

REQUIRES TWO-THIRDS MAJORITY VOTE

(§§ § 8 + NRS 641A.210 AND 641A.290, § 57)

(Reprinted with amendments adopted on April 23, 2007)

FIRST REPRINT

A.B. 424

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 for the licensing and regulation of clinical professional counselors and clinical alcohol and drug abuse counselors; revising the name and expanding the membership of the Board of Examiners for Marriage and Family Therapists; providing a privilege against the disclosure of certain confidential communications between a clinical professional counselor and his client and certain other persons; requiring reimbursement for services provided by a licensed clinical professional counselor or licensed clinical 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 6 and 7** of this bill provide definitions for the terms “clinical
2 professional counselor” and “practice of clinical professional counseling.” **Sections**
3 **8 and 9** of this bill establish the requirements for a license to practice as a clinical
4 professional counselor. **Sections 10-14, 16-28 and 30-32** of this bill amend certain
5 provisions of chapter 641A of NRS to include clinical professional counselors
6 under the regulation of the Board of Examiners for Marriage and Family Therapists
7 and Clinical Professional Counselors. **Section 15** of this bill increases the
8 membership of the Board of Examiners for Marriage and Family Therapists and
9 Clinical Professional Counselors from six to eight members. **Section 16** of this bill
10 requires that two members of the Board must be licensed clinical professional
11 counselors. **Section 29** of this bill prohibits a person from engaging in the practice



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of clinical professional counseling without a license. **Section 35** of this bill provides a definition of "clinical practice of counseling alcohol and drug abusers." **Section 36** of this bill establishes the requirements for the issuance of a license as a clinical alcohol and drug abuse counselor. **Section 37** of this bill establishes the requirements for certification as a clinical alcohol and drug abuse counselor intern. **Section 38** of this bill establishes the scope of practice of a clinical alcohol and drug abuse counselor and the duration of his license. **Section 45** of this bill revises the definition of the "practice of counseling alcohol and drug abusers." **Section 54** of this bill clarifies the scope of practice of an alcohol and drug abuse counselor. **Sections 63-66** of this bill provide a privilege against the disclosure of certain confidential communications between a clinical professional counselor and his client and certain other persons. **Sections 2, 70, 75, 76 and 85** of this bill include a clinical professional counselor in the definition of the term "provider of health care." **Sections 72, 73 and 78** of this bill require a clinical 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 70, 79, 81 and 83** of this bill include a clinical professional counselor in the definition of the term "person professionally qualified in the field of psychiatric mental health." **Sections 92-99** of this bill require reimbursement for services provided by a licensed clinical professional counselor or clinical 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 622A.120 is hereby amended to read as follows:

622A.120 1. The following regulatory bodies are exempted from the provisions of this chapter:

- (a) State Contractors' Board.
- (b) State Board of Professional Engineers and Land Surveyors.
- (c) Nevada State Board of Accountancy.
- (d) Board of Medical Examiners.
- (e) Board of Dental Examiners of Nevada.
- (f) State Board of Nursing.
- (g) Chiropractic Physicians' Board of Nevada.
- (h) Nevada State Board of Optometry.
- (i) State Board of Pharmacy.
- (j) Board of Examiners for Marriage and Family Therapists  *and Clinical Professional Counselors.*
- (k) Real Estate Commission, Real Estate Administrator and Real Estate Division of the Department of Business and Industry.
- (l) Commission of Appraisers of Real Estate.
- (m) Commissioner of Mortgage Lending and Division of Mortgage Lending of the Department of Business and Industry.
- (n) Commissioner of Financial Institutions and Division of Financial Institutions of the Department of Business and Industry.



(o) State Board of Health and Health Division of the Department of Health and Human Services.

2. Any regulatory body which is exempted from the provisions of this chapter pursuant to subsection 1 may elect by regulation to follow the provisions of this chapter or any portion thereof.

Sec. 2. NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by specific statute:

1. "Provider of health care" means a physician licensed pursuant to chapter 630, 630A or 633 of NRS, dentist, licensed nurse, dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, podiatric physician, licensed psychologist, licensed marriage and family therapist, *licensed clinical professional counselor*, chiropractor, athletic trainer, doctor of Oriental medicine in any form, medical laboratory director or technician, pharmacist or a licensed hospital as the employer of any such person.

2. For the purposes of NRS 629.051, 629.061 and 629.065, the term includes a facility that maintains the health care records of patients.

Sec. 3. 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, *clinical 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.



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(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.

(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. 4. NRS 641.029 is hereby amended to read as follows:

641.029 The provisions of this chapter do not apply to:

1. A physician who is licensed to practice in this State;

2. A person who is licensed to practice dentistry in this State;

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

4. *A person who is licensed as a clinical professional counselor pursuant to chapter 641A of NRS;*

5. A person who is licensed to engage in social work pursuant to chapter 641B of NRS;

~~[5-]~~ 6. A person who is licensed as an occupational therapist or occupational therapy assistant pursuant to NRS 640A.010 to 640A.230, inclusive;

~~[6-]~~ 7. A person who is licensed *as a clinical alcohol and drug abuse counselor, licensed* or certified as an alcohol and drug abuse counselor or certified as an alcohol and drug abuse counselor intern, *a clinical alcohol and drug abuse counselor intern*, a problem gambling counselor or a problem gambling counselor intern, pursuant to chapter 641C of NRS; or

~~[7-]~~ 8. Any clergyman,



1 ➔ if such a person does not commit an act described in NRS
2 641.440 or represent himself as a psychologist.

3 **Sec. 5.** Chapter 641A of NRS is hereby amended by adding
4 thereto the provisions set forth as sections 6 to 9, inclusive, of this
5 act.

6 **Sec. 6.** *“Clinical professional counselor” means a person*
7 *who describes himself or his services to the public by any title or*
8 *description which incorporates the term “clinical professional*
9 *counselor” and under such a title offers to provide or provides*
10 *services to any person.*

11 **Sec. 7. 1.** *“Practice of clinical professional counseling”*
12 *means assisting clients by the application of established principles,*
13 *including, without limitation:*

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

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

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

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

27 **2.** *The term does not include:*

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

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

32 (c) *The assessment or treatment of couples or families.*

33 **Sec. 8.** *Each applicant for a license to practice as a clinical*
34 *professional counselor must furnish evidence satisfactory to the*
35 *Board that he:*

36 **1.** *Is at least 21 years of age;*

37 **2.** *Is of good moral character;*

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

40 **4.** *Has:*

41 (a) *Completed his residency training in psychiatry from an*
42 *accredited institution approved by the Board;*

43 (b) *A graduate degree in an accredited program for mental*
44 *health counseling; or*



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

5. Has:

(a) At least 2 years of postgraduate experience in professional counseling; and

(b) At least 3,000 hours of supervised experience in professional counseling, of which at least 1,500 hours must consist of direct contact with clients; and

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

Sec. 9. 1. Except as otherwise provided in subsection 2, each qualified applicant for a license to practice as a clinical professional counselor must be given a written examination by the Board on his knowledge of clinical professional counseling. 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 Clinical Mental Health Counselor Examination administered by the National Board of Certified Counselors 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 any applied or theoretical fields it deems appropriate.

Sec. 10. NRS 641A.010 is hereby amended to read as follows:

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

Sec. 11. NRS 641A.020 is hereby amended to read as follows:

641A.020 As used in this chapter, unless the context otherwise requires, words and terms defined in NRS 641A.030 to 641A.080, inclusive, and sections 6 and 7 of this act have the meanings assigned to them in ~~such~~ those sections.

Sec. 12. NRS 641A.030 is hereby amended to read as follows:

641A.030 "Board" means the Board of Examiners for Marriage and Family Therapists ~~and~~ and Clinical Professional Counselors.

Sec. 13. NRS 641A.040 is hereby amended to read as follows:

641A.040 "License" means a license issued by the Board pursuant to this chapter to practice as a marriage and family therapist ~~and~~ or to practice as a clinical professional counselor.



1 **Sec. 14.** NRS 641A.050 is hereby amended to read as follows:
2 641A.050 "Licensee" means a person licensed as a marriage
3 and family therapist *or a clinical professional counselor* by the
4 Board.

5 **Sec. 15.** NRS 641A.090 is hereby amended to read as follows:
6 641A.090 The Board of Examiners for Marriage and Family
7 Therapists ~~[and]~~ *and Clinical Professional Counselors*, consisting of
8 ~~[six]~~ *eight* members appointed by the Governor, is hereby created.

9 **Sec. 16.** NRS 641A.100 is hereby amended to read as follows:
10 641A.100 1. The Governor shall appoint to the Board:

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

15 (b) *Two members who are licensed clinical professional*
16 *counselors and are in good standing with or acceptable for*
17 *membership in their local or state societies and associations when*
18 *they exist; and*

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

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

22 (2) *A clinical professional counselor; or*

23 (3) The spouse or the parent or child, by blood, marriage or
24 adoption, of a marriage and family therapist ~~[and]~~ *or clinical*
25 *professional counselor.*

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

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

32 **Sec. 17.** NRS 641A.130 is hereby amended to read as follows:

33 641A.130 The Board shall meet at least once every 6 months at
34 a time and place fixed by the Board. The Board shall hold a special
35 meeting upon a call of the President or upon a request by a majority
36 of the members. ~~[Three]~~ *Five* members of the Board constitute a
37 quorum.

38 **Sec. 18.** NRS 641A.160 is hereby amended to read as follows:

39 641A.160 The Board shall adopt regulations not inconsistent
40 with the provisions of this chapter governing its procedure, the
41 examination and licensing of applicants, the granting, refusal,
42 revocation or suspension of licenses , and the practice of marriage
43 and family therapy *and the practice of clinical professional*
44 *counseling as* ~~[it applies]~~ *those practices apply* to this chapter.



