

Senate Bill No. 319—Senators O'Donnell and O'Connell

CHAPTER.....

AN ACT relating to substance abuse; providing for the licensing and regulation of halfway houses for alcohol and drug abusers as facilities for the dependent; repealing the requirements for the certification of the operators of such halfway houses by the bureau of alcohol and drug abuse in the department of human resources; 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. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

“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 any treatment for alcohol or drug abuse.

Sec. 2. NRS 449.001 is hereby amended to read as follows:

449.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 449.0015 to 449.019, inclusive, *and section 1 of this act* have the meanings ascribed to them in those sections.

Sec. 3. NRS 449.004 is hereby amended to read as follows:

449.004 “Facility for the care of adults during the day” means an establishment operated and maintained to provide care during the day on a temporary or permanent basis for aged or infirm persons. *The term does not include a halfway house for alcohol and drug abusers.*

Sec. 4. NRS 449.0045 is hereby amended to read as follows:

449.0045 “Facility for the dependent” includes a facility for the treatment of abuse of alcohol or drugs, *halfway house for alcohol and drug abusers*, facility for the care of adults during the day or residential facility for groups.

Sec. 5. NRS 449.0105 is hereby amended to read as follows:

449.0105 “Home for individual residential care” means a home in which a natural person furnishes food, shelter, assistance and limited supervision, for compensation, to not more than two persons who are aged, infirm, mentally retarded or handicapped, unless the persons receiving those services are related within the third degree of consanguinity or affinity to the person providing those services. *The term does not include a halfway house for alcohol and drug abusers.*

Sec. 6. NRS 449.017 is hereby amended to read as follows:

449.017 1. Except as otherwise provided in subsection 2, “residential facility for groups” means an establishment that furnishes food, shelter, assistance and limited supervision to an aged, infirm, mentally retarded or handicapped person.

2. The term does not include:

- (a) An establishment which provides care only during the day;
- (b) A natural person who provides care for no more than two persons in his own home;
- (c) A natural person who provides care for one or more persons related to him within the third degree of consanguinity or affinity;
- (d) A halfway house for alcohol and drug abusers; or*

~~[(d)]~~ (e) A facility funded by a division or program of the department of human resources.

Sec. 7. NRS 458.010 is hereby amended to read as follows:

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

1. "Administrator" means the administrator of the health division.
2. "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.
3. "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.
4. "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.
5. "Board" means the state board of health.
6. "Civil protective custody" means a custodial placement of a person to protect his health or safety. Civil protective custody does not have any criminal implication.
7. "Detoxification technician" means a person who is certified by the health division to provide screening for the safe withdrawal from alcohol and other drugs.
8. "Facility" means a physical structure used for the education, prevention and treatment, including mental and physical restoration, of alcohol and drug abusers.
9. ~~["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.~~

~~—10.]~~ "Health division" means the health division of the department of human resources.

Sec. 8. NRS 458.025 is hereby amended to read as follows:

458.025 The health division:

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 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 this 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 persons who have professional training in fields of health and other persons involved in the 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 health division shall consider, without limitation, the amount of money available from the Federal Government for alcohol and drug abuse programs and the conditions

attached to the acceptance of that money, and the limitations of legislative appropriations for alcohol and drug abuse programs.

2. Shall coordinate the efforts to carry out the state plan and coordinate all state and federal financial support of alcohol and drug abuse programs in this state.

3. Must be consulted in the planning of projects and advised of all applications for grants from within this state which are concerned with alcohol and drug abuse programs, and shall review the applications and advise the applicants concerning the applications.

4. Shall certify or deny certification of ~~any halfway houses for alcohol and drug abusers,~~ detoxification technicians or any facilities or programs on the basis of the standards established by the board pursuant to this section, and publish a list of certified ~~halfway houses for alcohol and drug abusers,~~ detoxification technicians, facilities and programs. Any ~~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 board shall adopt regulations. The regulations:

(a) ~~Must prescribe the standards for certification of halfway houses for alcohol and drug abusers, facilities and programs;~~

~~—(b)—~~ Must prescribe the requirements for continuing education for persons certified as detoxification technicians; and

~~—(c)—~~ (b) May prescribe the fees for the certification of ~~halfway houses for alcohol and drug abusers,~~ detoxification technicians, facilities or programs. A fee prescribed pursuant to this paragraph must be calculated to produce the revenue estimated to cover the costs related to the certifications, but in no case may a fee for a certificate exceed the actual cost to the health division of issuing the certificate.

