

SENATE BILL NO. 543—COMMITTEE ON
HUMAN RESOURCES AND EDUCATION

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON HEALTH CARE)

MARCH 26, 2007

Referred to Committee on Commerce and Labor

SUMMARY—Establishes the practice of behavioral health counseling. (BDR 54-308)

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: Yes.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to counseling; establishing the practice of behavioral health counseling; creating the Board of Examiners for Behavioral Health Counseling; abolishing the Board of Examiners for Marriage and Family Therapists and the Board of Examiners for Alcohol, Drug and Gambling Counselors and transferring their duties and powers to the Board of Examiners for Behavioral Health Counseling; establishing the practice of professional counseling; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Under existing law, the practice of marriage and family therapy is licensed and
- 2 regulated by the Board of Examiners for Marriage and Family Therapists. (Chapter
- 3 641A of NRS) The Board of Examiners for Alcohol, Drug and Gambling
- 4 Counselors licenses, certifies and regulates the practice of alcohol and drug abuse
- 5 counseling and gambling counseling. (Chapter 641C of NRS)
- 6 This bill establishes the practice of behavioral health counseling and creates the
- 7 Board of Examiners for Behavioral Health Counseling to license and regulate the
- 8 practice. This bill abolishes the Board of Examiners for Marriage and Family
- 9 Therapists and the Board of Examiners for Alcohol, Drug and Gambling
- 10 Counselors and transfers their duties and powers to the Board of Examiners for



* S B 5 4 3 *

11 Behavioral Health Counseling. This bill establishes the practice of professional
12 counseling as a practice within the practice of behavioral health counseling.

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

1 **Section 1.** Title 54 of NRS is hereby amended by adding
2 thereto a new chapter to consist of the provisions set forth as
3 sections 2 to 68, inclusive, of this act.

4 **Sec. 2.** *The practice of behavioral health counseling is*
5 *hereby declared a learned profession, profoundly affecting public*
6 *safety and welfare and charged with the public interest, and*
7 *therefore subject to protection and regulation by the State.*

8 **Sec. 3.** *As used in this chapter, unless the context otherwise*
9 *requires, the words and terms defined in sections 4 to 18,*
10 *inclusive, of this act have the meanings ascribed to them in those*
11 *sections.*

12 **Sec. 4.** *“Alcohol and drug abuse counselor” means a person*
13 *who describes himself or his services to the public by any title or*
14 *description which incorporates the term “alcohol and drug abuse*
15 *counselor” and under such a title offers to provide or provides*
16 *services to a person.*

17 **Sec. 5.** *“Approved supervisor” means a licensee who is*
18 *approved by the Board to supervise a person who is acquiring the*
19 *supervised experience in behavioral health counseling that is*
20 *required for licensure or certification pursuant to this chapter.*

21 **Sec. 6.** *“Board” means the Board of Examiners for*
22 *Behavioral Health Counseling.*

23 **Sec. 7.** *“Certificate” means a certificate issued by the Board*
24 *pursuant to this chapter to a person who is certified as an alcohol*
25 *and drug abuse counselor, an alcohol and drug abuse counselor*
26 *intern, a detoxification technician, a problem gambling counselor*
27 *or a problem gambling counselor intern.*

28 **Sec. 8.** *“License” means a license issued by the Board*
29 *pursuant to this chapter to practice as a drug and alcohol abuse*
30 *counselor, marriage and family therapist or professional*
31 *counselor. The term includes a provisional license.*

32 **Sec. 9.** *“Licensee” means a person who holds a license*
33 *issued by the Board pursuant to this chapter.*

34 **Sec. 10.** *“Marriage and family therapist” means a person*
35 *who describes himself or his services to the public by any title or*
36 *description which incorporates the term “marriage and family*
37 *therapist” or “marriage and family counselor” and under such a*
38 *title offers to provide or provides services to any person.*



* S B 5 4 3 *

1 **Sec. 11.** *“Practice of behavioral health counseling” means*
2 *alcohol and drug abuse counseling, marriage and family therapy,*
3 *problem gambling counseling and professional counseling.*

