

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 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:

- 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 44,
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 10, inclusive, of this act,*
6 *have 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.** *“Certificate” means a certificate issued to a person who is*
10 *certified as an alcohol and drug abuse counselor or an alcohol and drug*
11 *abuse counselor intern.*
- 12 **Sec. 5.** *“Certified counselor” means a person who is certified as an*
13 *alcohol and drug abuse counselor pursuant to the provisions of this*
14 *chapter.*
- 15 **Sec. 6.** *“Certified intern” means a person who is certified as an*
16 *alcohol and drug abuse counselor intern pursuant to the provisions of*
17 *this chapter.*

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

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

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

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

13 **Sec. 11.** *The practice of counseling alcohol and drug abusers is*
14 *hereby declared to be a learned profession, affecting public health, safety*
15 *and welfare and is subject to regulation to protect the public from the*
16 *practice of counseling alcohol and drug abusers by unqualified persons*
17 *and from unprofessional conduct by persons who are licensed or certified*
18 *to engage in the practice of counseling alcohol and drug abusers.*

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

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

25 1. *A physician who is licensed pursuant to the provisions of chapter*
26 *630 of NRS;*

27 2. *A registered nurse who is licensed pursuant to the provisions of*
28 *chapter 632 of NRS and is authorized by the state board of nursing to*
29 *engage in the practice of counseling alcohol and drug abusers;*

30 3. *A psychologist who is licensed pursuant to the provisions of*
31 *chapter 641 of NRS;*

32 4. *A marriage and family therapist who is licensed pursuant to the*
33 *provisions of chapter 641A of NRS and is authorized by the board of*
34 *examiners for marriage and family therapists to engage in the practice of*
35 *counseling alcohol and drug abusers; or*

36 5. *A person who is licensed as a social worker pursuant to the*
37 *provisions of chapter 641B of NRS and is authorized by the board of*
38 *examiners for social workers to engage in the practice of counseling*
39 *alcohol and drug abusers.*

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

43 2. *The board must consist of:*

1 (a) *Three members who are licensed as alcohol and drug abuse*
2 *counselors pursuant to the provisions of this chapter;*

3 (b) *One member who is certified as an alcohol and drug abuse*
4 *counselor pursuant to the provisions of this chapter; and*

5 (c) *One member who is a representative of the general public.*

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

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

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

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

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

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

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

21 4. *The board shall:*

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

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

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

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

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

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

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

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

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

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

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

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

8 (a) The applicants for a license;

9 (b) The applicants for a certificate;

10 (c) The licensed counselors;

11 (d) The certified counselors; and

12 (e) The certified interns.

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

14 3. An inventory of:

15 (a) The property of the board; and

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

17 **Sec. 18.** The board may:

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

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

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

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

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

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

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

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

1 2. *The application fee prescribed in section 34 of this act.*

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

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

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

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

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

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

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

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

23 4. *If an applicant indicates on the statement submitted pursuant to*
24 *subsection 1 that he is subject to a court order for the support of a child*
25 *and is not in compliance with the order or a plan approved by the district*
26 *attorney or other public agency enforcing the order for the repayment of*
27 *the amount owed pursuant to the order, the board shall advise the*
28 *applicant to notify the district attorney or other public agency enforcing*
29 *the order to determine the actions that the applicant may take to satisfy*
30 *the arrearage.*

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

33 1. *A person who:*

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

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

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

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

42 (e) *Passes the written and oral examinations prescribed by the board*
43 *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 social worker pursuant to chapter 641A of NRS;*
 - (2) Licensed as a marriage and family therapist pursuant to chapter 641B of NRS; or*
 - (3) A registered 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.*

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:

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

3 (b) Diagnose or classify a person as an alcoholic or abuser of drugs.

