or
8 suspend, or to restrict the use of professional, occupational and recreational
9 licenses of persons who:

10 (1) Have failed to comply with a subpoena or warrant relating to a
11 procedure to determine the paternity of a child or to establish or enforce an
12 obligation for the support of a child; or

13 (2) Are in arrears in the payment for the support of one or more
14 children,
15 are repealed by the Congress of the United States.

16 **Sec. 73.** As soon as practicable after October 1, 1999, the governor
17 shall appoint to the board of examiners for alcohol and drug abuse
18 counselors:

19 1. One member whose term expires on September 30, 2001.

20 2. Two members whose terms expire on September 30, 2002.

21 3. Two members whose terms expire on September 30, 2003.

22 **Sec. 74.** The amendatory provisions of this act do not apply to
23 offenses that were committed before October 1, 1999.

24 **Sec. 75.** 1. This section and sections 1 to 65, inclusive, and 70 to 74,
25 inclusive, of this act become effective on October 1, 1999.

26 2. Sections 66 to 69, inclusive, of this act, become effective on the date
27 on which the provisions of 42 U.S.C. § 666 requiring each state to establish
28 procedures under which the state has authority to withhold or suspend, or to
29 restrict the use of professional, occupational and recreational licenses of
30 persons who:

31 (a) Have failed to comply with a subpoena or warrant relating to a
32 procedure to determine the paternity of a child or to establish or enforce an
33 obligation for the support of a child; or

34 (b) Are in arrears in the payment for the support of one or more
35 children,
36 are repealed by the Congress of the United States.

37 3. Sections 22, 24 and 25 of this act expire by limitation on the date on
38 which the provisions of 42 U.S.C. § 666 requiring each state to establish
39 procedures under which the state has authority to withhold or suspend, or to
40 restrict the use of professional, occupational and recreational licenses of
41 persons who:

- 1 (a) Have failed to comply with a subpoena or warrant relating to a
- 2 procedure to determine the paternity of a child or to establish or enforce an
- 3 obligation for the support of a child; or
- 4 (b) Are in arrears in the payment for the support of one or more
- 5 children,
- 6 are repealed by the Congress of the United States.

LEADLINES OF REPEALED SECTIONS

458.026 Payment of child support: Statement by applicant for certification; grounds for denial of certification; duty of administrator. [Expires by limitation on the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

458.027 Suspension of certification for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of certification. [Expires by limitation on the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

458.028 Application for certification to include social security number. [Expires by limitation on the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

458.360 Unlawful representation as certified counselor; injunction; penalty.