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

9 **Sec. 13.** *“Practice of counseling problem gamblers” means*
10 *the application of counseling to reduce or eliminate problem*
11 *gambling.*

12 **Sec. 14.** *“Practice of marriage and family therapy” means*
13 *the application of established principles of learning, motivation,*
14 *perception, thinking, emotional, marital and sexual relationships*
15 *and adjustments by persons trained in psychology, social work,*
16 *psychiatry or marriage and family therapy. The application of*
17 *those principles includes:*

18 1. *Diagnosis, therapy, treatment, counseling and the use of*
19 *psychotherapeutic measures with persons or groups with*
20 *adjustment problems in the areas of marriage, family or personal*
21 *relationships.*

22 2. *Conducting research concerning problems relating to*
23 *marital relationships and human behavior.*

24 3. *Consultation with other persons engaged in the practice of*
25 *marriage and family therapy if the consultation is determined by*
26 *the Board to include the application of any of those principles.*

27 **Sec. 15.** *“Practice of professional counseling” means the*
28 *provision of treatment, assessment and counseling, or equivalent*
29 *activities, to a person, couples, families or groups to achieve*
30 *mental, emotional, physical, social, moral, educational, spiritual*
31 *or career development and adjustment through the lifespan. The*
32 *term includes, without limitation, counseling interventions to*
33 *prevent, diagnose and treat mental, emotional or behavioral*
34 *disorders and associated distresses which interfere with mental*
35 *health.*

36 **Sec. 16.** *“Problem gambling” means persistent and recurrent*
37 *maladaptive behavior relating to gambling that causes disruptions*
38 *in any major area of life, including, without limitation, the*
39 *psychological, social or vocational areas of life.*

40 **Sec. 17.** *“Problem gambling counselor” means a person who*
41 *describes himself or his services to the public by any title or*
42 *description which incorporates the term “problem gambling*
43 *counselor” and under such a title offers to provide or provides*
44 *services to any person.*



1 **Sec. 18.** *“Professional counselor” means a person who holds*
2 *himself out as a person qualified to engage in professional*
3 *counseling or a person who offers to provide or provides*
4 *professional counseling services.*

5 **Sec. 19.** *The Board of Examiners for Behavioral Health*
6 *Counseling, consisting of 11 members appointed by the Governor,*
7 *is hereby created.*

8 **Sec. 20.** 1. *The Governor shall appoint to the Board:*

9 (a) *Three members who are licensed marriage and family*
10 *therapists and are in good standing with or acceptable for*
11 *membership in their local or state societies and associations when*
12 *they exist;*

13 (b) *Three members who are licensed alcohol and drug abuse*
14 *counselors or certified problem gambling counselors and are in*
15 *good standing with or acceptable for membership in their local or*
16 *state societies and associations when they exist;*

17 (c) *Three members who are licensed professional counselors*
18 *and are in good standing with or acceptable for membership in*
19 *their local or state societies and associations when they exist; and*

20 (d) *Two members who are representatives of the general*
21 *public. The members must not be:*

22 (1) *A marriage and family therapist, alcohol and drug*
23 *abuse counselor, problem gambling counselor or professional*
24 *counselor; or*

25 (2) *The spouse or the parent or child, by blood, marriage or*
26 *adoption, of a marriage and family therapist, alcohol and drug*
27 *abuse counselor, problem gambling counselor or professional*
28 *counselor.*

29 2. *The members of the Board who are representatives of the*
30 *general public shall not participate in preparing, conducting or*
31 *grading any examination required by the Board.*

32 3. *After the initial terms, members of the Board serve terms*
33 *of 4 years. No member of the Board may serve more than two*
34 *consecutive terms.*

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

38 **Sec. 21.** *A person is not eligible for appointment or to hold*
39 *office as a member of the Board unless he is:*

40 1. *A citizen of the United States.*

41 2. *A resident of Nevada.*

42 **Sec. 22.** *The Board shall meet at least once every 3 months at*
43 *a time and place fixed by the Board. The Board shall hold a*
44 *special meeting upon a call of the President or upon a request by a*



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

Sec. 23. The Board shall elect annually from its members a President, a Vice President and a Secretary-Treasurer, who hold office for 1 year and until the election and qualification of their successors.