5. Upon request from a facility which is self-supported, may certify the facility, its programs and detoxification technicians and add them to the list described in subsection 4.

Sec. 9. NRS 458.026 is hereby amended to read as follows:

458.026 1. An applicant for the issuance or renewal of his certification as a detoxification technician ~~for as the operator of a halfway house for alcohol and drug abusers,~~ must submit to the health division 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 health division 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 health division.

3. The certification of a person as a detoxification technician ~~for as the operator of a halfway house for alcohol and drug abusers,~~ may not be issued or renewed by the health division 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. 10. NRS 458.027 is hereby amended to read as follows:

458.027 1. If the health division 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 a detoxification technician, ~~for as the operator of a halfway house for alcohol and drug abusers,~~ the health division 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 health division 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 health division shall reinstate the certification of a person as a detoxification technician ~~for 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 health division 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. 11. NRS 458.028 is hereby amended to read as follows:

458.028 An application for the certification of a detoxification technician ~~for as the operator of a halfway house for alcohol and drug abusers,~~ must include the social security number of the applicant.

Sec. 12. NRS 129.050 is hereby amended to read as follows:

129.050 1. Except as otherwise provided in section 5 of *Assembly Bill No. 173 of this 1st session*, any minor who is under the influence of, or suspected of being under the influence of, a controlled substance:

(a) May give express consent; or

(b) If unable to give express consent, shall be deemed to consent,

to the furnishing of hospital, medical, surgical or other care for the treatment of abuse of drugs or related illnesses by any public or private hospital, medical facility, facility for the dependent, *other than a halfway house for alcohol and drug abusers*, or any licensed physician, and the consent of the minor is not subject to disaffirmance because of minority.

2. Immunity from civil or criminal liability extends to any physician or other person rendering care or treatment pursuant to subsection 1, in the absence of negligent diagnosis, care or treatment.

3. The consent of the parent or the legal guardian of the minor is not necessary to authorize such care, but any physician who treats a minor pursuant to this section shall make every reasonable effort to report the fact of treatment to the parent or parents or legal guardian within a reasonable time after treatment.

Sec. 12.5. Section 1 of Senate Bill No. 74 of this session is hereby amended to read as follows:

Section 1. NRS 449.017 is hereby amended to read as follows:

449.017 1. Except as otherwise provided in subsection 2, "residential facility for groups" means an establishment that furnishes food, shelter, assistance and limited supervision to an aged, infirm, mentally retarded or handicapped person. *The term includes, without limitation, an assisted living facility.*

2. The term does not include:

- (a) An establishment which provides care only during the day;
- (b) A natural person who provides care for no more than two persons in his own home;
- (c) A natural person who provides care for one or more persons related to him within the third degree of consanguinity or affinity;
- (d) A halfway house for alcohol and drug abusers; or
- (e) A facility funded by a division or program of the department of human resources.

Sec. 13. NRS 458.141, 458.145, 458.151, 458.155, 458.161, 458.165 and 458.171 are hereby repealed.

Sec. 14. Any regulations adopted by the bureau of alcohol and drug abuse in the department of human resources pursuant to NRS 458.161 are void. The legislative counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after January 1, 2002.

Sec. 15. 1. The amendatory provisions of sections 1 to 12, inclusive, of this act do not apply to any offenses committed before January 1, 2002.

2. The provisions of sections 13 and 14 of this act do not apply to any offenses committed or actions taken before January 1, 2002, regarding the provisions of NRS 458.141 to 458.171, inclusive, or any legal proceedings relating to any such offenses or actions which are pending on December 31, 2001.

Sec. 16. This act becomes effective:

- 1. Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and
- 2. On January 1, 2002, for all other purposes.