

Senate Bill No. 210—Senator Townsend

CHAPTER.....

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 or certified by the board; prescribing the requirements for licensure and certification; 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:

Section 1. Title 54 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 44, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 10, inclusive, of this act, have the meanings ascribed to them in those sections.*

Sec. 3. *“Board” means the board of examiners for alcohol and drug abuse counselors.*

Sec. 4. *“Certificate” means a certificate issued to a person who is certified as an alcohol and drug abuse counselor or an alcohol and drug abuse counselor intern.*

Sec. 5. *“Certified counselor” means a person who is certified as an alcohol and drug abuse counselor pursuant to the provisions of this chapter.*

Sec. 6. *“Certified intern” means a person who is certified as an alcohol and drug abuse counselor intern pursuant to the provisions of this chapter.*

Sec. 7. *“Habitual use” means the use of alcohol and drugs that endangers the health, safety or welfare of the user or any other person.*

Sec. 8. *“License” means a license issued to a person who is licensed as an alcohol and drug abuse counselor pursuant to the provisions of this chapter.*

Sec. 9. *“Licensed counselor” means a person who is licensed as an alcohol and drug abuse counselor pursuant to the provisions of this chapter.*

Sec. 10. *“Practice of counseling alcohol and drug abusers” means the application of counseling to reduce or eliminate the habitual use of alcohol or other drugs, other than any maintenance dosage of a narcotic or habit-forming drug administered pursuant to chapter 453 of NRS.*

Sec. 11. *The practice of counseling alcohol and drug abusers is hereby declared to be a learned profession, affecting public health, safety and welfare and is subject to regulation to protect the public from the practice of counseling alcohol and drug abusers by unqualified persons*

and from unprofessional conduct by persons who are licensed or certified to engage in the practice of counseling alcohol and drug abusers.

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

Sec. 13. The provisions of this chapter do not apply to:

1. A physician who is licensed pursuant to the provisions of chapter 630 of NRS;
2. A nurse who is licensed pursuant to the provisions of chapter 632 of NRS and is authorized by the state board of nursing to engage in the practice of counseling alcohol and drug abusers;
3. A psychologist who is licensed pursuant to the provisions of chapter 641 of NRS;
4. A marriage and family therapist who is licensed pursuant to the provisions of chapter 641A of NRS and is authorized by the board of examiners for marriage and family therapists to engage in the practice of counseling alcohol and drug abusers; or
5. A person who is licensed as a clinical social worker pursuant to the provisions of chapter 641B of NRS and is authorized by the board of examiners for social workers to engage in the practice of counseling alcohol and drug abusers.

Sec. 14. 1. The board of examiners for alcohol and drug abuse counselors, consisting of five members appointed by the governor, is hereby created.

2. The board must consist of:
 - (a) Three members who are licensed as alcohol and drug abuse counselors pursuant to the provisions of this chapter;
 - (b) One member who is certified as an alcohol and drug abuse counselor pursuant to the provisions of this chapter; and
 - (c) One member who is a representative of the general public.
3. A person may not be appointed to the board unless he is:
 - (a) A citizen of the United States or is lawfully entitled to remain and work in the United States; and
 - (b) A resident of this state.
4. No member of the board may be held liable in a civil action for any act that he performs in good faith in the execution of his duties pursuant to the provisions of this chapter.

Sec. 15. 1. After the initial terms, the members of the board must be appointed to terms of 4 years and may not serve more than two consecutive terms.

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

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

4. The board shall:

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

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

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

(d) Prepare and maintain a record of its transactions and proceedings.

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

5. A majority of the members of the board constitutes a quorum to transact the business of the board.

Sec. 16. 1. Each member of the board is entitled to receive:

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

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

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

Sec. 17. The secretary-treasurer of the board shall prepare and maintain:

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

(a) The applicants for a license;

(b) The applicants for a certificate;

(c) The licensed counselors;

(d) The certified counselors; and

(e) The certified interns.

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

3. An inventory of:

(a) The property of the board; and

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

Sec. 18. The board may:

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

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

Sec. 19. 1. Except as otherwise provided in subsection 4, all expenses incurred by the board in carrying out the provisions of this chapter must be paid from the money which it receives. No part of the salaries or expenses of the board may be paid out of the state general fund.

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

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

4. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 3, the board shall deposit the money collected from the imposition of fines with the state treasurer for credit to the state general fund. If money is so deposited, the board may present a claim to the state board of examiners for recommendation to the interim finance committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

Sec. 20. Each applicant for a license or certificate must submit to the board:

1. An application on a form provided by the board; and
2. The application fee prescribed in section 34 of this act.

Sec. 21. An application for a license or certificate must set forth the social security number of the applicant.

Sec. 22. 1. An applicant for the issuance, renewal, reinstatement or restoration of a license or certificate shall submit to the board the statement prescribed by the welfare division of the department of human resources pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

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

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

(b) A separate form prescribed by the board.