Sec. 24. The Secretary-Treasurer shall prepare and maintain on behalf of the Board:

1. A record of all meetings and proceedings.
2. A record of all examinations and applicants.
3. A register of the name and address of each person licensed or certified pursuant to this chapter.
4. An inventory of the property of the Board and of the State in the Board's possession.

Sec. 25. The Board shall adopt regulations relating to:

1. Its procedure for carrying out its duties pursuant to this chapter;
2. The examination, licensing and certification of applicants;
3. The issuance, refusal, revocation or suspension of licenses and certificates; and
4. The practice of professional counseling, the practice of marriage and family therapy, the practice of counseling alcohol and drug abusers and the practice of counseling problem gamblers as those practices apply to this chapter.

Sec. 26. The Board shall:

1. Examine and pass upon the qualifications of applicants for licensing or certification.
2. License or certify qualified applicants.
3. Revoke or suspend licenses or certificates.
4. Establish requirements for continuing education.
5. Collect all fees and make disbursements pursuant to this chapter.

Sec. 27. 1. The Board shall:

(a) Adopt regulations prescribing the criteria for courses of study that are sufficient for the purposes of issuing licenses or certificates; and

(b) Determine the schools in and outside this State that have courses of study which are sufficient for the purpose of issuing licenses or certificates. Published lists of educational institutions accredited by recognized accrediting organizations may be used in the evaluation of such courses of study.

2. A course of study is not sufficient for the purpose of issuing licenses or certificates unless the course of study:

(a) Results in the awarding of a master's or doctoral degree; and



(b) Requires the completion of the equivalent of at least 60 semester hours in courses that include at least 3 semester hours or the equivalent of study in each of the following areas:

(1) Helping relationships, including counseling theory and practice;

(2) Human growth and development;

(3) Lifestyle and career development;

(4) Group dynamics, processes, counseling and consulting;

(5) Assessment, appraisal and testing of persons;

(6) Social and cultural foundation, including multicultural issues;

(7) Principles of diagnosis, treatment planning, and prevention of mental and emotional disorders and dysfunctional behavior;

(8) Research and evaluation; and

(9) Professional orientation and ethics in counseling.

3. The Board may authorize an applicant for a license or certificate who completes a course of study that is deficient in any of the areas set forth in subsection 2 to eliminate the deficiency by completing equivalent course work.

Sec. 28. 1. The Board or any member thereof may issue subpoenas for the attendance of witnesses and the production of books and papers.

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

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

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

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

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

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

4. The court, upon such a petition, shall enter an order directing the witness to appear before the court at a time and place fixed by the court in the order, and then and there to show cause



1 *why he has not attended or testified or produced the books or*
2 *papers before the Board. The time may not be more than 10 days*
3 *after the date of the order. A certified copy of the order must be*
4 *served upon the witness.*

5 *5. If the court determines that the subpoena was regularly*
6 *issued by the Board, the court shall thereupon enter an order that*
7 *the witness appear before the Board at the time and place fixed in*
8 *the order, and testify or produce the required books or papers.*
9 *Failure to obey the order is a contempt of the court that issued the*
10 *order.*

11 **Sec. 29. 1. A member of the Board is entitled to receive:**

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

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

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

22 **Sec. 30. 1. Except as otherwise provided in subsection 4, all**
23 *reasonable expenses incurred by the Board in carrying out the*
24 *provisions of this chapter must be paid from the money which it*
25 *receives. No part of the salaries or expenses of the Board may be*
26 *paid out of the State General Fund.*

27 *2. All money received by the Board must be deposited in*
28 *qualified banks, credit unions or savings and loan associations in*
29 *this State and paid out on its order for its expenses.*

