

ASSEMBLY BILL NO. 424—ASSEMBLYWOMAN LESLIE

MARCH 19, 2007

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to the licensure of counselors. (BDR 54-1294)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: 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; providing in skeleton form for the licensing and regulation of professional counselors and advanced alcohol and drug abuse counselors; revising the name and expanding the membership of the Board of Examiners for Marriage and Family Therapists; requiring reimbursement for services provided by a licensed professional counselor or licensed advanced alcohol and drug abuse counselor under certain policies of health insurance; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 **Sections 3 and 4** of this bill provide definitions for the terms “practice of
2 professional counseling” and “professional counselor.” **Sections 5 and 6** of this bill
3 establish the requirements for a license to practice as a professional counselor.
4 **Sections 7-11, 13-25 and 27-29** of this bill amend certain provisions of chapter
5 641A of NRS to include professional counselors under the regulation of the Board
6 of Examiners for Marriage and Family Therapists. **Section 12** of this bill increases
7 the membership of the Board of Examiners for Marriage and Family Therapists
8 from six to eight members. **Section 13** of this bill requires that two members of the
9 Board must be licensed professional counselors. **Section 26** of this bill prohibits a
10 person from engaging in the practice of professional counseling without a license.
11 **Section 31** of this bill establishes the requirements for the issuance of a license as
12 an advanced alcohol and drug abuse counselor. **Section 32** of this bill establishes
13 the requirements for a license as an advanced alcohol and drug abuse counselor
14 intern. **Section 33** of this bill establishes the scope of practice of an advanced
15 alcohol and drug abuse counselor and the duration of his license. **Section 36** of this
16 bill revises the definition of the “practice of counseling alcohol and drug abusers.”



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Section 38 of this bill clarifies the scope of practice of an alcohol and drug abuse counselor. **Sections 40-42** of this bill require a professional counselor to report to certain governmental agencies, including law enforcement agencies, cases of known or suspected abuse or neglect of an older person, vulnerable person or a child. **Sections 43-46** of this bill require reimbursement for services provided by a licensed professional counselor or advanced alcohol and drug abuse counselor under certain policies of health insurance.

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

Section 1. NRS 632.472 is hereby amended to read as follows:

632.472 1. The following persons shall report in writing to the Executive Director of the Board any conduct of a licensee or holder of a certificate which constitutes a violation of the provisions of this chapter:

(a) Any physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, nursing assistant, physician assistant, psychiatrist, psychologist, marriage and family therapist, *professional counselor*, alcohol or drug abuse counselor, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this State.

(b) Any personnel of a medical facility or facility for the dependent engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a medical facility or facility for the dependent upon notification by a member of the staff of the facility.

(c) A coroner.

(d) Any person who maintains or is employed by an agency to provide personal care services in the home.

(e) Any person who maintains or is employed by an agency to provide nursing in the home.

(f) Any employee of the Department of Health and Human Services.

(g) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(h) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(i) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect or exploitation of an older person and refers them to persons and agencies where their requests and needs can be met.



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(j) Any social worker.

2. Every physician who, as a member of the staff of a medical facility or facility for the dependent, has reason to believe that a nursing assistant has engaged in conduct which constitutes grounds for the denial, suspension or revocation of a certificate shall notify the superintendent, manager or other person in charge of the facility. The superintendent, manager or other person in charge shall make a report as required in subsection 1.

3. A report may be filed by any other person.

4. Any person who in good faith reports any violation of the provisions of this chapter to the Executive Director of the Board pursuant to this section is immune from civil liability for reporting the violation.

5. As used in this section, "agency to provide personal care services in the home" has the meaning ascribed to it in NRS 449.0021.

Sec. 2. Chapter 641A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 6, inclusive, of this act.

Sec. 3. 1. "Practice of professional counseling" means assisting clients by the application of established principles, including, without limitation:

(a) *Counseling by applying the principles, methods, techniques and theories of counseling, consultation, defining goals and developing a plan designed to prevent and resolve the emotional, social, cognitive, behavioral, educational and career-related concerns of a client while promoting the overall development of his whole person;*

(b) *Consulting by applying principles and methods to provide assistance to a client in addressing the problems of another person;*

(c) *Referral of a client to another professional based on an evaluation of the needs of the client; and*

(d) *Research by a systematic effort to collect, analyze and interpret data that addresses the social interactions between persons.*

2. *The term does not include:*

(a) *The diagnosis or treatment of a psychotic disorder; or*

(b) *The use of a psychological or psychometric assessment test to determine intelligence, personality, aptitude, interests or addictions.*

Sec. 4. "Professional counselor" means a person who describes himself or his services to the public by any title or description which incorporates the term "professional counselor"