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

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

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

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child

and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the board shall advise the applicant to notify the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 23. *The board shall issue a license as an alcohol and drug abuse counselor to:*

1. 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 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 28 of this act;

(f) Pays the fees required pursuant to section 34 of this act; and

(g) Submits the statement required pursuant to section 22 of this act.

2. 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) Is:

(1) Licensed as a clinical social worker pursuant to chapter 641B of NRS;

(2) Licensed as a marriage and family therapist pursuant to chapter 641A of NRS; or

(3) A nurse who is licensed pursuant to chapter 632 of NRS and has received a master's degree or a doctoral degree from an accredited college or university;

(d) Has completed at least 6 months of supervised counseling of alcohol and drug abusers approved by the board;

(e) Passes the written and oral examinations prescribed by the board pursuant to section 28 of this act;

(f) Pays the fees required pursuant to section 34 of this act; and

(g) Submits the statement required pursuant to section 22 of this act.

Sec. 24. *1. A license as an alcohol and drug abuse counselor is valid for 2 years and may be renewed.*

2. A licensed 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 certified interns

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Sec. 25. 1. *The board shall issue a certificate 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 bachelor's degree from an accredited college or university 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 28 of this act;*
- (f) Pays the fees required pursuant to section 34 of this act; and*
- (g) Submits the statement required pursuant to section 22 of this act.*

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

3. *A certified alcohol and drug abuse counselor may:*

- (a) Engage in the practice of counseling alcohol and drug abusers; and*
- (b) Diagnose or classify a person as an alcoholic or abuser of drugs.*

Sec. 26. 1. *The board shall issue a certificate as an alcohol and drug abuse counselor intern 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 a high school diploma or a general equivalency diploma;*
- (d) Pays the fees required pursuant to section 34 of this act;*
- (e) Submits proof to the board that he:*
 - (1) Is enrolled in a program from which he will receive an associate's degree, bachelor's degree, master's degree or doctoral degree in a field of social science approved by the board; or*
 - (2) Has received an associate's degree, bachelor's degree, master's degree or doctoral degree in a field of social science approved by the board; and*
- (f) Submits the statement required pursuant to section 22 of this act.*

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

3. *A certified intern may, under the supervision of a licensed counselor:*

- (a) Engage in the practice of counseling alcohol and drug abusers; and*
- (b) Diagnose or classify a person as an alcoholic or drug abuser.*

Sec. 27. 1. *Except as otherwise provided in subsection 2, a person shall not engage in the practice of counseling alcohol and drug abusers unless he is a licensed counselor, certified counselor or certified intern.*

2. A person may engage in the practice of counseling alcohol and drug abusers under the supervision of a licensed counselor for not more than 30 days if that person:

(a) Is qualified to be licensed or certified as an alcohol and drug abuse counselor or certified as an alcohol and drug abuse counselor intern pursuant to the provisions of this chapter; and

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

Sec. 28. 1. Each applicant for a license or certificate as an alcohol and drug abuse counselor must pass a written and oral examination concerning his knowledge of the practice of counseling alcohol and drug abusers, the provisions of this chapter and any regulations adopted by the board pursuant to the provisions of this chapter.

2. The board shall:

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

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

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

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

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

Sec. 29. 1. The board may hold hearings and conduct investigations concerning any matter related to an application for a license or certificate. In the hearings and investigations, the board may require the presentation of evidence.

2. The board may refuse to issue a license or certificate to an applicant if the board determines that the applicant:

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

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

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

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

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

Sec. 30. The board shall issue a license or certificate without examination to a person who holds a license or certificate as an alcohol and drug abuse counselor in another state, a territory or possession of the United States or the District of Columbia if the requirements of that jurisdiction at the time the license or certificate was issued are deemed by

the board to be substantially equivalent to the requirements set forth in the provisions of this chapter.

Sec. 31. 1. *The board may issue a provisional license or certificate as an alcohol and drug abuse counselor to a person who has applied to the board to take the examination for a license or certificate as an alcohol and drug abuse counselor and is otherwise eligible for that license or certificate pursuant to section 23 or 25 of this act.*

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

Sec. 32. *Except as otherwise provided in section 31 of this act, a person may renew his license or certificate by submitting to the board:*

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

2. *The fee for the renewal of a license or certificate prescribed in section 34 of this act;*

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

4. *If the applicant is a certified intern, the name of the licensed counselor who supervises him; and*

5. *The statement required pursuant to section 22 of this act.*

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

2. *A licensed or certified counselor or certified intern may renew a delinquent license or certificate within 60 days after the license or certificate becomes delinquent by complying with the requirements of section 32 of this act and paying, in addition to the fee for the renewal of the license or certificate, the fee for the renewal of a delinquent license or certificate prescribed in section 34 of this act.*

3. *A license or certificate expires 60 days after it becomes delinquent if it is not renewed within that period.*

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

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

(b) *Submits to the board the statement required pursuant to section 22 of this act;*

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

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

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

Sec. 34. 1. *The board shall charge and collect not more than the following fees:*