30 *3. In a manner consistent with the provisions of chapter 622A*
31 *of NRS, the Board may delegate to a hearing officer or panel its*
32 *authority to take any disciplinary action pursuant to this chapter,*
33 *impose and collect fines and penalties therefor and deposit the*
34 *money therefrom in banks, credit unions or savings and loan*
35 *associations in this State.*

36 *4. If a hearing officer or panel is not authorized to take*
37 *disciplinary action pursuant to subsection 3 and the Board*
38 *deposits the money collected from the imposition of fines with the*
39 *State Treasurer for credit to the State General Fund, it may*
40 *present a claim to the State Board of Examiners for*
41 *recommendation to the Interim Finance Committee if money is*
42 *required to pay attorney's fees or the costs of an investigation, or*
43 *both.*

44 **Sec. 31. 1. Except as otherwise provided in this section, any**
45 *records or information received by the Board relating to a licensee*



1 *or holder of a certificate or an applicant for a license or certificate*
2 *is confidential.*

3 2. *Except as otherwise provided in this section, a complaint*
4 *filed with the Board, all documents and other information filed*
5 *with the complaint and all documents and other information*
6 *compiled as a result of an investigation conducted to determine*
7 *whether to initiate disciplinary action against a person are*
8 *confidential, unless the person submits a written statement to the*
9 *Board requesting that those documents and information be made*
10 *public records.*

11 3. *The charging documents filed with the Board to initiate*
12 *disciplinary action pursuant to chapter 622A of NRS and all*
13 *documents and information considered by the Board when*
14 *determining whether to impose discipline are public records.*

15 4. *The provisions of this section do not prohibit the Board*
16 *from communicating or cooperating with or providing any*
17 *documents or other information to any other licensing board or*
18 *any other agency that is investigating a person, including, without*
19 *limitation, a law enforcement agency.*

20 **Sec. 32.** *Each person desiring a license or certificate must*
21 *apply to the Board upon a form, and in a manner, prescribed by*
22 *the Board. The application must be accompanied by the*
23 *application fee prescribed by the Board and all information*
24 *required to complete the application.*

25 **Sec. 33. 1.** *In addition to any other requirements set forth*
26 *in this chapter:*

27 (a) *An applicant for the issuance of a license or certificate*
28 *must include the social security number of the applicant in the*
29 *application submitted to the Board.*

30 (b) *An applicant for the issuance or renewal of a license or*
31 *certificate must submit to the Board the statement prescribed by*
32 *the Division of Welfare and Supportive Services of the Department*
33 *of Health and Human Services pursuant to NRS 425.520. The*
34 *statement must be completed and signed by the applicant.*

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

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

39 (b) *A separate form prescribed by the Board.*

40 3. *A license or certificate may not be issued or renewed by the*
41 *Board if the applicant:*

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

44 (b) *Indicates on the statement submitted pursuant to*
45 *subsection 1 that he is subject to a court order for the support of a*



1 *child and is not in compliance with the order or a plan approved*
2 *by the district attorney or other public agency enforcing the order*
3 *for the repayment of the amount owed pursuant to the order.*

4 *4. If an applicant indicates on the statement submitted*
5 *pursuant to subsection 1 that he is subject to a court order for the*
6 *support of a child and is not in compliance with the order or a*
7 *plan approved by the district attorney or other public agency*
8 *enforcing the order for the repayment of the amount owed*
9 *pursuant to the order, the Board shall advise the applicant to*
10 *contact the district attorney or other public agency enforcing the*
11 *order to determine the actions that the applicant may take to*
12 *satisfy the arrearage.*

13 **Sec. 34.** *1. In addition to any other requirements set forth*
14 *in this chapter, an applicant for the issuance or renewal of a*
15 *license or certificate must submit to the Board the statement*
16 *prescribed by the Division of Welfare and Supportive Services of*
17 *the Department of Health and Human Services pursuant to NRS*
18 *425.520. The statement must be completed and signed by the*
19 *applicant.*