1 *and under such a title offers to provide or provides services to any*
2 *person.*

3 **Sec. 5.** *Each applicant for a license to practice as a*
4 *professional counselor must furnish evidence satisfactory to the*
5 *Board that he:*

- 6 1. *Is at least 21 years of age;*
7 2. *Is of good moral character;*
8 3. *Is a citizen of the United States, or is lawfully entitled to*
9 *remain and work in the United States;*

10 4. *Has:*
11 (a) *Completed his residency training in psychiatry from an*
12 *accredited institution approved by the Board;*

13 (b) *A graduate degree in counseling in a program approved by*
14 *the Council for Accreditation of Counseling and Related*
15 *Educational Programs of the American Counseling Association;*
16 *or*

17 (c) *Completed other education and training which is deemed*
18 *equivalent by the Board;*

19 5. *Has at least 1 year of postgraduate experience in*
20 *professional counseling deemed satisfactory to the Board; and*

21 6. *Holds an undergraduate degree from an accredited*
22 *institution approved by the Board.*

23 **Sec. 6.** 1. *Except as otherwise provided in subsection 2,*
24 *each qualified applicant for a license to practice as a professional*
25 *counselor must be given a written examination by the Board on*
26 *his knowledge of professional counseling. Examinations must be*
27 *given at a time and place and under such supervision as the Board*
28 *may determine. A grade of 70 percent or higher is a passing grade.*

29 2. *The Board shall accept receipt of a passing grade by a*
30 *qualified applicant on the National Counselor Examination or the*
31 *National Clinical Mental Health Counselor Examination*
32 *administered by the National Board of Certified Counselors in lieu*
33 *of requiring a written examination pursuant to subsection 1.*

34 3. *In addition to the requirements of subsections 1 and 2, the*
35 *Board may require an oral examination. The Board may examine*
36 *applicants in any applied or theoretical fields it deems appropriate.*

37 **Sec. 7.** NRS 641A.010 is hereby amended to read as follows:

38 641A.010 The practice of marriage and family therapy ~~is~~ *and*
39 *the practice of professional counseling are* hereby declared ~~a~~
40 ~~learned profession,~~ *to be learned professions* profoundly affecting
41 public safety and welfare and charged with the public interest, and
42 therefore subject to protection and regulation by the State.

43 **Sec. 8.** NRS 641A.020 is hereby amended to read as follows:

44 641A.020 As used in this chapter, unless the context otherwise
45 requires, words and terms defined in NRS 641A.030 to 641A.080,



1 inclusive, *and sections 3 and 4 of this act* have the meanings
2 assigned to them in ~~[such]~~ *those* sections.

3 **Sec. 9.** NRS 641A.030 is hereby amended to read as follows:

4 641A.030 “Board” means the Board of Examiners for
5 Marriage and Family Therapists ~~[and]~~ *and Professional Counselors.*

6 **Sec. 10.** NRS 641A.040 is hereby amended to read as follows:

7 641A.040 “License” means a license issued by the Board
8 pursuant to this chapter to practice as a marriage and family
9 therapist ~~[or to practice as a professional counselor]~~.

10 **Sec. 11.** NRS 641A.050 is hereby amended to read as follows:

11 641A.050 “Licensee” means a person licensed as a marriage
12 and family therapist *or a professional counselor* by the Board.

13 **Sec. 12.** NRS 641A.090 is hereby amended to read as follows:

14 641A.090 The Board of Examiners for Marriage and Family
15 Therapists ~~[and]~~ *and Professional Counselors*, consisting of ~~[six]~~ *eight*
16 members appointed by the Governor, is hereby created.

17 **Sec. 13.** NRS 641A.100 is hereby amended to read as follows:

18 641A.100 1. The Governor shall appoint to the Board:

19 (a) Four members who are licensed marriage and family
20 therapists and are in good standing with or acceptable for
21 membership in their local or state societies and associations when
22 they exist; ~~[and]~~

23 (b) *Two members who are licensed professional counselors*
24 *and are in good standing with or acceptable for membership in*
25 *their local or state societies and associations when they exist; and*

26 (c) Two members who are representatives of the general public.
27 These members must not be:

28 (1) A marriage and family therapist; ~~[or]~~

29 (2) *A professional counselor; or*

30 (3) The spouse or the parent or child, by blood, marriage or
31 adoption, of a marriage and family therapist ~~[or]~~ *or professional*
32 *counselor.*

33 2. The members who are representatives of the general public
34 shall not participate in preparing, conducting or grading any
35 examination required by the Board.

36 3. The Governor may, after notice and hearing, remove any
37 member of the Board for misconduct in office, incompetence,
38 neglect of duty or other sufficient cause.