<i>For the initial application for a license or certificate</i>	<i>\$150</i>
<i>For the issuance of a provisional license or certificate</i>	<i>125</i>
<i>For the issuance of an initial license or certificate</i>	<i>60</i>
<i>For the renewal of a license or certificate as an alcohol and drug abuse counselor</i>	<i>300</i>
<i>For the renewal of a certificate as an alcohol and drug abuse counselor intern</i>	<i>75</i>
<i>For the renewal of a delinquent license or certificate</i>	<i>75</i>
<i>For the restoration of an expired license or certificate</i>	<i>150</i>
<i>For the restoration of a suspended or revoked license or certificate.....</i>	<i>300</i>
<i>For the issuance of a license or certificate without examination</i>	<i>150</i>
<i>For an examination.....</i>	<i>150</i>

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

Sec. 35. *The grounds for initiating disciplinary action pursuant to the provisions of this chapter include:*

- 1. Conviction of:*
 - (a) A felony;*
 - (b) An offense involving moral turpitude; or*
 - (c) A violation of a federal or state law regulating the possession, distribution or use of a controlled substance or dangerous drug as defined in chapter 453 of NRS;*
- 2. Fraud or deception in:*
 - (a) Applying for a license or certificate;*
 - (b) Taking an examination for a license or certificate;*
 - (c) Documenting the continuing education required to renew or reinstate a license or certificate;*
 - (d) Submitting a claim for payment to an insurer; or*
 - (e) The practice of counseling alcohol and drug abusers;*
- 3. Allowing the unauthorized use of a license or certificate issued pursuant to this chapter;*
- 4. Professional incompetence;*
- 5. The habitual use of alcohol or any other drug that impairs the ability of a licensed or certified counselor or certified intern to engage in the practice of counseling alcohol and drug abusers;*
- 6. Engaging in the practice of counseling alcohol and drug abusers with an expired, suspended or revoked license or certificate; and*
- 7. Engaging in behavior that is contrary to the ethical standards as set forth in the regulations of the board.*

Sec. 36. 1. *The board or any of its members who become aware of any ground for initiating disciplinary action against a person engaging in the practice of counseling alcohol and drug abusers in this state shall, and any other person who is so aware may, file a written complaint specifying the relevant facts with the board. The complaint must specifically charge one or more of the grounds for initiating disciplinary action.*

2. As soon as practicable after the filing of the complaint, the board shall set a date for a hearing thereon. The date must not be earlier than 30 days after the complaint is filed, except that the date may be changed upon agreement of the parties. The board shall immediately notify the licensed or certified counselor or certified intern of the complaint and the date and place set for the hearing. A copy of the complaint must be attached to the notice.

3. The failure of the licensed or certified counselor or certified intern to appear at the hearing does not delay or void the proceeding.

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

5. If, after notice and a hearing, the board determines that the licensed or certified counselor or certified intern has violated a provision of this chapter or any regulation adopted pursuant to this chapter, it may:

(a) Administer a public or private reprimand;

(b) Suspend his license or certificate and impose conditions for the removal of the suspension;

(c) Revoke his license or certificate and prescribe the requirements for the reinstatement of the license or certificate;

(d) If he is a licensed or certified counselor, require him to be supervised by another person while he engages in the practice of counseling alcohol and drug abusers;

(e) Require him to participate in treatment or counseling and pay the expenses of that treatment or counseling;

(f) Require him to pay restitution to any person adversely affected by his acts or omissions;

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

(h) Require him to pay the costs of the board for the investigation and hearing; or

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

6. If his license or certificate is revoked or suspended pursuant to subsection 5, the licensed or certified counselor or certified intern may apply to the board for a rehearing within 10 days after the license or certificate is revoked or suspended. The licensed or certified counselor or certified intern may apply to the board for reinstatement of his revoked license or certificate not earlier than 1 year after the license or certificate is revoked. The board may accept or reject the application and may

require the successful completion of an examination as a condition of reinstatement of the license or certificate.

Sec. 37. *A person who violates any of the provisions of this chapter is guilty of a misdemeanor.*

Sec. 38. *The board shall adopt such regulations as are necessary to carry out the provisions of this chapter, including, without limitation, regulations that prescribe:*

1. The ethical standards for licensed and certified counselors and certified interns; and

2. The requirements for continuing education for the renewal or reinstatement of a license or certificate.

Sec. 39. *1. Any records or information obtained during the course of an investigation by the board and any record of the investigation are confidential until the investigation is completed. Upon completion of the investigation, the information and records are public records if:*

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

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

2. If the board receives a request or subpoena for records or information obtained during an investigation by the board and the records or information is not made public pursuant to subsection 1, the board shall notify the person regarding whom the investigation was made of the request or subpoena. If that person does not consent in writing to the release of the records or information, the board may release the records or information only upon the order of a court of competent jurisdiction.