4 **Sec. 26. 1. The board shall issue a certificate as an alcohol and
5 drug abuse counselor intern to a person who:**

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

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

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

10 (d) Pays the fees required pursuant to section 34 of this act;

11 (e) Submits proof to the board that he:

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

15 (2) Has received an associate's degree, bachelor's degree, master's
16 degree or doctoral degree in nursing or in a field of social science
17 approved by the board; and

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

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

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

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

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

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

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

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

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

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

43 2. The board shall:

- 1 (a) *Examine applicants at least two times each year.*
- 2 (b) *Establish the time and place for the examinations.*
- 3 (c) *Provide such books and forms as may be necessary to conduct the*
- 4 *examinations.*

- 5 (d) *Establish, by regulation, the requirements for passing the*
- 6 *examination.*

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

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

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

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

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

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

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

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

26 **Sec. 30.** *The board shall issue a license or certificate without*
27 *examination to a person who holds a license or certificate as an alcohol*
28 *and drug abuse counselor in another state, a territory or possession of*
29 *the United States or the District of Columbia if the requirements of that*
30 *jurisdiction at the time the license or certificate was issued are deemed by*
31 *the board to be substantially equivalent to the requirements set forth in*
32 *the provisions of this chapter.*

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

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

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

42 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:

For the initial application for a license or certificate	\$150
For the issuance of a provisional license or certificate	125
For the issuance of an initial license or certificate	60
For the renewal of a license or certificate as an alcohol and drug abuse counselor.....	300

1	For the renewal of a certificate as an alcohol and drug	
2	abuse counselor intern.....	\$75
3	For the renewal of a delinquent license or certificate	75
4	For the restoration of an expired license or certificate	150
5	For the restoration of a suspended or revoked license or	
6	certificate	300
7	For the issuance of a license or certificate without	
8	examination.....	150
9	For an examination	150

10
11 2. The fees charged and collected pursuant to this section are not
12 refundable.

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

15 1. Conviction of:

16 (a) A felony;

17 (b) An offense involving moral turpitude; or

18 (c) A violation of a federal or state law regulating the possession,
19 distribution or use of a controlled substance or dangerous drug as
20 defined in chapter 453 of NRS;

21 2. Fraud or deception in:

22 (a) Applying for a license or certificate;

23 (b) Taking an examination for a license or certificate;

24 (c) Documenting the continuing education required to renew or
25 reinstate a license or certificate;

26 (d) Submitting a claim for payment to an insurer; or

27 (e) The practice of counseling alcohol and drug abusers;

28 3. Allowing the unauthorized use of a license or certificate issued
29 pursuant to this chapter;

30 4. Professional incompetence;

31 5. The habitual use of alcohol or any other drug that impairs the
32 ability of a licensed or certified counselor or certified intern to engage in
33 the practice of counseling alcohol and drug abusers;

34 6. Engaging in the practice of counseling alcohol and drug abusers
35 with an expired, suspended or revoked license or certificate; and

36 7. Engaging in behavior that is contrary to the ethical standards as
37 set forth in the regulations of the board.

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

1 specifically charge one or more of the grounds for initiating disciplinary
2 action.

3 2. As soon as practicable after the filing of the complaint, the board
4 shall set a date for a hearing thereon. The date must not be earlier than
5 30 days after the complaint is filed, except that the date may be changed
6 upon agreement of the parties. The board shall immediately notify the
7 licensed or certified counselor or certified intern of the complaint and the
8 date and place set for the hearing. A copy of the complaint must be
9 attached to the notice.

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

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

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

18 (a) Administer a public or private reprimand;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 (c) *The witness has failed or refused to attend or produce the books or*
41 *papers required by the subpoena before the board in the cause or*

42 *proceeding named in the subpoena, or has refused to answer questions*
43 *propounded to him in the course of the hearing; and*

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

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

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

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

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

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

28 **Sec. 43.** 1. *If the board receives a copy of a court order issued*
29 *pursuant to NRS 425.540 that provides for the suspension of all*
30 *professional, occupational and recreational licenses, certificates and*
31 *permits issued to a person, the board shall deem the license or certificate*
32 *to be suspended at the end of the 30th day after the date on which the*
33 *court order was issued unless the board receives a letter issued to the*
34 *person by the district attorney or other public agency pursuant to NRS*
35 *425.550 stating that the person has complied with the subpoena or*
36 *warrant or has satisfied the arrearage pursuant to NRS 425.560.*

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

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

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

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

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

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

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

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

19 **Sec. 45. NRS 632.120 is hereby amended to read as follows:**

20 632.120 1. The board shall:

21 (a) Adopt regulations establishing reasonable standards:

22 (1) For the denial, renewal, suspension and revocation of, and the
23 placement of conditions, limitations and restrictions upon, a license to
24 practice professional or practical nursing.