39 **Sec. 14.** NRS 641A.130 is hereby amended to read as follows:

40 641A.130 The Board shall meet at least once every 6 months at
41 a time and place fixed by the Board. The Board shall hold a special
42 meeting upon a call of the President or upon a request by a majority
43 of the members. ~~[Three]~~ *Five* members of the Board constitute a
44 quorum.



Sec. 15. NRS 641A.160 is hereby amended to read as follows:

641A.160 The Board shall adopt regulations not inconsistent with the provisions of this chapter governing its procedure, the examination and licensing of applicants, the granting, refusal, revocation or suspension of licenses, and the practice of marriage and family therapy *and the practice of professional counseling* as ~~it applies~~ *those practices apply* to this chapter.

Sec. 16. NRS 641A.180 is hereby amended to read as follows:

641A.180 The Board shall:

1. Adopt regulations specifying the criteria for courses of study that are sufficient for the purposes of licensing; and

2. Determine which schools in and out of this State have courses of study for the preparation of marriage and family therapy *and professional counseling* which are sufficient for the purposes of licensing. Published lists of educational institutions accredited by recognized accrediting organizations may be used in the evaluation of ~~such~~ *those* courses of study.

Sec. 17. NRS 641A.215 is hereby amended to read as follows:

641A.215 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license ~~as a marriage and family therapist~~ shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license ~~as a marriage and family therapist~~ shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

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

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

(b) A separate form prescribed by the Board.

3. A license ~~as a marriage and family therapist~~ may not be issued or renewed by the Board if the applicant:

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

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

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



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1 child and is not in compliance with the order or a plan approved by
2 the district attorney or other public agency enforcing the order for
3 the repayment of the amount owed pursuant to the order, the Board
4 shall advise the applicant to contact the district attorney or other
5 public agency enforcing the order to determine the actions that the
6 applicant may take to satisfy the arrearage.

7 **Sec. 18.** NRS 641A.215 is hereby amended to read as follows:

8 641A.215 1. In addition to any other requirements set forth in
9 this chapter, an applicant for the issuance or renewal of a license ~~as~~
10 ~~a marriage and family therapist~~ shall submit to the Board the
11 statement prescribed by the Division of Welfare and Supportive
12 Services of the Department of Health and Human Services pursuant
13 to NRS 425.520. The statement must be completed and signed by
14 the applicant.

15 2. The Board shall include the statement required pursuant to
16 subsection 1 in:

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

19 (b) A separate form prescribed by the Board.

20 3. A license ~~as a marriage and family therapist~~ may not be
21 issued or renewed by the Board if the applicant:

22 (a) Fails to submit the statement required pursuant to subsection
23 1; or

24 (b) Indicates on the statement submitted pursuant to subsection
25 1 that he is subject to a court order for the support of a child and is
26 not in compliance with the order or a plan approved by the district
27 attorney or other public agency enforcing the order for the
28 repayment of the amount owed pursuant to the order.

29 4. If an applicant indicates on the statement submitted pursuant
30 to subsection 1 that he is subject to a court order for the support of a
31 child and is not in compliance with the order or a plan approved by
32 the district attorney or other public agency enforcing the order for
33 the repayment of the amount owed pursuant to the order, the Board
34 shall advise the applicant to contact the district attorney or other
35 public agency enforcing the order to determine the actions that the
36 applicant may take to satisfy the arrearage.

37 **Sec. 19.** NRS 641A.220 is hereby amended to read as follows:

38 641A.220 Each applicant *for a license to practice as a*
39 *marriage and family therapist* must furnish evidence satisfactory to
40 the Board that he:

41 1. Is at least 21 years of age;

42 2. Is of good moral character;

43 3. Is a citizen of the United States, or is lawfully entitled to
44 remain and work in the United States;



4. Has completed his residency training in psychiatry from an accredited institution approved by the Board, has a graduate degree in marriage and family therapy, psychology or social work from an accredited institution approved by the Board or has completed other education and training which is deemed equivalent by the Board;

5. Has at least 1 year of postgraduate experience in marriage and family therapy deemed satisfactory to the Board; and

6. Holds an undergraduate degree from an accredited institution approved by the Board.

Sec. 20. NRS 641A.230 is hereby amended to read as follows:

641A.230 1. Except as otherwise provided in subsection 2, each qualified applicant for a license *to practice as a marriage and family therapist* must be given a written examination by the Board on his knowledge of marriage and family therapy. Examinations must be given at a time and place and under such supervision as the Board may determine. A grade of 70 percent *or higher* is a passing grade.

2. The Board shall accept receipt of a passing grade by a qualified applicant on the national examination sponsored by the American Association for Marriage and Family Therapy in lieu of requiring a written examination pursuant to subsection 1.