Sec. 40. *1. The board may issue subpoenas for the attendance of witnesses and the production of books and papers.*

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

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

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

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

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

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

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

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

Sec. 41. *Each witness who appears by an order of the board is entitled to receive for his attendance the same fees and mileage allowed by law to a witness in a civil case. The amount must be paid by the party who requested the subpoena. If a witness who has not been required to attend at the request of any party is subpoenaed by the board, his fees and mileage must be paid from the money of the board.*

Sec. 42. 1. *The board may, in any hearing before it, cause the deposition of witnesses to be taken in the manner prescribed for depositions in civil actions in this state.*

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

Sec. 43. 1. *If the board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person, the board shall deem the license or certificate to be suspended at the end of the 30th day after the date on which the court order was issued unless the board receives a letter issued to the person by the district attorney or other public agency pursuant to NRS 425.550 stating that the person has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

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

Sec. 44. 1. *A person shall not:*

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

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

(c) Imply in any way that he is licensed or certified by the board, unless he is licensed or certified by the board pursuant to the provisions of this chapter.

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

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

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

Sec. 45. (Deleted by amendment.)

Sec. 46. NRS 641.029 is hereby amended to read as follows:

641.029 ~~[This chapter does]~~ *The provisions of this chapter do* not apply to:

1. A physician *who is* licensed to practice in this state;
 2. A person *who is* licensed to practice dentistry in this state;
 3. A person *who is* licensed as a marriage and family therapist pursuant to chapter 641A of NRS;
 4. A person *who is* licensed to engage in social work pursuant to chapter 641B of NRS;
 5. A person *who is* licensed as an occupational therapist or occupational therapy assistant pursuant to NRS 640A.010 to 640A.230, inclusive;
 6. A person ~~[certified as a counselor by the bureau of alcohol and drug abuse of the rehabilitation division of the department of employment, training and rehabilitation;]~~ *who is licensed or certified as an alcohol and drug abuse counselor or certified as an alcohol and drug abuse counselor intern pursuant to sections 2 to 44, inclusive, of this act;* or
 7. Any clergyman,
- if such a person does not commit an act described in NRS 641.440 or represent himself as a psychologist.

Sec. 47. (Deleted by amendment.)

Sec. 48. NRS 641B.040 is hereby amended to read as follows:

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

1. A physician *who is* licensed to practice in this state;
2. A nurse *who is* licensed to practice in this state;
3. A person *who is* licensed as a psychologist pursuant to chapter 641 of NRS;
4. A person ~~[certified]~~ *who is licensed* as a marriage and family ~~[counselor]~~ *therapist* pursuant to chapter 641A of NRS;

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

6. A person ~~{certified as a counselor by the bureau of alcohol and drug abuse of the rehabilitation division of the department of employment, training and rehabilitation;}~~ **who is licensed or certified as an alcohol and drug abuse counselor or certified as an alcohol and drug abuse counselor intern pursuant to sections 2 to 44, inclusive, of this act;**

7. Any clergyman;

8. A county welfare director;

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

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

Sec. 49. (Deleted by amendment.)

Sec. 50. NRS 62.2275 is hereby amended to read as follows:

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

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

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

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

the judge, or his authorized representative, shall require the child to undergo an evaluation to determine if the child is an abuser of alcohol or 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 or certified or an alcohol and drug abuse counselor intern who is certified pursuant to sections 2 to 44, inclusive, of this act** to make that classification ~~{by the bureau of alcohol and drug abuse;}~~ **; or**

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

~~—(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 certified to his successful completion of a program of treatment ordered pursuant to this section.

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

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

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

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

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

7. As used in this section:

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

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

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

Sec. 51. NRS 209.448 is hereby amended to read as follows:

209.448 1. An offender who has no serious infraction of the regulations of the department or the laws of the state recorded against him must be allowed, in addition to the credits provided pursuant to NRS 209.433, 209.443, 209.446 or 209.4465, a deduction of not more than 30 days from the maximum term of his sentence for the successful completion of a program of treatment for the abuse of alcohol or drugs which is conducted jointly by the department and a person ~~[certified as a counselor by the bureau of alcohol and drug abuse of the rehabilitation division of the department of employment, training and rehabilitation.]~~ *who is licensed or certified as an alcohol and drug abuse counselor or certified as an alcohol and drug abuse counselor intern pursuant to sections 2 to 44, inclusive, of this act.*

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

Sec. 52. NRS 211.340 is hereby amended to read as follows:

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

(a) Successfully completes a program of treatment for the abuse of alcohol or drugs which is conducted jointly by the local detention facility in which he is incarcerated and a person ~~[certified as a counselor by the bureau of alcohol and drug abuse of the rehabilitation division of the department of employment, training and rehabilitation;]~~ *who is licensed or certified as an alcohol and drug abuse counselor or certified as an alcohol and drug abuse counselor intern pursuant to sections 2 to 44, inclusive, of this act;* and

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

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

Sec. 53. NRS 218.825 is hereby amended to read as follows:

218.825 1. Each of the boards and commissions created by the provisions of chapters 623 to 625A, inclusive, chapters 628 to 644, inclusive, and chapters 654 and 656 of NRS *and sections 2 to 44,*

inclusive, of this act shall engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all ~~to~~ its fiscal records once each year for the preceding fiscal year or once every other year for the 2 preceding fiscal years. The cost of the audit must be paid by the board or commission audited.