25 (2) Of professional conduct for the practice of nursing.

26 (3) For prescribing and dispensing controlled substances and
27 dangerous drugs in accordance with applicable statutes.

28 **(4) For the training of registered nurses to engage in the practice of**
29 **counseling alcohol and drug abusers.**

30 (b) Prepare and administer examinations for the issuance of a license
31 under this chapter.

32 (c) Investigate and determine the eligibility of an applicant for a license
33 under this chapter.

34 (d) Carry out and enforce the provisions of this chapter and the
35 regulations adopted pursuant thereto.

36 2. The board may adopt regulations establishing reasonable:

37 (a) Qualifications for the issuance of a license under this chapter.

38 (b) Standards for the continuing professional competence of licensees.
39 The board may evaluate licensees periodically for compliance with those
40 standards.

41 3. The board may adopt regulations establishing a schedule of
42 reasonable fees and charges, in addition to those set forth in NRS 632.345,
43 for:

1 (a) Investigating licensees and applicants for a license under this
2 chapter;

3 (b) Evaluating the professional competence of licensees;

4 (c) Conducting hearings pursuant to this chapter;

5 (d) Duplicating and verifying records of the board; and

6 (e) Surveying, evaluating and accrediting schools of practical nursing,
7 and schools and courses of professional nursing,
8 and collect the fees established pursuant to this subsection.

9 4. The board may adopt such regulations, not inconsistent with state or
10 federal law, as may be necessary to carry out the provisions of this chapter
11 relating to nursing assistant trainees and nursing assistants.

12 5. The board may adopt such other regulations, not inconsistent with
13 law, as are necessary to enable it to administer the provisions of this
14 chapter.

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

16 641.029 ~~{This chapter does}~~ *The provisions of this chapter do* not
17 apply to:

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

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

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

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

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

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

32 7. Any clergyman,
33 if such a person does not commit an act described in NRS 641.440 or
34 represent himself as a psychologist.

35 **Sec. 47.** NRS 641A.180 is hereby amended to read as follows:

36 641A.180 The board shall:

37 1. Adopt regulations specifying the criteria for courses of study that are
38 sufficient for the purposes of licensing; ~~{and}~~

39 2. *Adopt regulations prescribing the requirements for the training of*
40 *licensees to engage in the practice of counseling alcohol and drug*
41 *abusers; and*

42 3. Determine which schools in and out of this state have courses of
43 study for the preparation of marriage and family therapy which are

1 sufficient for the purposes of licensing. Published lists of educational
2 institutions accredited by recognized accrediting organizations may be used
3 in the evaluation of such courses of study.

4 **Sec. 48.** 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 ~~{certified}~~ *who is licensed* as a marriage and family
12 ~~{counselor}~~ *therapist* pursuant to chapter 641A of NRS;

13 5. A person *who is* licensed as an occupational therapist or
14 occupational therapy assistant pursuant to NRS 640A.010 to 640A.230,
15 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 or certified as an alcohol and*
19 *drug abuse counselor or certified as an alcohol and drug abuse*
20 *counselor intern pursuant to sections 2 to 44, 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. 49.** NRS 641B.160 is hereby amended to read as follows:

34 641B.160 The board shall adopt such regulations as are necessary or
35 desirable to enable it to carry out the provisions of this chapter ~~{H}~~,
36 *including regulations prescribing the requirements for the training of*
37 *licensees to engage in the practice of counseling alcohol and drug*
38 *abusers.*

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

40 62.2275 1. If a child within the jurisdiction of the juvenile court is
41 found by the juvenile court to have committed the unlawful act of:

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

1 (b) Using, possessing, selling or distributing a controlled substance; or
2 (c) Purchasing, consuming or possessing an alcoholic beverage in
3 violation of NRS 202.020,

4 the judge, or his authorized representative, shall require the child to
5 undergo an evaluation to determine if the child is an abuser of alcohol or
6 other drugs.