3. In addition to the requirements of subsections 1 and 2, the Board may require an oral examination. The Board may examine *applicants* in whatever applied or theoretical fields it deems appropriate.

Sec. 21. NRS 641A.265 is hereby amended to read as follows:

641A.265 The Board may waive all or part of the requirement of continuing education in a particular year if the marriage and family therapist *or professional counselor* was prevented from fulfilling the requirement ~~by~~ *because of* circumstances beyond his control.

Sec. 22. NRS 641A.285 is hereby amended to read as follows:

641A.285 1. Upon written request to the Board and payment of the fee prescribed by the Board, a licensee in good standing may have his name and license transferred to an inactive list for a period not to exceed 3 continuous years. A licensee shall not practice marriage and family therapy *or professional counseling* during the time his license is inactive. If an inactive licensee desires to resume the practice of marriage and family therapy ~~or~~ *or professional counseling*, the Board must reactivate the license upon the:

(a) Completion of an application for reactivation;

(b) Payment of the fee for renewal of the license; and

(c) Demonstration, if deemed necessary by the Board, that the licensee is then qualified and competent to practice.



1 ➤ Except as otherwise provided in subsection 2, the licensee is not
2 required to pay the delinquency fee or the renewal fee for any year
3 while the license was inactive.

4 2. Any license that remains inactive for a period which exceeds
5 3 continuous years is deemed:

6 (a) To effect a revocation for the purposes of NRS 641A.270.

7 (b) To have lapsed at the beginning of that period for the
8 purposes of NRS 641A.280.

9 3. The Board may adopt such regulations as it deems necessary
10 to carry out the provisions of this section, including without
11 limitation, regulations governing the renewal of inactive licenses
12 and any requirement of continuing education for inactive licensees.

13 **Sec. 23.** NRS 641A.310 is hereby amended to read as follows:

14 641A.310 The Board may refuse to grant a license or may
15 suspend or revoke a license for any of the following reasons:

16 1. Conviction of a felony relating to the practice of marriage
17 and family therapy *or professional counseling* or of any offense
18 involving moral turpitude, the record of conviction being conclusive
19 evidence thereof.

20 2. Habitual drunkenness or addiction to the use of a controlled
21 substance.

22 3. Impersonating a licensed marriage and family therapist *or a*
23 *professional counselor* or allowing another person to use his
24 license.

25 4. Using fraud or deception in applying for a license or in
26 passing the examination provided for in this chapter.

27 5. Rendering or offering to render services outside the area of
28 his training, experience or competence.

29 6. Committing unethical practices contrary to the interest of the
30 public as determined by the Board.

31 7. Unprofessional conduct as determined by the Board.

32 8. Negligence, fraud or deception in connection with services
33 he is licensed to provide pursuant to this chapter.

34 **Sec. 24.** NRS 641A.313 is hereby amended to read as follows:

35 641A.313 1. If the Board receives a copy of a court order
36 issued pursuant to NRS 425.540 that provides for the suspension of
37 all professional, occupational and recreational licenses, certificates
38 and permits issued to a person who is the holder of a license, ~~[as a~~
39 ~~marriage and family therapist.]~~ the Board shall deem the license
40 issued to that person to be suspended at the end of the 30th day after
41 the date on which the court order was issued unless the Board
42 receives a letter issued to the holder of the license by the district
43 attorney or other public agency pursuant to NRS 425.550 stating
44 that the holder of the license has complied with the subpoena or
45 warrant or has satisfied the arrearage pursuant to NRS 425.560.



2. The Board shall reinstate a license ~~as a marriage and family therapist~~ that has been suspended by a district court pursuant to NRS 425.540 if the Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 25. NRS 641A.315 is hereby amended to read as follows:

641A.315 1. If the Board or any investigative committee of the Board has reason to believe that the conduct of any marriage and family therapist *or professional counselor* has raised a reasonable question as to his competence to practice therapy *or professional counseling* with reasonable skill and safety, it may order the marriage and family therapist *or professional counselor* to undergo:

(a) A mental or physical examination administered by an appropriately licensed provider of health care;

(b) An examination testing his competence to practice therapy ~~as a marriage and family therapist~~ *or professional counseling*; or

(c) Any other examination designated by the Board, to assist the Board or committee in determining the fitness of the marriage and family therapist to practice therapy ~~as a marriage and family therapist~~ *or the professional counselor to practice professional counseling*.

2. For the purposes of this section:

(a) Every *marriage and family* therapist *or professional counselor* who applies for a license or who is licensed pursuant to this chapter is deemed to have given his consent to submit to any examination ordered pursuant to subsection 1 when ordered to do so in writing by the Board.

(b) The testimony and reports of the examining provider of health care are not privileged communications.