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

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

24 *(b) A separate form prescribed by the Board.*

25 *3. A license or certificate may not be issued or renewed by the*
26 *Board if the applicant:*

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

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

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

43 **Sec. 35.** *Each applicant for a license or certificate must*
44 *provide proof satisfactory to the Board that he:*

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



* S B 5 4 3 *

2. *Is of good moral character; and*
3. *Is a citizen of the United States, or is lawfully entitled to remain and work in the United States.*

Sec. 36. *In addition to the requirements set forth in section 35 of this act, an applicant for a license as a professional counselor must provide proof satisfactory to the Board that he:*

1. *Possesses a master's or doctoral degree in counseling from an accredited college or university approved by the Board, which required the completion of a practicum or internship which included not less than 300 hours of supervised counseling directly with clients.*

2. *Has completed at least 3,000 hours of supervised experience in the practice of professional counseling. The hours must have been completed within a 2-year period and must include, without limitation:*

- (a) *At least 1,200 hours of counseling directly with a person, couples, families or groups; and*

- (b) *At least 100 hours of counseling under the supervision of an approved supervisor.*

3. *Has passed the National Counselor Examination for Licensure and Certification or the National Clinical Mental Health Counseling Examination which are administered by the National Board for Certified Counselors.*

Sec. 37. *In addition to the requirements set forth in section 35 of this act, an applicant for a license as a marriage and family therapist must provide proof satisfactory to the Board that he:*

1. *Possesses a master's or doctoral degree in marriage and family therapy from an accredited college or university approved by the Board, which required the completion of a practicum or internship which included not less than 300 hours of supervised counseling directly with clients.*

2. *Has completed at least 3,000 hours of supervised experience in the practice of marriage and family therapy. The hours must have been completed within a 2-year period and must include, without limitation:*

- (a) *At least 1,200 hours of marriage and family therapy directly with a person, couples, families or groups; and*

- (b) *At least 100 hours of marriage and family therapy under the supervision of an approved supervisor.*

3. *Has passed the Examination in Marital and Family Therapy administered by the Association of Marital and Family Therapy Regulatory Boards.*

Sec. 38. *In addition to the requirements set forth in section 35 of this act, an applicant for a license as an alcohol and drug*



abuse counselor must provide proof satisfactory to the Board that he:

1. Possesses a master's or doctoral degree in a field of social science from an accredited college or university approved by the Board, which required the completion of a practicum or internship which included not less than 300 hours of supervised counseling directly with clients;

2. Has completed at least 3,000 hours of supervised experience in the practice of counseling alcohol and drug abusers. The hours must have been completed within a 2-year period and must include, without limitation:

(a) At least 1,200 hours of counseling directly with a person, couples, families or groups; and

(b) At least 100 hours of counseling under the supervision of an approved supervisor; and

3. Except as otherwise provided in section 46 of this act, has passed the written and oral examinations prescribed by the Board.

Sec. 39. 1. *In addition to the requirements set forth in section 35 of this act, an applicant for a certificate as an alcohol and drug abuse counselor must provide proof satisfactory to the Board that he:*

(a) Except as otherwise provided in subsection 2, has received a bachelor's degree from an accredited college or university in a field of social science approved by the Board;

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

(c) Has passed the written and oral examinations prescribed by the Board.

2. The Board may waive the educational requirement set forth in paragraph (a) of subsection 1 if an applicant for a certificate has contracted with or receives a grant from the Federal Government to provide services as an alcohol and drug abuse counselor to persons who are authorized to receive those services pursuant to 25 U.S.C. §§ 450 et seq., or 25 U.S.C. §§ 1601 et seq. An alcohol and drug abuse counselor certified pursuant to this section for whom the educational requirement set forth in paragraph (a) of subsection 1 is waived may provide services as an alcohol and drug abuse counselor only to those persons who are authorized to receive those services pursuant to 25 U.S.C. §§ 450 et seq., or 25 U.S.C. §§ 1601 et seq.