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

8 (a) Must be conducted by:

9 (1) ~~{A counselor certified}~~ *An alcohol and drug abuse counselor*
10 *who is licensed or certified or an alcohol and drug abuse counselor*
11 *intern who is certified pursuant to sections 2 to 44, inclusive, of this act*
12 to make that classification ~~{by the bureau of alcohol and drug abuse;}~~ ; or

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

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

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

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

21 3. The judge shall:

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

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

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

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

35 (2) The judge may order the child to perform supervised work for the
36 benefit of the community in lieu of paying the charges relating to his
37 evaluation and treatment. The work must be performed for and under the
38 supervising authority of a county, city, town or other political subdivision
39 or agency of the State of Nevada or a charitable organization that renders
40 service to the community or its residents. The court may require the child
41 or his parent or legal guardian to deposit with the court a reasonable sum of
42 money to pay for the cost of policies of insurance against liability for
43 personal injury and damage to property or for industrial insurance, or both,

1 during those periods in which the child performs the work, unless, in the
2 case of industrial insurance, it is provided by the authority for which he
3 performs the work.

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

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

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

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

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

25 7. As used in this section:

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

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

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

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

32 209.448 1. An offender who has no serious infraction of the
33 regulations of the department or the laws of the state recorded against him
34 must be allowed, in addition to the credits provided pursuant to NRS
35 209.433, 209.443, 209.446 or 209.4465, a deduction of not more than 30
36 days from the maximum term of his sentence for the successful completion
37 of a program of treatment for the abuse of alcohol or drugs which is
38 conducted jointly by the department and a person ~~[certified as a counselor~~
39 ~~by the bureau of alcohol and drug abuse of the rehabilitation division of the~~
40 ~~department of employment, training and rehabilitation.]~~ *who is licensed or*
41 *certified as an alcohol and drug abuse counselor or certified as an*
42 *alcohol and drug abuse counselor intern pursuant to sections 2 to 44,*
43 *inclusive, of this act.*

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

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

4 211.340 1. In addition to the credits on a term of imprisonment
5 provided for in NRS 211.310, 211.320 and 211.330, the sheriff of the
6 county or the chief of police of the municipality in which a prisoner is
7 incarcerated may deduct not more than 5 days from his term of
8 imprisonment if the prisoner:

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

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

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

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

23 218.825 1. Each of the boards and commissions created by the
24 provisions of chapters 623 to 625A, inclusive, chapters 628 to 644,
25 inclusive, and chapters 654 and 656 of NRS *and sections 2 to 44,*
26 *inclusive, of this act* shall engage the services of a certified public
27 accountant or public accountant, or firm of either of such accountants, to
28 audit all ~~to~~ its fiscal records once each year for the preceding fiscal year
29 or once every other year for the 2 preceding fiscal years. The cost of the
30 audit must be paid by the board or commission audited.

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

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

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

2 232.920 The director:

3 1. Shall:

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

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

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

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

21 3. Is responsible for the preparation of a consolidated state plan for the
22 bureau of services to the blind and visually impaired, the bureau of
23 vocational rehabilitation and any other program administered by the
24 rehabilitation division which he considers appropriate to incorporate into
25 the consolidated state plan before submission to the Federal Government.
26 This subsection does not apply if any federal regulation exists which
27 prohibits a consolidated plan.

28 4. In developing and revising state plans pursuant to subsection 3, shall
29 consider, among other things, the amount of money available from the
30 Federal Government for the programs of the division and the conditions
31 attached to the acceptance of that money, and the limitations of legislative
32 appropriations for the programs.