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Sec. 19. 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 clinical 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. 20. 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 child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.



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Sec. 21. NRS 641A.215 is hereby amended to read as follows:

641A.215 1. In addition to any other requirements set forth in this chapter, 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 child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to 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. 22. NRS 641A.220 is hereby amended to read as follows:

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

1. Is at least 21 years of age;

2. Is of good moral character;

3. Is a citizen of the United States, or is lawfully entitled to 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~~ :



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1 (a) *At least 2 years* of postgraduate experience in marriage and
2 family therapy ~~[deemed satisfactory to the Board:]~~; and

3 (b) *At least 3,000 hours of supervised experience in marriage*
4 *and family therapy, of which at least 1,500 hours must consist of*
5 *direct contact with clients; and*

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

8 **Sec. 23.** NRS 641A.230 is hereby amended to read as follows:

9 641A.230 1. Except as otherwise provided in subsection 2,
10 each qualified applicant for a license *to practice as a marriage and*
11 *family therapist* must be given a written examination by the Board
12 on his knowledge of marriage and family therapy. Examinations
13 must be given at a time and place and under such supervision as the
14 Board may determine. A grade of 70 percent *or higher* is a passing
15 grade.

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

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

24 **Sec. 24.** NRS 641A.265 is hereby amended to read as follows:

25 641A.265 The Board may waive all or part of the requirement
26 of continuing education in a particular year if the marriage and
27 family therapist *or clinical professional counselor* was prevented
28 from fulfilling the requirement ~~[by]~~ *because of* circumstances
29 beyond his control.

30 **Sec. 25.** NRS 641A.285 is hereby amended to read as follows:

31 641A.285 1. Upon written request to the Board and payment
32 of the fee prescribed by the Board, a licensee in good standing may
33 have his name and license transferred to an inactive list for a period
34 not to exceed 3 continuous years. A licensee shall not practice
35 marriage and family therapy *or clinical professional counseling*
36 during the time his license is inactive. If an inactive licensee desires
37 to resume the practice of marriage and family therapy ~~[H]~~ *or clinical*
38 *professional counseling*, the Board must reactivate the license upon
39 the:

40 (a) Completion of an application for reactivation;

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

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



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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. 26.** 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 clinical professional counseling* or of any
18 offense involving moral turpitude, the record of conviction being
19 conclusive 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 *clinical professional counselor* or allowing another person to use
24 his 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. 27.** 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.



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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. 28. 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 clinical professional counselor* has raised a reasonable question as to his competence to practice therapy *or clinical professional counseling* with reasonable skill and safety, it may order the marriage and family therapist *or clinical 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 ~~or~~ *or clinical 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 ~~or~~ *or the clinical professional counselor to practice clinical professional counseling*.

2. For the purposes of this section:

(a) Every *marriage and family therapist or clinical 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 clinical 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 clinical professional counselor* to pay the cost of the examination.

Sec. 29. 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 clinical professional counseling* unless he is licensed under the provisions of this chapter.

2. The provisions of this chapter do not:



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(a) Prevent any licensed physician, licensed nurse, licensed psychologist, certified alcohol or drug abuse counselor or other person licensed or certified by the State from carrying out the functions permitted by his respective license or certification if the person does not hold himself out to the public by any title and description of service likely to cause confusion with the titles and descriptions of service set forth in this chapter.

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

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

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

Sec. 30. NRS 641A.430 is hereby amended to read as follows:

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

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

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

Sec. 32. NRS 641A.450 is hereby amended to read as follows:

641A.450 A violation of this chapter by a person unlawfully representing himself as a marriage and family therapist *or a clinical professional counselor* may be enjoined by a district court on petition by the Board. In any such proceeding it is not necessary to



1 show that any person is individually injured. If the respondent is
2 found guilty of misrepresenting himself as a marriage and family
3 therapist ~~[1]~~ *or a clinical professional counselor*, the court shall
4 enjoin him from making such a representation until he has been
5 licensed. Procedure in ~~[such]~~ *those* cases is the same as in any other
6 application for an injunction. The remedy by injunction is in
7 addition to criminal prosecution and punishment.

8 **Sec. 33.** NRS 641B.040 is hereby amended to read as follows:

9 641B.040 The provisions of this chapter do not apply to:

10 1. A physician who is licensed to practice in this State;
11 2. A nurse who is licensed to practice in this State;
12 3. A person who is licensed as a psychologist pursuant to
13 chapter 641 of NRS;

14 4. A person who is licensed as a marriage and family therapist
15 pursuant to chapter 641A of NRS;

16 5. *A person who is licensed as a clinical professional*
17 *counselor pursuant to chapter 641A of NRS;*

18 6. A person who is licensed as an occupational therapist or
19 occupational therapy assistant pursuant to NRS 640A.010 to
20 640A.230, inclusive;

21 ~~[6-]~~ 7. A person who is licensed *as a clinical alcohol and*
22 *drug abuse counselor, licensed* or certified as an alcohol and drug
23 abuse counselor, or certified as *a clinical alcohol and drug abuse*
24 *counselor intern*, an alcohol and drug abuse counselor intern, a
25 problem gambling counselor or a problem gambling counselor
26 intern, pursuant to chapter 641C of NRS;

27 ~~[7-]~~ 8. Any clergyman;

28 ~~[8-]~~ 9. A county welfare director;

29 ~~[9-]~~ 10. Any person who may engage in social work or clinical
30 social work in his regular governmental employment but does not
31 hold himself out to the public as a social worker; or

32 ~~[10-]~~ 11. A student of social work and any other person
33 preparing for the profession of social work under the supervision of
34 a qualified social worker in a training institution or facility
35 recognized by the Board, unless the student or other person has been
36 issued a provisional license pursuant to paragraph (b) of subsection
37 1 of NRS 641B.275. Such a student must be designated by the title
38 "student of social work" or "trainee in social work," or any other
39 title which clearly indicates his training status.

40 **Sec. 34.** Chapter 641C of NRS is hereby amended by adding
41 thereto the provisions set forth as sections ~~[31 to 33, inclusive.]~~ 35
42 to 38, inclusive, of this act.

43 **Sec. 35. 1.** *"Clinical practice of counseling alcohol and*
44 *drug abusers" means:*



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

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

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. 36. *The Board shall issue a license as a clinical alcohol and drug abuse counselor to:*

1. *A person who:*

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

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

(c) *Has received a master's degree or a doctoral degree from an accredited college or university in a field of social science approved by the Board that includes comprehensive coursework in clinical mental health, including the diagnosis of mental health disorders;*

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

(e) *Has completed a program that:*

(1) *Is approved by the Board; and*

(2) *Consists of at least 2,000 hours of postgraduate counseling of persons who are mentally ill and who are alcohol and drug abusers that is supervised by a clinical alcohol and drug abuse counselor who is a person professionally qualified in the field of psychiatric mental health and who is approved by the Board;*

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

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

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

2. *A person who:*

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

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

(c) *Is:*

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



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

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

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

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

(f) Pays the fees required pursuant to NRS 641C.470; and

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

3. As used in this section, "person professionally qualified in the field of psychiatric mental health" has the meaning ascribed to it in NRS 433.209.

Sec. 37. 1. The Board shall issue a certificate as a clinical 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) Pays the fees required pursuant to NRS 641C.470;

(d) 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 that includes comprehensive coursework in clinical mental health, including the diagnosis of mental health disorders; and

(e) Submits all the information required to complete an application for a certificate.

2. A certificate as a clinical 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 certificate upon good cause shown by the holder of the certificate.

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

(a) Engage in the clinical 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. 38. 1. A license as a clinical alcohol and drug abuse counselor is valid for 1 year and may be renewed.

2. A licensed clinical alcohol and drug abuse counselor may:

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



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

(c) *Supervise certified interns.*

Sec. 39. NRS 641C.010 is hereby amended to read as follows:

641C.010 The practice of counseling alcohol and drug abusers , *the clinical practice of counseling alcohol and drug abusers* and the practice of counseling problem gamblers are hereby declared to be learned professions affecting public health, safety and welfare and are subject to regulation to protect the public from the practice of counseling alcohol and drug abusers , *the clinical practice of counseling alcohol and drug abusers* and the practice of counseling problem gamblers by unqualified persons and from unprofessional conduct by persons who are licensed or certified to engage in the practice of counseling alcohol and drug abusers , *licensed to engage in the clinical practice of counseling alcohol and drug abusers* or certified to engage in the practice of counseling problem gamblers.

Sec. 40. NRS 641C.020 is hereby amended to read as follows:

641C.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 641C.030 to 641C.110, inclusive, *and section 35 of this act*, have the meanings ascribed to them in those sections.

Sec. 41. NRS 641C.040 is hereby amended to read as follows:

641C.040 "Certificate" means a certificate issued to a person who is certified as an alcohol and drug abuse counselor, *a clinical alcohol and drug abuse counselor intern*, an alcohol and drug abuse counselor intern, a problem gambling counselor or a problem gambling counselor intern.

Sec. 42. NRS 641C.060 is hereby amended to read as follows:

641C.060 "Certified intern" means a person who is certified as *a clinical alcohol and drug abuse counselor intern*, an alcohol and drug abuse counselor intern or a problem gambling counselor intern pursuant to the provisions of this chapter.

Sec. 43. 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 *or a clinical alcohol and drug abuse counselor* pursuant to the provisions of this chapter.

Sec. 44. NRS 641C.090 is hereby amended to read as follows:

641C.090 "Licensed counselor" means a person who is licensed as an alcohol and drug abuse counselor *or a clinical alcohol and drug abuse counselor* pursuant to the provisions of this chapter.