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

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

Sec. 54. NRS 232.920 is hereby amended to read as follows:

232.920 The director:

1. Shall:

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

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

(c) Except as otherwise provided by a specific statute, direct the divisions to share information in their records with agencies of local governments which are responsible for the collection of debts or obligations if the confidentiality of the information is otherwise maintained under the terms and conditions required by law.

2. Is responsible for the administration, through the divisions of the department, of the provisions of NRS 458.010 to ~~458.360,~~ 458.350, inclusive, chapters 426, 426A, 612 and 615 of NRS, and all other provisions of law relating to the functions of the department and its divisions, but is not responsible for the professional line activities of the divisions or other operating units except as otherwise provided by specific statute.

3. May employ, within the limits of legislative appropriations, such staff as is necessary ~~to~~ for the performance of the duties of the department.

Sec. 55. NRS 284.013 is hereby amended to read as follows:

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

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

(b) Any person who is employed by a board, commission, committee or council created in chapters 590, 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 652, 654 and 656 of NRS ~~§~~ *and sections 2 to 44, inclusive, of this act*; or

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

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

3. Except as otherwise provided in this subsection, leaves of absence prescribed pursuant to subsection 2 must not be of lesser duration than those provided for other state officers and employees pursuant to the provisions of this chapter. The provisions of this subsection do not govern the legislative commission with respect to the personnel of the legislative counsel bureau.

4. Any board, commission, committee or council created in chapters 590, 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 652, 654 and 656 of NRS *and sections 2 to 44, inclusive, of this act* which contracts for the services of a person, shall require the contract for those services to be in writing. The contract must be approved by the state board of examiners before those services may be provided.

Sec. 56. NRS 353A.010 is hereby amended to read as follows:

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

1. "Agency" means every agency, department, division, board, commission or similar body, or elected officer, of the executive branch of the state, except:

(a) A board or commission created by the provisions of chapters 623 to 625, inclusive, 628 to 644, inclusive, 654 and 656 of NRS ~~§~~ *and sections 2 to 44, inclusive, of this act*.

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

(c) The public employees' retirement system.

(d) The state industrial insurance system.

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

(f) The Colorado River commission.

2. "Director" means the director of the department of administration.

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

Sec. 57. NRS 458.010 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

Sec. 57.5. NRS 458.010 is hereby amended to read as follows:

458.010 As used in NRS 458.010 to 458.350, inclusive, and sections 2 to 8, inclusive, of ~~{this act,}~~ ***Senate Bill No. 161 of this session,*** unless the context requires otherwise:

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

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

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

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

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

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

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

8. ***“Detoxification technician” means a person who is certified by the bureau to provide screening for the safe withdrawal from alcohol and other drugs.***

9. “Director” means the director of the department

.

~~19.1~~ 10. “Facility” means a physical structure used for the education, prevention and treatment, including mental and physical restoration, of alcohol and drug abusers.

~~110.1~~ 11. “Halfway house for alcohol and drug abusers” means a residence that provides housing and a living environment for alcohol and drug abusers and is operated to facilitate their reintegration into the community, but does not provide treatment for alcohol or drug abuse. The term does not include a facility for the treatment of abuse of alcohol or drugs as defined in NRS 449.00455.

Sec. 58. NRS 458.025 is hereby amended to read as follows:

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

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

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

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

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

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

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

3. Shall develop and publish standards of certification and may certify or deny certification of ~~any~~ *operators of* halfway houses for alcohol and drug abusers, *halfway houses for alcohol and drug abusers, detoxification technicians or any* facilities ~~programs or personnel~~ *or programs* on the basis of the standards, and publish a list of certified *operators of halfway houses for alcohol and drug abusers*, halfway houses for alcohol and drug abusers, *detoxification technicians*, facilities ~~programs and personnel. Any facilities, programs or personnel~~ *and programs. Any operators of halfway houses for alcohol and drug*

abusers, halfway houses for alcohol and drug abusers, detoxification technicians, facilities or programs which are not certified are ineligible to receive state and federal money for alcohol and drug abuse programs. The chief:

(a) Shall establish *the* requirements for continuing education for persons certified as ~~["counselors and administrators of the programs;"]~~ *detoxification technicians;* and

(b) May set fees for *the* certification of *operators of* halfway houses for alcohol and drug abusers, *halfway houses for alcohol and drug abusers, detoxification technicians,* facilities ~~["programs or personnel;"]~~ *or programs.* The fees must be calculated to produce the revenue estimated to cover the costs related to the certifications, but in no case may the fee for a certificate exceed the actual cost to the bureau of issuing the certificate.

4. Upon request from a facility which is self-supported, may certify the facility, its programs and ~~["personnel"]~~ *detoxification technicians* and add them to the list ~~["of certified facilities, programs and personnel;"]~~ *described in subsection 3.*

Sec. 58.2. NRS 458.026 is hereby amended to read as follows:

458.026 1. An applicant for the issuance or renewal of his certification as ~~["personnel of an alcohol or drug abuse program or a facility;"]~~ *a detoxification technician* or as the operator of a halfway house for alcohol and drug abusers ~~[";"]~~ shall submit to the bureau the statement prescribed by the welfare division of the department of human resources pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The bureau shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the certification; or

(b) A separate form prescribed by the bureau.