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

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

36 284.013 1. Except as otherwise provided in subsection 4, this chapter
37 does not apply to:

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

41 (b) Any person who is employed by a board, commission, committee or
42 council created in chapters 590, 623 to 625A, inclusive, 628, 630 to 644,

1 inclusive, 648, 652, 654 and 656 of NRS ~~H~~ *and sections 2 to 44,*
2 *inclusive, of this act;* or

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

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

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

17 4. Any board, commission, committee or council created in chapters
18 590, 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 652, 654 and
19 656 of NRS *and sections 2 to 44, inclusive, of this act* which contracts for
20 the services of a person, shall require the contract for those services to be in
21 writing. The contract must be approved by the state board of examiners
22 before those services may be provided.

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

24 353A.010 As used in this chapter, unless the context otherwise
25 requires:

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

29 (a) A board or commission created by the provisions of chapters 623 to
30 625, inclusive, 628 to 644, inclusive, 654 and 656 of NRS ~~H~~ *and sections*
31 *2 to 44, inclusive, of this act.*

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

33 (c) The public employees’ retirement system.

34 (d) The state industrial insurance system.

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

36 (f) The Colorado River commission.

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

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

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

2 458.010 As used in NRS 458.010 to ~~458.360,~~ **458.350**, inclusive,
3 unless the context requires otherwise:

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

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

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

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

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

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

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

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

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

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

26 458.025 The bureau of alcohol and drug abuse is hereby created in the
27 rehabilitation division of the department. The bureau:

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

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

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

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

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

1 acceptance of the money, and the limitations of legislative appropriations
2 for alcohol and drug abuse programs.

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

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

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

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

26 458.031 The department shall administer the provisions of NRS
27 458.010 to ~~{458.360,}~~ *458.350*, inclusive, as the sole agency of the State of
28 Nevada for that purpose.

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

30 458.035 The department may contract with any appropriate public or
31 private agency, organization or institution ~~{in order}~~ to carry out the
32 provisions of NRS 458.010 to ~~{458.360,}~~ *458.350*, inclusive.

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

34 458.043 As executive head of the bureau, the chief shall:

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

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

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

42 458.055 1. To preserve the confidentiality of any information
43 concerning persons applying for or receiving any services pursuant to NRS

1 458.010 to ~~[458.360,]~~ 458.350, inclusive, the bureau may establish and
2 enforce rules governing the confidential nature, custody, use and
3 preservation of the records, files and communications filed with the bureau.

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

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

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

17 458.091 Alcohol and drug abusers must be admitted to public or
18 private general medical hospitals which receive federal or state money for
19 alcohol and drug abuse programs, and must be treated in ~~[such]~~ those
20 hospitals on the basis of their medical need. No general medical hospital
21 that violates this section is eligible to receive further federal or state
22 assistance pursuant to NRS 458.010 to ~~[458.360,]~~ 458.350, inclusive.

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

24 458.100 1. All gifts or grants of money which the bureau is
25 authorized to accept must be deposited in the state treasury for credit to the
26 state grant and gift account for alcohol and drug abuse which is hereby
27 created in the department of employment, training and rehabilitation's gift
28 fund.

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

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

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

34 458.110 In addition to the activities set forth in NRS 458.025 to
35 458.115, inclusive, the bureau may engage in any activity necessary to
36 effectuate the purposes of NRS 458.010 to ~~[458.360,]~~ 458.350, inclusive.

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

38 458.115 Money to carry out the provisions of NRS 458.010 to
39 ~~[458.360,]~~ 458.350, inclusive, must be provided by direct legislative
40 appropriation from the state general fund and paid out on claims as other
41 claims against the state are paid. All claims must be approved by the chief
42 before they are paid.