Sec. 45. (Deleted by amendment.)

Sec. 46. NRS 641C.130 is hereby amended to read as follows:

641C.130 The provisions of this chapter do not apply to:



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1 1. A physician who is licensed pursuant to the provisions of
2 chapter 630 or 633 of NRS;

3 2. A nurse who is licensed pursuant to the provisions of chapter
4 632 of NRS and is authorized by the State Board of Nursing to
5 engage in the practice of counseling alcohol and drug abusers or the
6 practice of counseling problem gamblers;

7 3. A psychologist who is licensed pursuant to the provisions of
8 chapter 641 of NRS;

9 4. *A clinical professional counselor who is licensed pursuant*
10 *to chapter 641A of NRS;*

11 5. A marriage and family therapist who is licensed pursuant to
12 the provisions of chapter 641A of NRS and is authorized by the
13 Board of Examiners for Marriage and Family Therapists *and*
14 *Clinical Professional Counselors* to engage in the practice of
15 counseling alcohol and drug abusers or the practice of counseling
16 problem gamblers; or

17 ~~5.5~~ 6. A person who is licensed as a clinical social worker
18 pursuant to the provisions of chapter 641B of NRS and is authorized
19 by the Board of Examiners for Social Workers to engage in the
20 practice of counseling alcohol and drug abusers or the practice of
21 counseling problem gamblers.

22 **Sec. 47.** NRS 641C.150 is hereby amended to read as follows:

23 641C.150 1. The Board of Examiners for Alcohol, Drug and
24 Gambling Counselors, consisting of seven members appointed by
25 the Governor, is hereby created.

26 2. The Board must consist of:

27 (a) Three members who are licensed as *clinical alcohol and*
28 *drug abuse counselors or* alcohol and drug abuse counselors
29 pursuant to the provisions of this chapter.

30 (b) One member who is certified as an alcohol and drug abuse
31 counselor pursuant to the provisions of this chapter.

32 (c) Two members who are licensed pursuant to chapter 630,
33 632, 641, 641A or 641B of NRS and certified as problem gambling
34 counselors pursuant to the provisions of this chapter.

35 (d) One member who is a representative of the general public.
36 This member must not be:

37 (1) A licensed *clinical alcohol and drug abuse counselor or*
38 *a licensed* or certified alcohol and drug abuse counselor or problem
39 gambling counselor; or

40 (2) The spouse or the parent or child, by blood, marriage or
41 adoption, of a licensed *clinical alcohol and drug abuse counselor*
42 *or a licensed* or certified alcohol and drug abuse counselor or
43 problem gambling counselor.

44 3. A person may not be appointed to the Board unless he is:



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

(b) A resident of this State.

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

Sec. 48. NRS 641C.220 is hereby amended to read as follows:

641C.220 The Board may enter into an interlocal agreement with an Indian tribe to provide to members of the tribe training in the practice of counseling alcohol and drug abusers *or the clinical practice of counseling alcohol and drug abusers* to assist those persons in obtaining licenses and certificates as alcohol and drug abuse counselors ~~and~~ *and licenses as clinical alcohol and drug abuse counselors.*

Sec. 49. NRS 641C.290 is hereby amended to read as follows:

641C.290 1. *Each applicant for a license as a clinical alcohol and drug abuse counselor must pass a written and oral examination concerning his knowledge of the clinical practice of counseling alcohol and drug abusers, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.*

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

~~2.~~ 3. Each applicant for a certificate as a problem gambling counselor must pass a written examination concerning his knowledge of the practice of counseling problem gamblers, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.

~~3.~~ 4. The Board shall:

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

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

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

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

~~4.~~ 5. The Board may employ other persons to conduct the examinations.

Sec. 50. NRS 641C.300 is hereby amended to read as follows:

641C.300 The Board shall issue a license or certificate without examination to a person who holds a license or certificate as ~~an~~ *a clinical alcohol and drug abuse counselor or an* alcohol and drug



1 abuse counselor in another state, a territory or possession of the
2 United States or the District of Columbia if the requirements of that
3 jurisdiction at the time the license or certificate was issued are
4 deemed by the Board to be substantially equivalent to the
5 requirements set forth in the provisions of this chapter.

6 **Sec. 51.** NRS 641C.310 is hereby amended to read as follows:

7 641C.310 1. The Board may hold hearings and conduct
8 investigations concerning any matter related to an application for a
9 license or certificate. In the hearings and investigations, the Board
10 may require the presentation of evidence.

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

13 (a) Is not of good moral character as it relates to the practice of
14 counseling alcohol and drug abusers ~~§~~ *or the clinical 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
18 territory of the United States or the District of Columbia in
19 connection with the practice of counseling alcohol and drug abusers
20 ~~§~~ *or the clinical practice of counseling alcohol and drug abusers;*

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

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

29 **Sec. 52.** NRS 641C.320 is hereby amended to read as follows:

30 641C.320 1. The Board may issue ~~§~~:

31 (a) A provisional license *as a clinical alcohol and drug abuse*
32 *counselor to a person who has applied to the Board to take the*
33 *examination for a license as a clinical alcohol and drug abuse*
34 *counselor and is otherwise eligible for that license pursuant to*
35 *section 36 of this act; or*

36 (b) *A provisional license or* certificate as an alcohol and drug
37 abuse counselor to a person who has applied to the Board to take the
38 examination for a license or certificate as an alcohol and drug abuse
39 counselor and is otherwise eligible for that license or certificate
40 pursuant to NRS 641C.350 or 641C.390.

41 2. A provisional license or certificate is valid for not more than
42 1 year and may not be renewed.

43 **Sec. 53.** NRS 641C.350 is hereby amended to read as follows:

44 641C.350 The Board shall issue a license as an alcohol and
45 drug abuse counselor to:



- 1 1. A person who:
 - 2 (a) Is not less than 21 years of age;
 - 3 (b) Is a citizen of the United States or is lawfully entitled to
 - 4 remain and work in the United States;
 - 5 (c) Has received a master's degree or a doctoral degree from an
 - 6 accredited college or university in a field of social science approved
 - 7 by the Board;
 - 8 (d) Has completed 4,000 hours of supervised counseling of
 - 9 alcohol and drug abusers;
 - 10 (e) Passes the written and oral examinations prescribed by the
 - 11 Board pursuant to NRS 641C.290;
 - 12 (f) Pays the fees required pursuant to NRS 641C.470; and
 - 13 (g) Submits all information required to complete an application
 - 14 for a license.
- 15 2. A person who:
 - 16 (a) Is not less than 21 years of age;
 - 17 (b) Is a citizen of the United States or is lawfully entitled to
 - 18 remain and work in the United States;
 - 19 (c) Is:
 - 20 (1) Licensed as a clinical social worker pursuant to chapter
 - 21 641B of NRS;
 - 22 (2) *Licensed as a clinical professional counselor pursuant*
 - 23 *to chapter 641A of NRS;*
 - 24 (3) Licensed as a marriage and family therapist pursuant to
 - 25 chapter 641A of NRS; ~~for~~
 - 26 ~~— (3) —~~ (4) A nurse who is licensed pursuant to chapter 632 of
 - 27 NRS and has received a master's degree or a doctoral degree from
 - 28 an accredited college or university; *or*
 - 29 (5) *Licensed as a clinical alcohol and drug abuse counselor*
 - 30 *pursuant to this chapter;*
 - 31 (d) Has completed at least 6 months of supervised counseling of
 - 32 alcohol and drug abusers approved by the Board;
 - 33 (e) Passes the written and oral examinations prescribed by the
 - 34 Board pursuant to NRS 641C.290;
 - 35 (f) Pays the fees required pursuant to NRS 641C.470; and
 - 36 (g) Submits all information required to complete an application
 - 37 for a license.
- 38 **Sec. 54.** NRS 641C.360 is hereby amended to read as follows:
 - 39 641C.360 1. A license as an alcohol and drug abuse
 - 40 counselor is valid for 2 years and may be renewed.
 - 41 2. A licensed *alcohol and drug abuse* counselor may:
 - 42 (a) Engage in the practice of counseling alcohol and drug
 - 43 abusers;
 - 44 (b) Diagnose or classify a person as an alcoholic or abuser of
 - 45 drugs; and



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(c) Supervise certified *alcohol and drug abuse counselor* 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. 55. NRS 641C.420 is hereby amended to read as follows:

641C.420 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 NRS 641C.470;


(e) Submits proof to the Board that he:

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

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

(f) Submits all information required to complete an application for a certificate.

2. A certificate as an 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 certificate upon good cause shown by the holder of the certificate.

3. A certified *alcohol and drug abuse counselor* intern may, under the supervision of a licensed *alcohol and drug abuse counselor*  *or licensed clinical alcohol and drug abuse 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. 56. NRS 641C.430 is hereby amended to read as follows:

641C.430 The Board may issue a certificate as a problem gambling counselor to:

1. A person who:

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

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

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

(d) Has completed not less than 60 hours of training specific to problem gambling approved by the Board;



- (e) Has completed at least 2,000 hours of supervised counseling of problem gamblers in a setting approved by the Board;
- (f) Passes the written examination prescribed by the Board pursuant to NRS 641C.290;
- (g) Presents himself when scheduled for an interview at a meeting of the Board;
- (h) Pays the fees required pursuant to NRS 641C.470; and
- (i) Submits all information required to complete an application for a certificate.