3. Except in extraordinary circumstances, as determined by the Board, the failure of a *marriage and family* therapist *or professional counselor* licensed pursuant to this chapter to submit to an examination when ordered to do so as provided in this section constitutes an admission of the charges against him.

4. The Board may require the marriage and family therapist *or professional counselor* to pay the cost of the examination.

Sec. 26. NRS 641A.410 is hereby amended to read as follows:

641A.410 1. It is unlawful for any person to engage in the practice of marriage and family therapy *or the practice of professional counseling* unless he is licensed under the provisions of this chapter.

2. The provisions of this chapter do not:

(a) Prevent any licensed physician, licensed nurse, licensed psychologist, certified alcohol or drug abuse counselor or other



1 person licensed or certified by the State from carrying out the
2 functions permitted by his respective license or certification if the
3 person does not hold himself out to the public by any title and
4 description of service likely to cause confusion with the titles and
5 descriptions of service set forth in this chapter.

6 (b) Apply to any activity or service of a student who is obtaining
7 a professional education as recognized by the Board if the activity or
8 service constitutes a part of the student's supervised course of study,
9 the activities are supervised by a licensee under this chapter and the
10 student is designated by the title "intern in marriage and family
11 therapy" *or "intern in professional counseling"* or any other title
12 which clearly indicates his status as a student.

13 (c) Apply to any activity or service of an intern while he is
14 obtaining the experience required for licensing as a marriage and
15 family therapist ~~or~~ *or a professional counselor.*

16 (d) Apply to a licensed or ordained minister in good standing
17 with his denomination whose duty is primarily to serve his
18 congregation and whose practice of marriage and family therapy *or*
19 *professional counseling* is incidental to his other duties if he does
20 not hold himself out to the public by any title or description of
21 service that is likely to cause confusion with the titles and
22 descriptions or services set forth in this chapter.

23 **Sec. 27.** NRS 641A.430 is hereby amended to read as follows:

24 641A.430 It is unlawful for any person, other than a person
25 licensed under this chapter, to employ or use the term "marriage and
26 family counselor," "marriage and family therapist," "marital
27 adviser," "marital therapist," ~~for~~ "marital consultant,"
28 *"professional counselor"* or any similar title in connection with his
29 work, or in any way imply that he is licensed by the Board, unless
30 he is licensed under this chapter.

31 **Sec. 28.** NRS 641A.440 is hereby amended to read as follows:

32 641A.440 Any person who violates any of the provisions of
33 this chapter or, having had his license suspended or revoked,
34 continues to represent himself as a marriage and family therapist *or*
35 *a professional counselor* shall be punished by imprisonment in the
36 county jail for not more than 1 year or by a fine of not more than
37 \$5,000, or by both fine and imprisonment. Each violation is a
38 separate offense.

39 **Sec. 29.** NRS 641A.450 is hereby amended to read as follows:

40 641A.450 A violation of this chapter by a person unlawfully
41 representing himself as a marriage and family therapist *or a*
42 *professional counselor* may be enjoined by a district court on
43 petition by the Board. In any such proceeding it is not necessary to
44 show that any person is individually injured. If the respondent is
45 found guilty of misrepresenting himself as a marriage and family



1 therapist ~~[f]~~ *or a professional counselor*, the court shall enjoin him
2 from making such a representation until he has been licensed.
3 Procedure in ~~[such]~~ *those* cases is the same as in any other
4 application for an injunction. The remedy by injunction is in
5 addition to criminal prosecution and punishment.

6 **Sec. 30.** Chapter 641C of NRS is hereby amended by adding
7 thereto the provisions set forth as sections 31 to 33, inclusive, of this
8 act.

9 **Sec. 31.** *The Board shall issue a license as an advanced*
10 *alcohol and drug abuse counselor to:*

11 *1. A person who:*

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

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

15 *(c) Has received a master's degree or a doctoral degree from*
16 *an accredited college or university in a field of social science*
17 *approved by the Board;*

18 *(d) Has completed a program approved by the Board*
19 *consisting of at least 2,000 hours of supervised, postgraduate*
20 *counseling of alcohol and drug abusers;*

21 *(e) Has completed a program approved by the Board*
22 *consisting of at least 2,000 hours of supervised, postgraduate*
23 *counseling of persons who are mentally ill and who are alcohol*
24 *and drug abusers;*

25 *(f) Passes the written and oral examinations prescribed by the*
26 *Board pursuant to NRS 641C.290;*

27 *(g) Pays the fees required pursuant to NRS 641C.470; and*

28 *(h) Submits all information required to complete an*
29 *application for a license.*

30 *2. A person who:*

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

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

34 *(c) Is:*

35 *(1) Licensed as a clinical social worker pursuant to chapter*
36 *641B of NRS;*