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

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

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

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

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

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

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

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

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

25 (a) A violation of NRS 484.3795;

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

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

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

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

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

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

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

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

(c) Advise the offender that:

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

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

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

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

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

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

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

Sec. 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) 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~~

1 ~~—(2) Physician~~; or

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

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

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

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

13 (a) A violation of NRS 484.3795;

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

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

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

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

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

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

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

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

37 (c) Advise the offender that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 2. The evaluation must be conducted by:

28 (a) ~~{A counselor certified}~~ *An alcohol and drug abuse counselor who*
29 *is licensed or certified pursuant to sections 2 to 44, inclusive, of this act*
30 *to make such an evaluation ;* ~~{by the bureau of alcohol and drug abuse of~~
31 ~~the rehabilitation division of the department of employment, training and~~
32 ~~rehabilitation;}~~

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

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

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

40 **Sec. 71.** NRS 488.430 is hereby amended to read as follows:

41 488.430 1. Before sentencing a defendant pursuant to NRS 488.420,
42 the court shall require that the defendant be evaluated to determine whether

1 he is an abuser of alcohol or drugs and whether he can be treated
2 successfully for his condition.

3 2. The evaluation must be conducted by:

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

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

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

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

16 **Sec. 72.** NRS 608.0116 is hereby amended to read as follows:

17 608.0116 "Professional" means pertaining to an employee who is
18 licensed or certified by the State of Nevada for and engaged in the practice
19 of law or any of the professions regulated by chapters 623 to 645, inclusive,
20 of NRS ~~[.]~~ *and sections 2 to 44, inclusive, of this act.*

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

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

24 1. A person who:

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

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

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

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

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

35 (f) Pays the fees required pursuant to section 34 of this act . ~~[.]~~
36 ~~and~~

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

39 2. A person who:

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

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

43 (c) Is:

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

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

(3) A registered 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. ~~;~~
and

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

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 nursing or 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 nursing or 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

1 requirements of section 32 of this act and paying, in addition to the
2 fee for the renewal of the license or certificate, the fee for the
3 renewal of a delinquent license or certificate prescribed in section
4 34 of this act.

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

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

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

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

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

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

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

20 **Sec. 78.** NRS 458.026, 458.027, 458.028 and 458.360 are hereby
21 repealed.

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

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

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

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

33 (b) The application fee prescribed in section 34 of this act;

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

37 (d) The statement required pursuant to section 22 of this act unless after
38 October 1, 1999, the provisions of 42 U.S.C. § 666 requiring each state to
39 establish procedures under which the state has authority to withhold or
40 suspend, or to restrict the use of professional, occupational and recreational
41 licenses of persons who:

1 (1) 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 (2) 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.

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

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

11 (b) The application fee prescribed in section 34 of this act;

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

15 (d) The statement required pursuant to section 22 of this act unless after
16 October 1, 1999, the provisions of 42 U.S.C. § 666 requiring each state to
17 establish procedures under which the state has authority to withhold or
18 suspend, or to restrict the use of professional, occupational and recreational
19 licenses or certificates of persons who:

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

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

25 are repealed by the Congress of the United States.

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

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

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

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

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

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

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

42 2. Sections 73 to 77, inclusive, of this act, become effective on the date
43 on which the provisions of 42 U.S.C. § 666 requiring each state to establish

- 1 procedures under which the state has authority to withhold or suspend, or to
2 restrict the use of professional, occupational and recreational licenses of
3 persons who:
- 4 (a) Have failed to comply with a subpoena or warrant relating to a
5 procedure to determine the paternity of a child or to establish or enforce an
6 obligation for the support of a child; or
- 7 (b) Are in arrears in the payment for the support of one or more
8 children,
9 are repealed by the Congress of the United States.
- 10 3. Sections 21, 22 and 43 of this act expire by limitation on the date on
11 which the provisions of 42 U.S.C. § 666 requiring each state to establish
12 procedures under which the state has authority to withhold or suspend, or to
13 restrict the use of professional, occupational and recreational licenses of
14 persons who:
- 15 (a) Have failed to comply with a subpoena or warrant relating to a
16 procedure to determine the paternity of a child or to establish or enforce an
17 obligation for the support of a child; or
- 18 (b) Are in arrears in the payment for the support of one or more
19 children,
20 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.

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