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 licensed as:

(1) A clinical social worker pursuant to chapter 641B of NRS;

(2) *A clinical professional counselor pursuant to chapter 641A of NRS;*

(3) A marriage and family therapist pursuant to chapter 641A of NRS;

~~[(3)]~~ (4) A physician pursuant to chapter 630 of NRS;

~~[(4)]~~ (5) A nurse pursuant to chapter 632 of NRS and has received a master's degree or a doctoral degree from an accredited college or university;

~~[(5)]~~ (6) A psychologist pursuant to chapter 641 of NRS; ~~for~~

~~—[(6)]~~ (7) An alcohol and drug abuse counselor pursuant to this chapter; *or*

(8) *A clinical alcohol and drug abuse counselor pursuant to this chapter;*

(d) Has completed not less than 60 hours of training specific to problem gambling approved by the Board;

(e) Has completed at least 1,000 hours of supervised counseling of problem gamblers in a setting approved by the Board;

(f) Passes the written examination prescribed by the Board pursuant to NRS 641C.290;

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

(h) Submits all information required to complete an application for a certificate.

Sec. 57. 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



1	For the issuance of an initial license or certificate	\$60
2	For the renewal of a license or certificate as an	
3	alcohol and drug abuse counselor , <i>a license as a</i>	
4	<i>clinical alcohol and drug abuse counselor</i> or a	
5	certificate as a problem gambling counselor	300
6	For the renewal of a certificate as <i>a clinical alcohol</i>	
7	<i>and drug abuse counselor intern</i> , an alcohol	
8	and drug abuse counselor intern or a problem	
9	gambling counselor intern.....	75
10	For the renewal of a delinquent license or certificate	75
11	For the restoration of an expired license or	
12	certificate.....	150
13	For the restoration or reinstatement of a suspended	
14	or revoked license or certificate.....	300
15	For the issuance of a license or certificate without	
16	examination.....	150
17	For an examination.....	150
18	For the approval of a course of continuing	
19	education.....	150

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

Sec. 58. NRS 641C.700 is hereby amended to read as follows:
641C.700 The grounds for initiating disciplinary action pursuant to the provisions of this chapter include:

1. Conviction of:

(a) A felony relating to the practice of counseling alcohol and drug abusers , *the clinical practice of counseling alcohol and drug abusers* or the practice of counseling problem gamblers;

(b) An offense involving moral turpitude; or

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

2. Fraud or deception in:

(a) Applying for a license or certificate;

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

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

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

(e) The practice of counseling alcohol and drug abusers ~~§~~ *or the clinical practice of counseling alcohol and drug abusers;*

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

4. Professional incompetence;



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

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

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

Sec. 59. NRS 641C.720 is hereby amended to read as follows:

641C.720 1. The Board or any of its members who become aware of any ground for initiating disciplinary action against a person engaging in the practice of counseling alcohol and drug abusers *or the clinical practice of counseling alcohol and drug abusers* in this State shall, and any other person who is so aware may, file a written complaint specifying the relevant facts with the Board. The complaint must specifically charge one or more of the grounds for initiating disciplinary action.

2. If, after notice and a hearing as required by law, the Board determines that a licensed or certified counselor or certified intern has violated a provision of this chapter or any regulation adopted pursuant to this chapter, it may:

(a) Administer a public reprimand;

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

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

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

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

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

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

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

3. If his license or certificate is revoked or suspended pursuant to subsection 2, the licensed or certified counselor or certified intern may apply to the Board for reinstatement of the suspended license or certificate or may apply to the Board pursuant to the provisions of chapter 622A of NRS for reinstatement of his revoked license or certificate. The Board may accept or reject the application and may



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

3 4. The Board shall not administer a private reprimand.

4 5. An order that imposes discipline and the findings of fact and
5 conclusions of law supporting that order are public records.

6 **Sec. 60.** NRS 641C.900 is hereby amended to read as follows:

7 641C.900 1. Except as otherwise provided in subsection 2, a
8 person shall not engage in the practice of counseling alcohol and
9 drug abusers, *the clinical practice of counseling alcohol and drug*
10 *abusers* or the practice of counseling problem gamblers unless he is
11 a licensed counselor, certified counselor or certified intern.

12 2. A person may engage in the practice of counseling alcohol
13 and drug abusers under the supervision of a licensed counselor, *the*
14 *clinical practice of counseling alcohol and drug abusers under the*
15 *supervision of a clinical alcohol and drug abuse counselor* or the
16 practice of counseling problem gamblers under the supervision of a
17 certified counselor for not more than 30 days if that person:

18 (a) Is qualified to be licensed or certified pursuant to the
19 provisions of this chapter; and

20 (b) Submits an application to the Board for a license or
21 certificate pursuant to the provisions of this chapter.

22 **Sec. 61.** NRS 641C.910 is hereby amended to read as follows:

23 641C.910 1. A person shall not:

24 (a) Hold himself out to a member of the general public as *a*
25 *clinical alcohol and drug abuse counselor, a clinical alcohol and*
26 *drug abuse counselor intern*, an alcohol and drug abuse counselor,
27 *an* alcohol and drug abuse counselor intern, *a* problem gambling
28 counselor or *a* problem gambling counselor intern;

29 (b) Use the title *“clinical alcohol and drug abuse counselor,”*
30 *“clinical alcohol and drug abuse counselor intern,”* “alcohol and
31 drug abuse counselor,” “alcohol and drug abuse counselor intern,”
32 “drug abuse counselor,” “substance abuse counselor,” “problem
33 gambling counselor,” “problem gambling counselor intern,”
34 “gambling counselor,” “detoxification technician” or any similar
35 title in connection with his work; or

36 (c) Imply in any way that he is licensed or certified by the
37 Board,

38 ➔ unless he is licensed or certified by the Board pursuant to the
39 provisions of this chapter or a regulation adopted pursuant to
40 NRS 641C.500.

41 2. If the Board believes that any person has violated or is about
42 to violate any provision of this chapter or a regulation adopted
43 pursuant thereto, it may bring an action in a court of competent
44 jurisdiction to enjoin the person from engaging in or continuing the
45 violation. An injunction:



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

(b) Does not prevent the criminal prosecution and punishment of a person who violates a provision of this chapter or a regulation adopted pursuant thereto.

Sec. 62. Chapter 49 of NRS is hereby amended by adding thereto the provisions set forth as sections 63 to 66, inclusive, of this act.

Sec. 63. *As used in sections 63 to 66, inclusive, of this act, unless the context otherwise requires:*

1. *"Client" means a person who consults or is interviewed by a clinical professional counselor for the purpose of diagnosis or treatment.*

2. *"Clinical professional counselor" has the meaning ascribed to it in section 6 of this act.*

3. *A communication is "confidential" if it is not intended to be disclosed to any third person other than a person:*

(a) *Present during the consultation or interview to further the interest of the client;*

(b) *Reasonably necessary for the transmission of the communication; or*

(c) *Participating in the diagnosis or treatment under the direction of the clinical professional counselor, including a member of the client's family.*

Sec. 64. *A client has a privilege to refuse to disclose, and to prevent any other person from disclosing, confidential communications among himself, his clinical professional counselor or any other person who is participating in the diagnosis or treatment under the direction of the clinical professional counselor.*

Sec. 65. 1. *The privilege may be claimed by the client, by his guardian or conservator, or by the personal representative of a deceased client.*

2. *The person who was the clinical professional counselor may claim the privilege but only on behalf of the client. The authority of the clinical professional counselor to do so is presumed in the absence of evidence to the contrary.*

Sec. 66. *There is no privilege under section 64 or 65 of this act:*

1. *If the client communicates to the clinical professional counselor that he intends or plans to commit what the client knows or reasonably should know is a crime.*

2. *If the clinical professional counselor is required to testify in an administrative or court-related investigation or proceeding*



1 *involving the welfare of his client or the minor children of his*
2 *client.*

3 *3. For communications relevant to an issue in proceedings to*
4 *hospitalize the patient for mental illness, if the clinical*
5 *professional counselor in the course of diagnosis or treatment has*
6 *determined that the client is in need of hospitalization.*

7 *4. As to communications relevant to an issue of the treatment*
8 *of the client in any proceeding in which the treatment is an*
9 *element of a claim or defense.*

10 **Sec. 67.** NRS 62A.270 is hereby amended to read as follows:
11 62A.270 "Qualified professional" means:

12 1. A psychiatrist licensed to practice medicine in this State and
13 certified by the American Board of Psychiatry and Neurology, Inc.;

14 2. A psychologist licensed to practice in this State;

15 3. A social worker holding a master's degree in social work
16 and licensed in this State as a clinical social worker;

17 4. A registered nurse holding a master's degree in the field of
18 psychiatric nursing and licensed to practice professional nursing in
19 this State; ~~for~~

20 5. A marriage and family therapist licensed in this State
21 pursuant to chapter 641A of NRS ~~for~~; *or*

22 6. *A clinical professional counselor licensed in this State*
23 *pursuant to chapter 641A of NRS.*

24 **Sec. 68.** NRS 62E.620 is hereby amended to read as follows:

25 62E.620 1. The juvenile court shall order a delinquent child
26 to undergo an evaluation to determine whether the child is an abuser
27 of alcohol or other drugs if the child committed:

28 (a) An unlawful act in violation of NRS 484.379, 484.3795 or
29 484.37955;

30 (b) The unlawful act of using, possessing, selling or distributing
31 a controlled substance; or

32 (c) The unlawful act of purchasing, consuming or possessing an
33 alcoholic beverage in violation of NRS 202.020.

34 2. Except as otherwise provided in subsection 3, an evaluation
35 of the child must be conducted by:

36 (a) ~~A[n]~~ *A clinical alcohol and drug abuse counselor who is*
37 *licensed, an* alcohol and drug abuse counselor who is licensed or
38 certified, or an alcohol and drug abuse counselor intern *or a clinical*
39 *alcohol and drug abuse counselor intern* who is certified, pursuant
40 to chapter 641C of NRS to make that classification; or

41 (b) A physician who is certified to make that classification by
42 the Board of Medical Examiners.