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

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

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

44 *(e) Passes the written and oral examinations prescribed by the*
45 *Board pursuant to NRS 641C.290;*



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(f) *Pays the fees required pursuant to NRS 641C.470; and*
(g) *Submits all the information required to complete an application for a license.*

Sec. 32. 1. *The Board shall issue a license as an advanced 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 NRS 641C.470;*

(e) *Submits proof to the Board that he has received a master's degree or doctoral degree in a field of social science approved by the Board; and*

(f) *Submits all the information required to complete an application for a license.*

2. *A license as an advanced alcohol and drug abuse counselor intern is valid for 1 year and may be renewed. The Board may waive any requirement for the renewal of a license upon good cause shown by the holder of the license.*

3. *A licensed intern may, under the supervision of a licensed advanced alcohol and drug abuse counselor:*

(a) *Engage in the practice of counseling alcohol and drug abusers who are mentally ill; and*

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

Sec. 33. 1. *A license as an advanced alcohol and drug abuse counselor is valid for 2 years and may be renewed.*

2. *A licensed advanced alcohol and drug abuse counselor may:*

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

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

(c) *Identify, evaluate, diagnose and treat a mentally ill person who is an alcoholic or abuser of drugs; and*

(d) *Supervise licensed and certified interns.*

Sec. 34. *NRS 641C.080 is hereby amended to read as follows:*

641C.080 *"License" means a license issued to a person who is licensed as an alcohol and drug abuse counselor , an advanced alcohol and drug abuse counselor or an advanced alcohol and drug abuse counselor intern pursuant to the provisions of this chapter.*



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1 **Sec. 35.** NRS 641C.090 is hereby amended to read as follows:
2 641C.090 “Licensed counselor” means a person who is
3 licensed as an alcohol and drug abuse counselor , *an advanced*
4 *alcohol and drug abuse counselor or an advanced alcohol and*
5 *drug abuse counselor intern* pursuant to the provisions of this
6 chapter.

7 **Sec. 36.** NRS 641C.100 is hereby amended to read as follows:
8 641C.100 1. “Practice of counseling alcohol and drug
9 abusers” means ~~the~~ :

10 (a) *The* application of counseling to reduce or eliminate the
11 habitual use of alcohol or other drugs, other than any maintenance
12 dosage of a narcotic or habit-forming drug administered pursuant to
13 chapter 453 of NRS ~~§~~ ; or

14 (b) *The identification, evaluation, diagnosis and treatment of a*
15 *mentally ill person who is an alcoholic or abuser of drugs.*

16 2. *The term does not include:*

17 (a) *The diagnosis or treatment of a psychotic disorder; or*

18 (b) *The use of a psychological or psychometric assessment test*
19 *to determine intelligence, personality, aptitude, interests or*
20 *addictions.*

21 **Sec. 37.** NRS 641C.290 is hereby amended to read as follows:
22 641C.290 1. Each applicant for a license *as an advanced*
23 *alcohol and drug abuse counselor* or *for a license or* certificate as
24 an alcohol and drug abuse counselor must pass a written and oral
25 examination concerning his knowledge of the practice of counseling
26 alcohol and drug abusers, the applicable provisions of this chapter
27 and any applicable regulations adopted by the Board pursuant to the
28 provisions of this chapter.

29 2. Each applicant for a certificate as a problem gambling
30 counselor must pass a written examination concerning his
31 knowledge of the practice of counseling problem gamblers, the
32 applicable provisions of this chapter and any applicable regulations
33 adopted by the Board pursuant to the provisions of this chapter.

34 3. The Board shall:

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

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

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

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

41 4. The Board may employ other persons to conduct the
42 examinations.

43 **Sec. 38.** NRS 641C.360 is hereby amended to read as follows:

44 641C.360 1. A license as an alcohol and drug abuse
45 counselor is valid for 2 years and may be renewed.



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2. A licensed *alcohol and drug abuse* counselor may:
- (a) Engage in the practice of counseling alcohol and drug abusers;
 - (b) Diagnose or classify a person as an alcoholic or abuser of drugs; and
 - (c) Supervise certified interns.

3. A licensed alcohol and drug abuse counselor may not identify, evaluate, diagnose or treat a mentally ill person who is an alcoholic or abuser of drugs.