3. The certification of a person as ~~["personnel of an alcohol or drug abuse program or a facility;"]~~ *a detoxification technician* or as the operator of a halfway house for alcohol and drug abusers ~~[";"]~~ may not be issued or renewed by the bureau if the applicant:

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

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

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the administrator shall advise the

applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 58.4. NRS 458.027 is hereby amended to read as follows:

458.027 1. If the bureau receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who has been certified as ~~personnel of an alcohol and drug abuse program or a facility,~~ **a detoxification technician** or as the operator of a halfway house for alcohol and drug abusers, the bureau shall deem the certification to be suspended at the end of the 30th day after the date on which the court order was issued unless the bureau receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person who has been certified stating that the person has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The bureau shall reinstate the certification of a person as ~~personnel of an alcohol and drug abuse program or a facility,~~ **a detoxification technician** or as the operator of a halfway house for alcohol and drug abusers, that has been suspended by a district court pursuant to NRS 425.540 if the bureau receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose certification was suspended stating that the person whose certification was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 58.6. NRS 458.028 is hereby amended to read as follows:

458.028 An application for the certification of ~~personnel of an alcohol and drug abuse program or a facility,~~ **a detoxification technician** or as the operator of a halfway house for alcohol and drug abusers, must include the social security number of the applicant.

Sec. 59. NRS 458.031 is hereby amended to read as follows:

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

Sec. 60. NRS 458.035 is hereby amended to read as follows:

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

Sec. 61. NRS 458.043 is hereby amended to read as follows:

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

1. Direct and supervise all administrative and technical activities as provided by NRS 458.010 to ~~458.360,~~ **458.350**, inclusive, subject to administrative supervision by the administrator of the rehabilitation division of the department.

2. Subject to the approval of the administrator of the rehabilitation division of the department, appoint such technical, clerical and operational

staff as the execution of his duties and the operation of the bureau may require.

Sec. 62. NRS 458.055 is hereby amended to read as follows:

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

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

3. Except as otherwise provided in NRS 449.705 and chapter 629 of NRS and except for purposes directly connected with the administration of NRS 458.010 to ~~[458.360,]~~ **458.350**, inclusive, a person shall not disclose, use or permit to be disclosed, any confidential information concerning a person receiving services pursuant to NRS 458.010 to ~~[458.360,]~~ **458.350**, inclusive.

Sec. 63. NRS 458.091 is hereby amended to read as follows:

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

Sec. 64. NRS 458.100 is hereby amended to read as follows:

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

2. Money in the account must be used ~~[for the purpose of carrying]~~ **to carry** out the provisions of NRS 458.010 to ~~[458.360,]~~ **458.350**, inclusive, and other programs or laws administered by the bureau.

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

Sec. 65. NRS 458.110 is hereby amended to read as follows:

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

Sec. 66. NRS 458.115 is hereby amended to read as follows:

458.115 Money to carry out the provisions of NRS 458.010 to ~~[458.360,]~~ **458.350**, inclusive, must be provided by direct legislative appropriation from the state general fund and paid out on claims as other

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

Sec. 67. NRS 484.37937 is hereby amended to read as follows:

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

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

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

(1) An alcohol and drug abuse counselor who is licensed or certified pursuant to sections 2 to 44, inclusive, of this act to make that diagnosis ~~by the bureau of alcohol and drug abuse of the rehabilitation division of the department of employment, training and rehabilitation; or~~

~~—(2) Physician~~ ; or

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

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

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

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

(a) A violation of NRS 484.3795;

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

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

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

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

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

6. If the court grants an application for treatment, the court shall:
 - (a) Immediately sentence the offender and enter judgment accordingly.
 - (b) Suspend the sentence of the offender for not more than 3 years upon the condition that the offender be accepted for treatment by a treatment facility, that he complete the treatment satisfactorily and that he comply with any other condition ordered by the court.
 - (c) Advise the offender that:
 - (1) If he is accepted for treatment by such a facility, he may be placed under the supervision of the facility for a period not to exceed 3 years and during treatment he may be confined in an institution or, at the discretion of the facility, released for treatment or supervised aftercare in the community.
 - (2) If he is not accepted for treatment by such a facility or he fails to complete the treatment satisfactorily, he shall serve the sentence imposed by the court. Any sentence of imprisonment must be reduced by a time equal to that which he served before beginning treatment.
 - (3) If he completes the treatment satisfactorily, his sentence will be reduced to a term of imprisonment which is no longer than that provided for the offense in paragraph (c) of subsection 1 and a fine of not more than the minimum fine provided for the offense in NRS 484.3792, but the conviction must remain on his record of criminal history.
7. The court shall administer the program of treatment pursuant to the procedures provided in NRS 458.320 and 458.330, except that the court:
 - (a) Shall not defer the sentence, set aside the conviction or impose conditions upon the election of treatment except as provided in this section.
 - (b) May immediately revoke the suspension of sentence for a violation of any condition of the suspension.
8. The court shall notify the department, on a form approved by the department, upon granting the application of the offender for treatment and his failure to be accepted for or complete treatment.