43 3. If the child resides in this State but the nearest location at
44 which an evaluation may be conducted is in another state, the court



1 may allow the evaluation to be conducted in the other state if the
2 person conducting the evaluation:

3 (a) Possesses qualifications that are substantially similar to the
4 qualifications described in subsection 2;

5 (b) Holds an appropriate license, certificate or credential issued
6 by a regulatory agency in the other state; and

7 (c) Is in good standing with the regulatory agency in the other
8 state.

9 4. The evaluation of the child may be conducted at an
10 evaluation center.

11 5. The person who conducts the evaluation of the child shall
12 report to the juvenile court the results of the evaluation and make a
13 recommendation to the juvenile court concerning the length and
14 type of treatment required for the child.

15 6. The juvenile court shall:

16 (a) Order the child to undergo a program of treatment as
17 recommended by the person who conducts the evaluation of the
18 child.

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

21 (c) Order the child or the parent or guardian of the child, or both,
22 to the extent of their financial ability, to pay any charges relating to
23 the evaluation and treatment of the child pursuant to this section.
24 If the child or the parent or guardian of the child, or both, do not
25 have the financial resources to pay all those charges:

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

30 (2) The juvenile court may order the child, in lieu of paying
31 the charges relating to his evaluation and treatment, to perform
32 community service.

33 7. After a treatment facility has certified a child's successful
34 completion of a program of treatment ordered pursuant to this
35 section, the treatment facility is not liable for any damages to person
36 or property caused by a child who:

37 (a) Drives, operates or is in actual physical control of a vehicle
38 or a vessel under power or sail while under the influence of
39 intoxicating liquor or a controlled substance; or

40 (b) Engages in any other conduct prohibited by NRS 484.379,
41 484.3795, 484.37955, subsection 2 of NRS 488.400, NRS 488.410,
42 488.420 or 488.425 or a law of any other jurisdiction that prohibits
43 the same or similar conduct.

44 8. The provisions of this section do not prohibit the juvenile
45 court from:



(a) Requiring an evaluation to be conducted by a person who is employed by a private company if the company meets the standards of the Health Division of the Department of Health and Human Services. The evaluation may be conducted at an evaluation center.

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

9. All information relating to the evaluation or treatment of a child pursuant to this section is confidential and, except as otherwise authorized by the provisions of this title or the juvenile court, must not be disclosed to any person other than:

(a) The juvenile court;

(b) The child;

(c) The attorney for the child, if any;

(d) The parents or guardian of the child;

(e) The district attorney; and

(f) Any other person for whom the communication of that information is necessary to effectuate the evaluation or treatment of the child.

10. A record of any finding that a child has violated the provisions of NRS 484.379, 484.3795 or 484.37955 must be included in the driver's record of that child for 7 years after the date of the offense.

Sec. 69. NRS 89.050 is hereby amended to read as follows:

89.050 1. Except as otherwise provided in subsection 2, a professional corporation may be organized only for the purpose of rendering one specific type of professional service and may not engage in any business other than rendering the professional service for which it was organized and services reasonably related thereto, except that a professional corporation may own real and personal property appropriate to its business and may invest its money in any form of real property, securities or any other type of investment.

2. A professional corporation may be organized to render a professional service relating to:

(a) Architecture, interior design, residential design, engineering and landscape architecture, or any combination thereof, and may be composed of persons:

(1) Engaged in the practice of architecture as provided in chapter 623 of NRS;

(2) Practicing as a registered interior designer as provided in chapter 623 of NRS;

(3) Engaged in the practice of residential design as provided in chapter 623 of NRS;

(4) Engaged in the practice of landscape architecture as provided in chapter 623A of NRS; and



(5) Engaged in the practice of professional engineering as provided in chapter 625 of NRS.

(b) Medicine, homeopathy and osteopathy, and may be composed of persons engaged in the practice of medicine as provided in chapter 630 of NRS, persons engaged in the practice of homeopathic medicine as provided in chapter 630A of NRS and persons engaged in the practice of osteopathic medicine as provided in chapter 633 of NRS. Such a professional corporation may market and manage additional professional corporations which are organized to render a professional service relating to medicine, homeopathy and osteopathy.

(c) Mental health services, and may be composed of the following persons, in any number and in any combination:

(1) Any psychologist who is licensed to practice in this State;

(2) Any social worker who holds a master's degree in social work and who is licensed by this State as a clinical social worker;

(3) Any registered nurse who is licensed to practice professional nursing in this State and who holds a master's degree in the field of psychiatric nursing; ~~and~~

(4) Any marriage and family therapist who is licensed by this State pursuant to chapter 641A of NRS ~~and~~; and

(5) Any clinical professional counselor who is licensed by this State pursuant to chapter 641A of NRS.

Such a professional corporation may market and manage additional professional corporations which are organized to render a professional service relating to mental health services pursuant to this paragraph.

3. A professional corporation may render a professional service only through its officers and employees who are licensed or otherwise authorized by law to render the professional service.

Sec. 70. NRS 176.133 is hereby amended to read as follows:

176.133 As used in NRS 176.133 to 176.159, inclusive, unless the context otherwise requires:

1. "Person professionally qualified to conduct psychosexual evaluations" means a person who has received training in conducting psychosexual evaluations and is:

(a) A psychiatrist licensed to practice medicine in this State and certified by the American Board of Psychiatry and Neurology, Inc.;

(b) A psychologist licensed to practice in this State;

(c) A social worker holding a master's degree in social work and licensed in this State as a clinical social worker;

(d) A registered nurse holding a master's degree in the field of psychiatric nursing and licensed to practice professional nursing in this State; ~~or~~



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(e) A marriage and family therapist licensed in this State pursuant to chapter 641A of NRS ~~§~~; or

(f) A clinical professional counselor licensed in this State pursuant to chapter 641A of NRS.

2. "Psychosexual evaluation" means an evaluation conducted pursuant to NRS 176.139.

3. "Sexual offense" means:

(a) Sexual assault pursuant to NRS 200.366;

(b) Statutory sexual seduction pursuant to NRS 200.368, if punished as a felony;

(c) Battery with intent to commit sexual assault pursuant to NRS 200.400;

(d) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation and is punished as a felony;

(e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;

(f) Incest pursuant to NRS 201.180;

(g) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195, if punished as a felony;

(h) Open or gross lewdness pursuant to NRS 201.210, if punished as a felony;

(i) Indecent or obscene exposure pursuant to NRS 201.220, if punished as a felony;

(j) Lewdness with a child pursuant to NRS 201.230;

(k) Sexual penetration of a dead human body pursuant to NRS 201.450;

(l) Luring a child or mentally ill person pursuant to NRS 201.560, if punished as a felony;

(m) An attempt to commit an offense listed in paragraphs (a) to (l), inclusive, if punished as a felony; or

(n) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

Sec. 71. NRS 200.471 is hereby amended to read as follows:
200.471 1. As used in this section:

(a) "Assault" means intentionally placing another person in reasonable apprehension of immediate bodily harm.

(b) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;



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(4) A jailer, guard, matron or other correctional officer of a city or county jail;

(5) A justice of the Supreme Court, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including a person acting pro tempore in a capacity listed in this subparagraph; or

(6) An employee of the State or a political subdivision of the State whose official duties require him to make home visits.

(c) "Provider of health care" means a physician, a physician assistant, a practitioner of respiratory care, a homeopathic physician, an advanced practitioner of homeopathy, a homeopathic assistant, an osteopathic physician, an osteopathic physician's assistant, a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory technician, an optometrist, a chiropractor, a chiropractor's assistant, a doctor of Oriental medicine, a nurse, a student nurse, a certified nursing assistant, a nursing assistant trainee, a dentist, a dental hygienist, a pharmacist, an intern pharmacist, an attendant on an ambulance or air ambulance, a psychologist, a social worker, a marriage and family therapist ~~and~~, *a clinical professional counselor and* an emergency medical technician.

(d) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100.

(e) "Sporting event" has the meaning ascribed to it in NRS 41.630.

(f) "Sports official" has the meaning ascribed to it in NRS 41.630.

(g) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

(h) "Taxicab driver" means a person who operates a taxicab.

(i) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

2. A person convicted of an assault shall be punished:

(a) If paragraph (c) or (d) ~~[of this subsection]~~ does not apply to the circumstances of the crime and the assault is not made with the use of a deadly weapon, or the present ability to use a deadly weapon, for a misdemeanor.

(b) If the assault is made with the use of a deadly weapon, or the present ability to use a deadly weapon, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

(c) If paragraph (d) ~~[of this subsection]~~ does not apply to the circumstances of the crime and if the assault is committed upon an officer, a provider of health care, a school employee, a taxicab



1 driver or a transit operator who is performing his duty or upon a
2 sports official based on the performance of his duties at a sporting
3 event, and the person charged knew or should have known that the
4 victim was an officer, a provider of health care, a school employee,
5 a taxicab driver, a transit operator or a sports official, for a gross
6 misdemeanor, unless the assault is made with the use of a deadly
7 weapon, or the present ability to use a deadly weapon, then for a
8 category B felony by imprisonment in the state prison for a
9 minimum term of not less than 1 year and a maximum term of not
10 more than 6 years, or by a fine of not more than \$5,000, or by both
11 fine and imprisonment.