Sec. 39. NRS 641C.470 is hereby amended to read as follows:
641C.470 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 , <i>a license as an advanced alcohol and drug abuse counselor</i> or a certificate as a problem gambling counselor	300
<i>For the renewal of a license as an advanced alcohol and drug abuse counselor intern</i>	<i>75</i>
For the renewal of a certificate as an alcohol and drug abuse counselor intern or a problem gambling counselor intern.....	75
For the renewal of a delinquent license or certificate	75
For the restoration of an expired license or certificate.....	150
For the restoration or reinstatement of a suspended or revoked license or certificate.....	300
For the issuance of a license or certificate without examination.....	150
For an examination.....	150
For the approval of a course of continuing education	150

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

Sec. 40. NRS 200.5093 is hereby amended to read as follows:
200.5093 1. Any person who is described in subsection 4 and who, in his professional or occupational capacity, knows or has reasonable cause to believe that an older person has been abused, neglected, exploited or isolated shall:



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(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation or isolation of the older person to:

(1) The local office of the Aging Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or

(4) A toll-free telephone service designated by the Aging Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person has been abused, neglected, exploited or isolated.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the older person involves an act or omission of the Aging Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging Services Division of the Department of Health and Human Services.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant, psychiatrist, psychologist, marriage and family therapist, *professional counselor*, alcohol or drug abuse counselor, athletic trainer, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person who appears to have been abused, neglected, exploited or isolated.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of an older person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide personal care services in the home.



(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Any employee of the Department of Health and Human Services.

(g) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(h) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(i) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation or isolation of an older person and refers them to persons and agencies where their requests and needs can be met.

(j) Every social worker.

(k) Any person who owns or is employed by a funeral home or mortuary.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person has died as a result of abuse, neglect or isolation, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney and the Aging Services Division of the Department of Health and Human Services his written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging Services Division of the Department of Health and Human Services, must be forwarded to the Aging Services Division within 90 days after the completion of the report.

8. If the investigation of a report results in the belief that an older person is abused, neglected, exploited or isolated, the Aging Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person if he is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.



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Sec. 41. NRS 200.50935 is hereby amended to read as follows:

200.50935 1. Any person who is described in subsection 3 and who, in his professional or occupational capacity, knows or has reasonable cause to believe that a vulnerable person has been abused, neglected, exploited or isolated shall:

(a) Report the abuse, neglect, exploitation or isolation of the vulnerable person to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the vulnerable person has been abused, neglected, exploited or isolated.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the vulnerable person involves an act or omission of a law enforcement agency, the person shall make the report to a law enforcement agency other than the one alleged to have committed the act or omission.

3. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant, psychiatrist, psychologist, marriage and family therapist, *professional counselor*, alcohol or drug abuse counselor, athletic trainer, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats a vulnerable person who appears to have been abused, neglected, exploited or isolated.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of a vulnerable person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide nursing in the home.

(e) Any employee of the Department of Health and Human Services.

(f) Any employee of a law enforcement agency or an adult or juvenile probation officer.

(g) Any person who maintains or is employed by a facility or establishment that provides care for vulnerable persons.



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(h) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation or isolation of a vulnerable person and refers them to persons and agencies where their requests and needs can be met.

(i) Every social worker.

(j) Any person who owns or is employed by a funeral home or mortuary.

4. A report may be made by any other person.

5. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a vulnerable person has died as a result of abuse, neglect or isolation, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the vulnerable person and submit to the appropriate local law enforcement agencies and the appropriate prosecuting attorney his written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

6. A law enforcement agency which receives a report pursuant to this section shall immediately initiate an investigation of the report.

7. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 42. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of his home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency



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1 other than the one alleged to have committed the act or omission,
2 and the investigation of the abuse or neglect of the child must be
3 made by an agency other than the one alleged to have committed the
4 act or omission.

5 3. Any person who is described in paragraph (a) of subsection
6 4 who delivers or provides medical services to a newborn infant and
7 who, in his professional or occupational capacity, knows or has
8 reasonable cause to believe that the newborn infant has been
9 affected by prenatal illegal substance abuse or has withdrawal
10 symptoms resulting from prenatal drug exposure shall, as soon as
11 reasonably practicable but not later than 24 hours after the person
12 knows or has reasonable cause to believe that the newborn infant is
13 so affected or has such symptoms, notify an agency which provides
14 child welfare services of the condition of the infant and refer each
15 person who is responsible for the welfare of the infant to an agency
16 which provides child welfare services for appropriate counseling,
17 training or other services. A notification and referral to an agency
18 which provides child welfare services pursuant to this subsection
19 shall not be construed to require prosecution for any illegal action.

20 4. A report must be made pursuant to subsection 1 by the
21 following persons:

22 (a) A physician, dentist, dental hygienist, chiropractor,
23 optometrist, podiatric physician, medical examiner, resident, intern,
24 professional or practical nurse, physician assistant, psychiatrist,
25 psychologist, marriage and family therapist, *professional counselor*,
26 alcohol or drug abuse counselor, clinical social worker, athletic
27 trainer, advanced emergency medical technician or other person
28 providing medical services licensed or certified in this State.