Sec. 68. NRS 484.3794 is hereby amended to read as follows:

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

- (a) He is diagnosed as an alcoholic or abuser of drugs by ~~the~~ **(1) An alcohol and drug abuse counselor who is licensed or certified pursuant to sections 2 to 44, inclusive, of this act** to make that diagnosis ~~by the bureau of alcohol and drug abuse of the rehabilitation division of the department of employment, training and rehabilitation;~~ **(2) A physician who is** certified to make that diagnosis by the board of medical examiners;

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

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

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

(a) A violation of NRS 484.3795;

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

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

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

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

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

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

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

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

(c) Advise the offender that:

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

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

(3) If he completes the treatment satisfactorily, his sentence will be reduced to a term of imprisonment which is no longer than that provided for the offense in paragraph (c) of subsection 1 and a fine of not more than

the minimum provided for the offense in NRS 484.3792, but the conviction must remain on his record of criminal history.

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

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

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

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

Sec. 69. NRS 484.37943 is hereby amended to read as follows:

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

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

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

(a) ~~[A counselor certified]~~ *An alcohol and drug abuse counselor who is licensed or certified pursuant to sections 2 to 44, inclusive, of this act* to make that evaluation ~~[by the bureau of alcohol and drug abuse of the rehabilitation division of the department of employment, training and rehabilitation;]~~ ; or

(b) A physician *who is* certified to make that evaluation by the board of medical examiners , ~~[-or~~

~~-(c) A person who is approved to make that evaluation by the bureau of alcohol and drug abuse of the rehabilitation division of the department of employment, training and rehabilitation,]~~

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

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

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

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

Sec. 70. NRS 484.3796 is hereby amended to read as follows:

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

2. The evaluation must be conducted by:

(a) ~~{A counselor certified}~~ *An alcohol and drug abuse counselor who is licensed or certified pursuant to sections 2 to 44, inclusive, of this act* 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;}~~

(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. 71. NRS 488.430 is hereby amended to read as follows:

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

2. The evaluation must be conducted by:

(a) ~~{A counselor certified}~~ *An alcohol and drug abuse counselor who is licensed or certified pursuant to sections 2 to 44, inclusive, of this act* 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;}~~

(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. 72. 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 ~~1~~ *and sections 2 to 44, inclusive, of this act.*

Sec. 73. Section 23 of this act is hereby amended to read as follows:

Sec. 23. The board shall issue a license as an alcohol and drug abuse counselor to:

1. 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 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 28 of this act; *and*
 - (f) Pays the fees required pursuant to section 34 of this act. ~~1~~
 - ~~and~~
 - ~~(g) Submits the statement required pursuant to section 22 of this act.1~~
2. 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) Is:
 - (1) Licensed as a clinical social worker pursuant to chapter 641B of NRS;
 - (2) Licensed as a marriage and family therapist pursuant to chapter 641A of NRS; or
 - (3) A nurse who is licensed pursuant to chapter 632 of NRS and has received a master’s degree or a doctoral degree from an accredited college or university;
 - (d) Has completed at least 6 months of supervised counseling of alcohol and drug abusers approved by the board;
 - (e) Passes the written and oral examinations prescribed by the board pursuant to section 28 of this act; *and*
 - (f) Pays the fees required pursuant to section 34 of this act. ~~1~~
 - ~~and~~
 - ~~(g) Submits the statement required pursuant to section 22 of this act.1~~

Sec. 74. Section 25 of this act is hereby amended to read as follows:

Sec. 25. 1. The board shall issue a certificate 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 bachelor's degree from an accredited college or university 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 28 of this act; *and*
- (f) Pays the fees required pursuant to section 34 of this act. ~~;~~

~~and~~

~~—(g) Submits the statement required pursuant to section 22 of this act.]~~

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

3. A certified alcohol and drug abuse counselor may:

- (a) Engage in the practice of counseling alcohol and drug abusers; and
- (b) Diagnose or classify a person as an alcoholic or abuser of drugs.

Sec. 75. Section 26 of this act is hereby amended to read as follows:

Sec. 26. 1. The board shall issue a certificate as an alcohol and drug abuse counselor intern 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 a high school diploma or a general equivalency diploma;
- (d) Pays the fees required pursuant to section 34 of this act; *and*
- (e) Submits proof to the board that he:

(1) Is enrolled in a program from which he will receive an associate's degree, bachelor's degree, master's degree or doctoral degree in a field of social science approved by the board; or

(2) Has received an associate's degree, bachelor's degree, master's degree or doctoral degree in a field of social science approved by the board. ~~;~~ *and*

~~—(f) Submits the statement required pursuant to section 22 of this act.]~~

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

3. A certified intern may, under the supervision of a licensed counselor:

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

(b) Diagnose or classify a person as an alcoholic or drug abuser.