12 (d) If the assault is committed upon an officer, a provider of
13 health care, a school employee, a taxicab driver or a transit operator
14 who is performing his duty or upon a sports official based on the
15 performance of his duties at a sporting event by a probationer, a
16 prisoner who is in lawful custody or confinement or a parolee, and
17 the probationer, prisoner or parolee charged knew or should have
18 known that the victim was an officer, a provider of health care, a
19 school employee, a taxicab driver, a transit operator or a sports
20 official, for a category D felony as provided in NRS 193.130, unless
21 the assault is made with the use of a deadly weapon, or the present
22 ability to use a deadly weapon, then for a category B felony by
23 imprisonment in the state prison for a minimum term of not less
24 than 1 year and a maximum term of not more than 6 years, or by a
25 fine of not more than \$5,000, or by both fine and imprisonment.

26 **Sec. 72.** NRS 200.5093 is hereby amended to read as follows:

27 200.5093 1. Any person who is described in subsection 4 and
28 who, in his professional or occupational capacity, knows or has
29 reasonable cause to believe that an older person has been abused,
30 neglected, exploited or isolated shall:

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

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

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

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

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

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



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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, *clinical professional counselor, clinical alcohol and drug abuse counselor*, alcohol ~~for~~ *and* 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.



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(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.

Sec. 73. 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



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1 shall make the report to a law enforcement agency other than the
2 one alleged to have committed the act or omission.

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

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

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

21 (c) A coroner.

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

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

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

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

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

35 (i) Every social worker.

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

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

39 5. If a person who is required to make a report pursuant to
40 subsection 1 knows or has reasonable cause to believe that a
41 vulnerable person has died as a result of abuse, neglect or isolation,
42 the person shall, as soon as reasonably practicable, report this belief
43 to the appropriate medical examiner or coroner, who shall
44 investigate the cause of death of the vulnerable person and submit to
45 the appropriate local law enforcement agencies and the appropriate



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1 prosecuting attorney his written findings. The written findings must
2 include the information required pursuant to the provisions of NRS
3 200.5094, when possible.

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

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

9 **Sec. 74.** NRS 209.448 is hereby amended to read as follows:

10 209.448 1. An offender who has no serious infraction of the
11 regulations of the Department or the laws of the State recorded
12 against him must be allowed, in addition to the credits provided
13 pursuant to NRS 209.433, 209.443, 209.446 or 209.4465, a
14 deduction of not more than 30 days from the maximum term of his
15 sentence for the successful completion of a program of treatment for
16 the abuse of alcohol or drugs which is conducted jointly by the
17 Department and a person who is licensed *as a clinical alcohol and*
18 *drug abuse counselor, licensed* or certified as an alcohol and drug
19 abuse counselor or certified as an alcohol and drug abuse counselor
20 intern *or a clinical alcohol and drug abuse counselor intern,*
21 pursuant to chapter 641C of NRS.

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

24 **Sec. 75.** NRS 211.340 is hereby amended to read as follows:

25 211.340 1. In addition to the credits on a term of
26 imprisonment provided for in NRS 211.310, 211.320 and 211.330,
27 the sheriff of the county or the chief of police of the municipality in
28 which a prisoner is incarcerated may deduct not more than 5 days
29 from his term of imprisonment if the prisoner:

30 (a) Successfully completes a program of treatment for the abuse
31 of alcohol or drugs which is conducted jointly by the local detention
32 facility in which he is incarcerated and a person who is licensed *as a*
33 *clinical alcohol and drug abuse counselor, licensed* or certified as
34 an alcohol and drug abuse counselor or certified as an alcohol and
35 drug abuse counselor intern *or a clinical alcohol and drug abuse*
36 *counselor intern,* pursuant to chapter 641C of NRS; and

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

39 2. The provisions of this section apply to any prisoner who is
40 sentenced on or after October 1, 1991, to a term of imprisonment of
41 90 days or more.

42 **Sec. 76.** NRS 372.7285 is hereby amended to read as follows:

43 372.7285 1. In administering the provisions of NRS 372.325,
44 the Department shall apply the exemption to the sale of a medical
45 device to a governmental entity that is exempt pursuant to that



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1 section without regard to whether the person using the medical
2 device or the governmental entity that purchased the device is
3 deemed to be the holder of title to the device if:

4 (a) The medical device was ordered or prescribed by a provider
5 of health care, within his scope of practice, for use by the person to
6 whom it is provided;

7 (b) The medical device is covered by Medicaid or Medicare; and

8 (c) The purchase of the medical device is made pursuant to a
9 contract between the governmental entity that purchases the medical
10 device and the person who sells the medical device to the
11 governmental entity.

12 2. As used in this section:

13 (a) "Medicaid" means the program established pursuant to Title
14 XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to
15 provide assistance for part or all of the cost of medical care rendered
16 on behalf of indigent persons.

17 (b) "Medicare" means the program of health insurance for aged
18 and disabled persons established pursuant to Title XVIII of the
19 Social Security Act, 42 U.S.C. §§ 1395 et seq.

20 (c) "Provider of health care" means a physician licensed
21 pursuant to chapter 630, 630A or 633 of NRS, dentist, licensed
22 nurse, dispensing optician, optometrist, practitioner of respiratory
23 care, registered physical therapist, podiatric physician, licensed
24 psychologist, licensed audiologist, licensed speech pathologist,
25 licensed hearing aid specialist, licensed marriage and family
26 therapist, *clinical professional counselor*, chiropractor or doctor of
27 Oriental medicine in any form.

28 **Sec. 77.** NRS 374.731 is hereby amended to read as follows:

29 374.731 1. In administering the provisions of NRS 374.330,
30 the Department shall apply the exemption to the sale of a medical
31 device to a governmental entity that is exempt pursuant to that
32 section without regard to whether the person using the medical
33 device or the governmental entity that purchased the device is
34 deemed to be the holder of title to the device if:

35 (a) The medical device was ordered or prescribed by a provider
36 of health care, within his scope of practice, for use by the person to
37 whom it is provided;

38 (b) The medical device is covered by Medicaid or Medicare; and

39 (c) The purchase of the medical device is made pursuant to a
40 contract between the governmental entity that purchases the medical
41 device and the person who sells the medical device to the
42 governmental entity.

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45 XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to



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2 on behalf of indigent persons.

3 (b) "Medicare" means the program of health insurance for aged
4 and disabled persons established pursuant to Title XVIII of the
5 Social Security Act, 42 U.S.C. §§ 1395 et seq.

6 (c) "Provider of health care" means a physician licensed
7 pursuant to chapter 630, 630A or 633 of NRS, dentist, licensed
8 nurse, dispensing optician, optometrist, practitioner of respiratory
9 care, registered physical therapist, podiatric physician, licensed
10 psychologist, licensed audiologist, licensed speech pathologist,
11 licensed hearing aid specialist, licensed marriage and family
12 therapist, *clinical professional counselor*, chiropractor or doctor of
13 Oriental medicine in any form.

14 **Sec. 78.** NRS 432B.220 is hereby amended to read as follows:

15 432B.220 1. Any person who is described in subsection 4
16 and who, in his professional or occupational capacity, knows or has
17 reasonable cause to believe that a child has been abused or neglected
18 shall:

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

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

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

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

33 (b) An agency which provides child welfare services or a law
34 enforcement agency, the person shall make the report to an agency
35 other than the one alleged to have committed the act or omission,
36 and the investigation of the abuse or neglect of the child must be
37 made by an agency other than the one alleged to have committed the
38 act or omission.

39 3. Any person who is described in paragraph (a) of subsection
40 4 who delivers or provides medical services to a newborn infant and
41 who, in his professional or occupational capacity, knows or has
42 reasonable cause to believe that the newborn infant has been
43 affected by prenatal illegal substance abuse or has withdrawal
44 symptoms resulting from prenatal drug exposure shall, as soon as
45 reasonably practicable but not later than 24 hours after the person



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1 knows or has reasonable cause to believe that the newborn infant is
2 so affected or has such symptoms, notify an agency which provides
3 child welfare services of the condition of the infant and refer each
4 person who is responsible for the welfare of the infant to an agency
5 which provides child welfare services for appropriate counseling,
6 training or other services. A notification and referral to an agency
7 which provides child welfare services pursuant to this subsection
8 shall not be construed to require prosecution for any illegal action.

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

11 (a) A physician, dentist, dental hygienist, chiropractor,
12 optometrist, podiatric physician, medical examiner, resident, intern,
13 professional or practical nurse, physician assistant, psychiatrist,
14 psychologist, marriage and family therapist, *clinical professional*
15 *counselor, clinical alcohol and drug counselor,* alcohol ~~for~~ and
16 drug abuse counselor, clinical social worker, athletic trainer,
17 advanced emergency medical technician or other person providing
18 medical services licensed or certified in this State.

19 (b) Any personnel of a hospital or similar institution engaged in
20 the admission, examination, care or treatment of persons or an
21 administrator, manager or other person in charge of a hospital or
22 similar institution upon notification of suspected abuse or neglect of
23 a child by a member of the staff of the hospital.

24 (c) A coroner.

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

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

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

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

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

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

40 (j) Any person who maintains, is employed by or serves as a
41 volunteer for an agency or service which advises persons regarding
42 abuse or neglect of a child and refers them to persons and agencies
43 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. 79. NRS 433.209 is hereby amended to read as follows:

433.209 "Person professionally qualified in the field of psychiatric mental health" means:

1. A psychiatrist licensed to practice medicine in the State of Nevada and certified by the American Board of Psychiatry and Neurology;

2. A psychologist licensed to practice in this State;

3. A social worker who holds a master's degree in social work, is licensed by the State as a clinical social worker and is employed by the Division;

4. A registered nurse who:

(a) Is licensed to practice professional nursing in this State;

(b) Holds a master's degree in the field of psychiatric nursing; and

(c) Is employed by the Division ~~H~~;

5. A marriage and family therapist licensed pursuant to chapter 641A of NRS; or

6. A clinical professional counselor licensed pursuant to chapter 641A of NRS.

Sec. 80. NRS 433.265 is hereby amended to read as follows:

433.265 Any person employed by the Division as a psychiatrist, psychologist, marriage and family therapist, *clinical professional counselor*, registered nurse or social worker must be licensed or certified by the appropriate state licensing board for his respective profession.