29 (b) Any personnel of a hospital or similar institution engaged in
30 the admission, examination, care or treatment of persons or an
31 administrator, manager or other person in charge of a hospital or
32 similar institution upon notification of suspected abuse or neglect of
33 a child by a member of the staff of the hospital.

34 (c) A coroner.

35 (d) A clergyman, practitioner of Christian Science or religious
36 healer, unless he has acquired the knowledge of the abuse or neglect
37 from the offender during a confession.

38 (e) A social worker and an administrator, teacher, librarian or
39 counselor of a school.

40 (f) Any person who maintains or is employed by a facility or
41 establishment that provides care for children, children's camp or
42 other public or private facility, institution or agency furnishing care
43 to a child.

44 (g) Any person licensed to conduct a foster home.



(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) An attorney, unless he has acquired the knowledge of the abuse or neglect from a client who is or may be accused of the abuse or neglect.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for an approved youth shelter. As used in this paragraph, "approved youth shelter" has the meaning ascribed to it in NRS 244.422.

(l) Any adult person who is employed by an entity that provides organized activities for children.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the report and submit to an agency which provides child welfare services his written findings. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

Sec. 43. NRS 689A.0483 is hereby amended to read as follows:

689A.0483 If any policy of health insurance provides coverage for treatment of an illness which is within the authorized scope of the practice of a licensed marriage and family therapist, *licensed professional counselor or licensed advanced alcohol and drug abuse counselor*, the insured is entitled to reimbursement for treatment by a marriage and family therapist, *professional counselor or advanced alcohol and drug abuse counselor* who is licensed pursuant to chapter 641A *or 641C* of NRS.

Sec. 44. NRS 689B.0383 is hereby amended to read as follows:

689B.0383 If any policy of group health insurance provides coverage for treatment of an illness which is within the authorized scope of the practice of a licensed marriage and family therapist, *licensed professional counselor or licensed advanced alcohol and drug abuse counselor*, the insured is entitled to reimbursement for treatment by a marriage and family therapist, *professional counselor or advanced alcohol and drug abuse counselor* who is licensed pursuant to chapter 641A *or 641C* of NRS.



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1 **Sec. 45.** NRS 695B.1973 is hereby amended to read as
2 follows:

3 695B.1973 If any contract for hospital or medical service
4 provides coverage for treatment of an illness which is within the
5 authorized scope of the practice of a licensed marriage and family
6 therapist, *licensed professional counselor or licensed advanced*
7 *alcohol and drug abuse counselor*, the insured is entitled to
8 reimbursement for treatment by a marriage and family therapist ,
9 *professional counselor or advanced alcohol and drug abuse*
10 *counselor* who is licensed pursuant to chapter 641A *or 641C* of
11 NRS.

12 **Sec. 46.** NRS 695C.1773 is hereby amended to read as
13 follows:

14 695C.1773 If any evidence of coverage provides coverage for
15 treatment of an illness which is within the authorized scope of the
16 practice of a licensed marriage and family therapist, *licensed*
17 *professional counselor or licensed advanced alcohol and drug*
18 *abuse counselor*, the insured is entitled to reimbursement for
19 treatment by a marriage and family therapist , *professional*
20 *counselor or advanced alcohol and drug abuse counselor* who is
21 licensed pursuant to chapter 641A *or 641C* of NRS.

22 **Sec. 47.** 1. This section and sections 1 to 17, inclusive, and
23 19 to 46, inclusive, of this act become effective on July 1, 2007, for
24 the purpose of adopting regulations to carry out the amendatory
25 provisions of this act, and on January 1, 2008, for all other purposes.

26 2. Section 17 of this act expires by limitation on the date on
27 which the provisions of 42 U.S.C. § 666 requiring each state to
28 establish procedures under which the state has authority to withhold
29 or suspend, or to restrict the use of professional, occupational and
30 recreational licenses of persons who:

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

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

36 ↪ are repealed by the Congress of the United States.

37 3. Section 18 of this act becomes effective on the date on
38 which the provisions of 42 U.S.C. § 666 requiring each state to
39 establish procedures under which the state has authority to withhold
40 or suspend, or to restrict the use of professional, occupational and
41 recreational licenses of persons who:

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



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

3 ➡ are repealed by the Congress of the United States.

4 4. Sections 18 and 24 of this act expire by limitation on the
5 date 2 years after the date on which the provisions of 42 U.S.C. §
6 666 requiring each state to establish procedures under which the
7 state has authority to withhold or suspend, or to restrict the use of
8 professional, occupational and recreational licenses of persons who:

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

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

14 ➡ are repealed by the Congress of the United States.