Sec. 76. Section 32 of this act is hereby amended to read as follows:

Sec. 32. Except as otherwise provided in section 31 of this act, a person may renew his license or certificate by submitting to the board:

1. An application for the renewal of his license or certificate;
2. The fee for the renewal of a license or certificate prescribed in section 34 of this act;
3. Evidence of his completion of the continuing education required by the board; *and*
4. If the applicant is a certified intern, the name of the licensed counselor who supervises him. ~~}; and~~

~~5. The statement required pursuant to section 22 of this act.}~~

Sec. 77. Section 33 of this act is hereby amended to read as follows:

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

2. A licensed or certified counselor or certified intern may renew a delinquent license or certificate within 60 days after the license or certificate becomes delinquent by complying with the requirements of section 32 of this act and paying, in addition to the fee for the renewal of the license or certificate, the fee for the renewal of a delinquent license or certificate prescribed in section 34 of this act.

3. A license or certificate expires 60 days after it becomes delinquent if it is not renewed within that period.

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

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

(b) ~~Submits to the board the statement required pursuant to section 22 of this act;~~

~~(c)}~~ Pays the renewal fees for the period during which the license or certificate was expired and the fee for the restoration of a license or certificate prescribed in section 34 of this act;

~~(d)}~~ (c) Passes the oral and written examinations prescribed by the board; and

~~(e)}~~ (d) Submits to the board evidence of his completion of the continuing education required by the board.

Sec. 77.5. Section 9 of Senate Bill No. 161 of this session is hereby amended to read as follows:

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

458.010 As used in NRS 458.010 to 458.350, inclusive, *and sections 2 to 8, inclusive, of this act*, unless the context requires otherwise:

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

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

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

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

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

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

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

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

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

10. *“Halfway house for alcohol and drug abusers” means a residence that provides housing and a living environment for alcohol and drug abusers and is operated to facilitate their reintegration into the community, but does not provide treatment for alcohol or drug abuse. The term does not include a facility for the treatment of abuse of alcohol or drugs as defined in NRS 449.00455.*

Sec. 78. NRS 458.360 is hereby repealed.

Sec. 79. Notwithstanding the provisions of sections 2 to 44, inclusive, of this act, a person who engages in the practice of counseling alcohol and drug abusers is not required to be licensed or certified as an alcohol and drug abuse counselor or certified as an alcohol and drug abuse counselor intern pursuant to the provisions of this act before July 1, 2001.

Sec. 80. Notwithstanding the provisions of sections 2 to 44, inclusive, of this act, an applicant for:

1. A license as an alcohol and drug abuse counselor must be issued a license by the board of examiners for alcohol and drug abuse counselors if the applicant submits to the board before July 1, 2001:

- (a) An application on a form provided by the board;
- (b) The application fee prescribed in section 34 of this act;
- (c) Proof of his certification as an alcohol and drug abuse counselor by the bureau of alcohol and drug abuse of the rehabilitation division of the department of employment, training and rehabilitation; and
- (d) The statement required pursuant to section 22 of this act unless after October 1, 1999, the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

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

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

are repealed by the Congress of the United States.

2. A certificate as an alcohol and drug abuse counselor intern must be issued a certificate by the board of examiners for alcohol and drug abuse counselors if the applicant submits to the board before July 1, 2001:

- (a) An application on a form provided by the board;
- (b) The application fee prescribed in section 34 of this act;
- (c) Proof of his certification as an intern counselor by the bureau of alcohol and drug abuse of the rehabilitation division of the department of employment, training and rehabilitation; and
- (d) The statement required pursuant to section 22 of this act unless after October 1, 1999, the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses or certificates of persons who:

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

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

are repealed by the Congress of the United States.

Sec. 81. Notwithstanding the provisions of section 14 of this act, each alcohol and drug abuse counselor who is appointed to the board of examiners for alcohol and drug abuse counselors created pursuant to section 14 of this act to an initial term must be eligible for a license or certificate as an alcohol and drug abuse counselor but need not be licensed or certified pursuant to this chapter at the time he is appointed to the board.

Sec. 82. As soon as practicable after October 1, 1999, the governor shall appoint to the board of examiners for alcohol and drug abuse counselors:

1. One member whose term expires on September 30, 2001.
2. Two members whose terms expire on September 30, 2002.
3. Two members whose terms expire on September 30, 2003.

Sec. 83. The amendatory provisions of this act do not apply to offenses that were committed before October 1, 1999.

Sec. 84. 1. This section and sections 1 to 57, inclusive, 59 to 72, inclusive, and 78 to 83, inclusive, of this act become effective on October 1, 1999.

2. Sections 57.5 to 58.6, inclusive, of this act become effective on July 1, 2001.

3. Sections 73 to 77, inclusive, of this act, become effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

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

(b) Are in arrears in the payment for the support of one or more children,

are repealed by the Congress of the United States.

4. Sections 21, 22 and 43 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

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

(b) Are in arrears in the payment for the support of one or more children,

are repealed by the Congress of the United States.

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