Sec. 81. NRS 433A.018 is hereby amended to read as follows:

433A.018 "Person professionally qualified in the field of psychiatric mental health" means:

1. A psychiatrist licensed to practice medicine in this State who is certified by the American Board of Psychiatry and Neurology;



2. A psychologist licensed to practice in this State;
3. A social worker who holds a master's degree in social work, is licensed by the State as a clinical social worker and is employed by the Division;
4. A registered nurse who:
 - (a) Is licensed to practice professional nursing in this State;
 - (b) Holds a master's degree in the field of psychiatric nursing; and
 - (c) Is employed by the Division; ~~or~~
5. A marriage and family therapist licensed pursuant to chapter 641A of NRS; *or*

6. A clinical professional counselor licensed pursuant to chapter 641A of NRS.

Sec. 82. NRS 433A.160 is hereby amended to read as follows:

433A.160 1. Except as otherwise provided in subsection 2, an application for the emergency admission of an allegedly mentally ill person for evaluation, observation and treatment may only be made by an accredited agent of the Department, an officer authorized to make arrests in the State of Nevada or a physician, psychologist, marriage and family therapist, *clinical professional counselor*, social worker or registered nurse. The agent, officer, physician, psychologist, marriage and family therapist, *clinical professional counselor*, social worker or registered nurse may:

(a) Without a warrant:

(1) Take an allegedly mentally ill person into custody to apply for the emergency admission of the person for evaluation, observation and treatment; and

(2) Transport the allegedly mentally ill person to a public or private mental health facility or hospital for that purpose, or arrange for the person to be transported by:

(I) A local law enforcement agency;

(II) A system for the nonemergency medical transportation of persons whose operation is authorized by the Transportation Services Authority;

(III) An entity that is exempt pursuant to NRS 706.745 from the provisions of NRS 706.386 or 706.421; or

(IV) If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS,

➔ only if the agent, officer, physician, psychologist, marriage and family therapist, *clinical professional counselor*, social worker or registered nurse has, based upon his personal observation of the allegedly mentally ill person, probable cause to believe that the person is a mentally ill person and, because of that illness, is likely to harm himself or others if allowed his liberty.



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(b) Apply to a district court for an order requiring:

(1) Any peace officer to take an allegedly mentally ill person into custody to allow the applicant for the order to apply for the emergency admission of the allegedly mentally ill person for evaluation, observation and treatment; and

(2) Any agency, system or service described in subparagraph (2) of paragraph (a) to transport the allegedly mentally ill person to a public or private mental health facility or hospital for that purpose.

➤ The district court may issue such an order only if it is satisfied that there is probable cause to believe that the allegedly mentally ill person is a mentally ill person and, because of that illness, is likely to harm himself or others if allowed his liberty.

2. An application for the emergency admission of an allegedly mentally ill person for evaluation, observation and treatment may be made by a spouse, parent, adult child or legal guardian of the person. The spouse, parent, adult child or legal guardian and any other person who has a legitimate interest in the allegedly mentally ill person may apply to a district court for an order described in paragraph (b) of subsection 1.

3. The application for the emergency admission of an allegedly mentally ill person for evaluation, observation and treatment must reveal the circumstances under which the person was taken into custody and the reasons therefor.

~~4. [As used in subsection 1, “an accredited agent of the Department” means any person appointed or designated by the Director of the Department to take into custody and transport to a mental health facility pursuant to subsections 1 and 2 those persons in need of emergency admission.~~

~~—5.]~~ Except as otherwise provided in this subsection, each person admitted to a public or private mental health facility or hospital under an emergency admission must be evaluated at the time of admission by a psychiatrist or a psychologist. If a psychiatrist or a psychologist is not available to conduct an evaluation at the time of admission, a physician may conduct the evaluation. Each such emergency admission must be approved by a psychiatrist.

5. As used in this section, “an accredited agent of the Department” means any person appointed or designated by the Director of the Department to take into custody and transport to a mental health facility pursuant to subsections 1 and 2 those persons in need of emergency admission.

Sec. 83. NRS 433B.090 is hereby amended to read as follows:

433B.090 “Person professionally qualified in the field of psychiatric mental health” means:



1 1. A psychiatrist licensed to practice medicine in this State and
2 certified by the American Board of Psychiatry and Neurology;

3 2. A psychologist licensed to practice in this State;

4 3. A social worker who holds a master's degree in social work,
5 is licensed by the State as a clinical social worker and is employed
6 by the Division;

7 4. A registered nurse who:

8 (a) Is licensed to practice professional nursing in this State;

9 (b) Holds a master's degree in the field of psychiatric nursing;
10 and

11 (c) Is employed by the Division or the Division of Mental
12 Health and Developmental Services of the Department; ~~for~~

13 5. A marriage and family therapist licensed pursuant to chapter
14 641A of NRS; *or*

15 *6. A clinical professional counselor licensed pursuant to*
16 *chapter 641A of NRS.*

17 **Sec. 84.** NRS 433B.160 is hereby amended to read as follows:

18 433B.160 1. A person employed by the Division as a
19 psychiatrist, psychologist, marriage and family therapist, *clinical*
20 *professional counselor*, registered nurse or social worker must be
21 licensed or certified by the appropriate state licensing board for his
22 respective profession.

23 2. Any psychiatrist who is employed by the Division must be
24 certified by the American Board of Psychiatry and Neurology within
25 5 years after his first date of employment with the Division. The
26 Administrator shall terminate the employment of any psychiatrist
27 who fails to receive that certification.

28 **Sec. 85.** NRS 433B.170 is hereby amended to read as follows:

29 433B.170 The Administrator shall not employ any psychiatrist,
30 psychologist, social worker, registered nurse, *clinical professional*
31 *counselor* or marriage and family therapist who is unable to
32 demonstrate proficiency in the oral and written expression of the
33 English language.

34 **Sec. 86.** NRS 442.003 is hereby amended to read as follows:

35 442.003 As used in this chapter, unless the context requires
36 otherwise:

37 1. "Advisory Board" means the Advisory Board on Maternal
38 and Child Health.

39 2. "Department" means the Department of Health and Human
40 Services.

41 3. "Director" means the Director of the Department.

42 4. "Fetal alcohol syndrome" includes fetal alcohol effects.

43 5. "Health Division" means the Health Division of the
44 Department.



6. "Obstetric center" has the meaning ascribed to it in NRS 449.0155.

7. "Provider of health care or other services" means:

(a) ~~[(A)]~~ *A clinical alcohol and drug abuse counselor who is licensed, or an* alcohol and drug abuse counselor who is licensed or certified, pursuant to chapter 641C of NRS;

(b) A physician or a physician assistant who is licensed pursuant to chapter 630 or an osteopathic physician who is licensed pursuant to chapter 633 of NRS and who practices in the area of obstetrics and gynecology, family practice, internal medicine, pediatrics or psychiatry;

(c) A licensed nurse;

(d) A licensed psychologist;

(e) A licensed marriage and family therapist;

(f) *A licensed clinical professional counselor;*

(g) A licensed social worker; or

~~[(g)]~~ (h) The holder of a certificate of registration as a pharmacist.

Sec. 87. NRS 484.37937 is hereby amended to read as follows:

484.37937 1. An offender who is found guilty of a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792, other than an offender who is found to have a concentration of alcohol of 0.18 or more in his blood or breath, 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 Health Division of the Department of Health and Human Services for at least 6 months. The court shall authorize that treatment if:

(a) The offender is diagnosed as an alcoholic or abuser of drugs by:

(1) An alcohol and drug abuse counselor who is licensed or certified, *or a clinical alcohol and drug abuse counselor who is licensed*, pursuant to chapter 641C of NRS to make that diagnosis; or

(2) A physician who is certified to make that diagnosis by the Board of Medical Examiners;

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

(c) The offender has served or will serve a term of imprisonment in jail of 1 day, or has performed or will perform 24 hours of community service.

2. A prosecuting attorney may, within 10 days after receiving notice of an application for treatment pursuant to this section, request a hearing on the question of whether the offender is eligible



1 to undergo a program of treatment for alcoholism or drug abuse.
2 The court shall order a hearing on the application upon the request
3 of the prosecuting attorney or may order a hearing on its own
4 motion. The hearing must be limited to the question of whether the
5 offender is eligible to undergo such a program of treatment.

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

11 4. If the court grants an application for treatment, the court
12 shall:

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

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

19 (c) Advise the offender that:

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

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

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

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

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

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



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6. 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. 88. NRS 484.3794 is hereby amended to read as follows:

484.3794 1. An offender who is found guilty of a violation of NRS 484.379 that is punishable pursuant to paragraph (b) of subsection 1 of NRS 484.3792 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 Health Division of the Department of Health and Human Services for at least 1 year if:

(a) The offender is diagnosed as an alcoholic or abuser of drugs by:

(1) An alcohol and drug abuse counselor who is licensed or certified, *or a clinical alcohol and drug abuse counselor who is licensed*, pursuant to chapter 641C of NRS to make that diagnosis; or

(2) A physician who is certified to make that diagnosis by the Board of Medical Examiners;

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

(c) The offender has served or will serve a term of imprisonment in jail of 5 days and, if required pursuant to NRS 484.3792, has performed or will perform not less than one-half of the hours of community service.

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

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

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

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

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

(c) Advise the offender that:



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(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 exceed 3 years and during treatment he may be confined in an institution or, at the discretion of the facility, released for treatment or supervised aftercare in the community.

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

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

5. 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 otherwise provided in this section.

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

6. 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. 89. NRS 484.37943 is hereby amended to read as follows:

484.37943 1. If an offender is found guilty of a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792 and if the concentration of alcohol in the offender's blood or breath at the time of the offense was 0.18 or more, or if an offender is found guilty of a violation of NRS 484.379 that is punishable pursuant to paragraph (b) of subsection 1 of NRS 484.3792, the court shall, before sentencing the offender, require an evaluation of the offender pursuant to subsection 3, 4, 5 or 6 to determine whether he is an abuser of alcohol or other drugs.

2. If an offender is convicted of a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792 and if the offender is under 21 years of age at the time of the violation, the court shall, before sentencing the offender, require an evaluation of the offender pursuant to subsection 3, 4, 5 or 6 to determine whether he is an abuser of alcohol or other drugs.



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3. Except as otherwise provided in subsection 4, 5 or 6, the evaluation of an offender pursuant to this section must be conducted at an evaluation center by:

(a) An alcohol and drug abuse counselor who is licensed or certified, *or a clinical alcohol and drug abuse counselor who is licensed*, pursuant to chapter 641C of NRS to make that evaluation; or

(b) A physician who is certified to make that evaluation by the Board of Medical Examiners,

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

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

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

6. The evaluation of an offender who resides in this State may, upon approval of the court, be conducted in another state by a physician or other person who is authorized by the appropriate governmental agency in that state to conduct such an evaluation if the location of the physician or other person in the other state is closer to the residence of the offender than the nearest location in this State at which an evaluation may be conducted. The offender shall ensure that the results of the evaluation and the recommendation concerning the length and type of treatment for the offender are reported to the court.

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

Sec. 90. NRS 484.3796 is hereby amended to read as follows:

484.3796 1. Before sentencing an offender for a violation of NRS 484.379 that is punishable as a felony pursuant to NRS 484.3792 or a violation of NRS 484.3795 or 484.37955, the court shall require that the offender be evaluated to determine whether he



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1 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) An alcohol and drug abuse counselor who is licensed or
5 certified , *or a clinical alcohol and drug abuse counselor who is*
6 *licensed*, pursuant to chapter 641C of NRS to make such an
7 evaluation;

8 (b) A physician who is certified to make such an evaluation by
9 the Board of Medical Examiners; or

10 (c) A psychologist who is certified to make such an evaluation
11 by the Board of Psychological Examiners.

12 3. The alcohol and drug abuse counselor, *clinical alcohol and*
13 *drug abuse counselor*, physician or psychologist who conducts the
14 evaluation shall immediately forward the results of the evaluation to
15 the Director of the Department of Corrections.

16 **Sec. 91.** NRS 488.430 is hereby amended to read as follows:

17 488.430 1. Before sentencing a defendant pursuant to NRS
18 488.420, 488.425 or 488.427, the court shall require that the
19 defendant be evaluated to determine whether he is an abuser of
20 alcohol or drugs and whether he can be treated successfully for his
21 condition.

22 2. The evaluation must be conducted by:

23 (a) An alcohol and drug abuse counselor who is licensed or
24 certified , *or a clinical alcohol and drug abuse counselor who is*
25 *licensed*, pursuant to chapter 641C of NRS to make such an
26 evaluation;

27 (b) A physician who is certified to make such an evaluation by
28 the Board of Medical Examiners; or

29 (c) A psychologist who is certified to make such an evaluation
30 by the Board of Psychological Examiners.

31 3. The alcohol and drug abuse counselor, *clinical alcohol and*
32 *drug abuse counselor*, physician or psychologist who conducts the
33 evaluation shall immediately forward the results of the evaluation to
34 the Director of the Department of Corrections.

35 **Sec. 92.** Chapter 689A of NRS is hereby amended by adding
36 thereto a new section to read as follows:

37 *If any policy of health insurance provides coverage for*
38 *treatment of an illness which is within the authorized scope of*
39 *practice of a licensed clinical alcohol and drug abuse counselor,*
40 *the insured is entitled to reimbursement for treatment by a clinical*
41 *alcohol and drug abuse counselor who is licensed pursuant to*
42 *chapter 641C of NRS.*



1 **Sec. 93.** NRS 689A.0483 is hereby amended to read as
2 follows:

3 689A.0483 If any policy of health insurance provides coverage
4 for treatment of an illness which is within the authorized scope of
5 ~~{the}~~ practice of a licensed marriage and family therapist ~~{}~~ *or*
6 *licensed clinical professional counselor*, the insured is entitled to
7 reimbursement for treatment by a marriage and family therapist *or*
8 *clinical professional counselor* who is licensed pursuant to chapter
9 641A of NRS.

10 **Sec. 94.** Chapter 689B of NRS is hereby amended by adding
11 thereto a new section to read as follows:

12 *If any policy of group health insurance provides coverage for*
13 *treatment of an illness which is within the authorized scope of*
14 *practice of a licensed clinical alcohol and drug abuse counselor,*
15 *the insured is entitled to reimbursement for treatment by a clinical*
16 *alcohol and drug abuse counselor who is licensed pursuant to*
17 *chapter 641C of NRS.*

18 **Sec. 95.** NRS 689B.0383 is hereby amended to read as
19 follows:

20 689B.0383 If any policy of group health insurance provides
21 coverage for treatment of an illness which is within the authorized
22 scope of ~~{the}~~ practice of a licensed marriage and family therapist ~~{}~~
23 *or licensed clinical professional counselor*, the insured is entitled to
24 reimbursement for treatment by a marriage and family therapist *or*
25 *clinical professional counselor* who is licensed pursuant to chapter
26 641A of NRS.

27 **Sec. 96.** Chapter 695B of NRS is hereby amended by adding
28 thereto a new section to read as follows:

29 *If any contract for hospital or medical service provides*
30 *coverage for treatment of an illness which is within the authorized*
31 *scope of practice of a licensed clinical alcohol and drug abuse*
32 *counselor, the insured is entitled to reimbursement for treatment*
33 *by a clinical alcohol and drug abuse counselor who is licensed*
34 *pursuant to chapter 641C of NRS.*

35 **Sec. 97.** NRS 695B.1973 is hereby amended to read as
36 follows:

37 695B.1973 If any contract for hospital or medical service
38 provides coverage for treatment of an illness which is within the
39 authorized scope of ~~{the}~~ practice of a licensed marriage and family
40 therapist ~~{}~~ *or licensed clinical professional counselor*, the insured
41 is entitled to reimbursement for treatment by a marriage and family
42 therapist *or clinical professional counselor* who is licensed
43 pursuant to chapter 641A of NRS.



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1 **Sec. 98.** Chapter 695C of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *If any evidence of coverage provides coverage for treatment of*
4 *an illness which is within the authorized scope of practice of a*
5 *licensed clinical alcohol and drug abuse counselor, the insured is*
6 *entitled to reimbursement for treatment by a clinical alcohol and*
7 *drug abuse counselor who is licensed pursuant to chapter 641C of*
8 *NRS.*

9 **Sec. 99.** NRS 695C.1773 is hereby amended to read as
10 follows:

11 695C.1773 If any evidence of coverage provides coverage for
12 treatment of an illness which is within the authorized scope of ~~the~~
13 practice of a licensed marriage and family therapist ~~or~~ *or licensed*
14 *clinical professional counselor*, the insured is entitled to
15 reimbursement for treatment by a marriage and family therapist *or*
16 *clinical professional counselor* who is licensed pursuant to chapter
17 641A of NRS.

18 **Sec. 100.** 1. As soon as practicable on or after July 1, 2007,
19 the Governor shall, pursuant to paragraph (b) of subsection 1 of
20 NRS 641A.100, as amended by section 16 of this act, appoint to the
21 Board of Examiners for Marriage and Family Therapists and
22 Clinical Professional Counselors:

23 (a) One member whose term ends on June 30, 2010; and

24 (b) One member whose term ends on June 30, 2011.

25 2. Notwithstanding the provisions of section 16 of this act, the
26 members described in subsection 1 that the Governor is required to
27 appoint to the Board must have the qualifications for licensure as a
28 clinical professional counselor set forth in section 8 of this act at the
29 time of their appointment to the Board.

30 **Sec. 101.** 1. This section and sections 1 to 20, inclusive, and
31 22 to 100, inclusive, of this act become effective on July 1, 2007, for
32 the purposes of appointing members to the Board of Examiners for
33 Marriage and Family Therapists and Clinical Professional
34 Counselors and adopting regulations to carry out the amendatory
35 provisions of this act, and on January 1, 2008, for all other purposes.

36 2. Section 20 of this act expires by limitation on the date on
37 which the provisions of 42 U.S.C. § 666 requiring each state to
38 establish procedures under which the state has authority to withhold
39 or suspend, or to restrict the use of professional, occupational and
40 recreational licenses of persons who:

41 (a) Have failed to comply with a subpoena or warrant relating to
42 a proceeding to determine the paternity of a child or to establish or
43 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 3. Section 21 of this act becomes effective on the date on
5 which the provisions of 42 U.S.C. § 666 requiring each state to
6 establish procedures under which the state has authority to withhold
7 or suspend, or to restrict the use of professional, occupational and
8 recreational licenses of persons who:

9 (a) Have failed to comply with a subpoena or warrant relating to
10 a procedure 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.

15 4. Sections 21 and 27 of this act expire by limitation on the
16 date 2 years after the date on which the provisions of 42 U.S.C. §
17 666 requiring each state to establish procedures under which the
18 state has authority to withhold or suspend, or to restrict the use of
19 professional, occupational and recreational licenses of persons who:

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

23 (b) 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.