3. A certified alcohol and drug abuse counselor may:

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

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



1 **Sec. 40. 1.** *In addition to the requirements set forth in*
2 *section 35 of this act, an applicant for a certificate as an alcohol*
3 *and drug abuse counselor intern must provide proof satisfactory to*
4 *the Board that he:*

5 (a) *Has a high school diploma or a general equivalency*
6 *diploma;*

7 (b) *Is enrolled in a program from which he will receive an*
8 *associate's degree, bachelor's degree, master's degree or doctoral*
9 *degree from an accredited college or university in a field of social*
10 *science approved by the Board; or*

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

14 2. *A certificate as an alcohol and drug abuse counselor*
15 *intern may be renewed. The Board may waive any requirement for*
16 *the renewal of a certificate upon good cause shown by the holder*
17 *of a certificate.*

18 3. *A certified intern may, under the supervision of a licensed*
19 *or certified alcohol and drug abuse counselor:*

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

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

24 **Sec. 41. 1.** *In addition to the requirements set forth in*
25 *section 35 of this act, an applicant for a certificate as a problem*
26 *gambling counselor must provide proof satisfactory to the Board*
27 *that he has:*

28 (a) *Received a bachelor's degree, master's degree or a doctoral*
29 *degree from an accredited college or university in a field of social*
30 *science approved by the Board;*

31 (b) *Completed not less than 60 hours of training relating to*
32 *problem gambling approved by the Board;*

33 (c) *Completed at least 2,000 hours of supervised counseling of*
34 *problem gamblers in a setting approved by the Board; and*

35 (d) *Passed the written examination prescribed by the Board.*

36 2. *A certificate as a problem gambling counselor may be*
37 *renewed.*

38 3. *A certified problem gambling counselor may:*

39 (a) *Engage in the practice of counseling problem gamblers;*

40 (b) *Assess and evaluate a person as a problem gambler; and*

41 (c) *If approved by the Board, supervise certified problem*
42 *gambling counseling interns.*

43 **Sec. 42. 1.** *In addition to the requirements of section 35 of*
44 *this act, an applicant for certification as a problem gambling*
45 *counselor intern must provide proof satisfactory to the Board that:*



* S B 5 4 3 *

(a) *He 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, or is enrolled in a program at an accredited college or university from which he will receive a bachelor's degree, master's degree or a doctoral degree in a field of social science approved by the Board;*

(b) *He has completed not less than 30 hours of training relating to problem gambling approved by the Board; and*

(c) *A certified problem gambling counselor approved by the Board has agreed to supervise him in a setting approved by the Board.*

2. *Except as otherwise provided in subsection 3, a certificate as a problem gambling counselor intern may be renewed.*

3. *A certificate as a problem gambling counselor intern issued to a person on the basis that he is enrolled in a program at an accredited college or university from which he will receive a bachelor's degree, master's degree or a doctoral degree in a field of social science approved by the Board may be renewed not more than nine times.*

4. *A certified problem gambling counselor intern may, under the supervision of a certified problem gambling counselor:*

(a) *Engage in the practice of counseling problem gamblers; and*

(b) *Assess and evaluate a person as a problem gambler.*

Sec. 43. 1. *The Board may, by regulation, provide for the certification of a person as a detoxification technician.*

2. *Any regulation adopted pursuant to subsection 1 must be consistent with the provisions of chapter 622A of NRS and must include, without limitation, provisions relating to:*

(a) *The requirements for submitting an application for a certificate, including, without limitation, the submission of a complete set of fingerprints pursuant to section 44 of this act;*

(b) *The scope of practice for a person who is issued a certificate;*

(c) *The conduct of any investigation or hearing relating to an application for a certificate;*

(d) *The examination of an applicant for a certificate or a waiver of examination for an applicant;*

(e) *The requirements for issuing a certificate or provisional certificate;*

(f) *The duration, expiration, renewal, suspension, revocation and reinstatement of a certificate;*

(g) *The grounds for refusing to issue, renew or reinstate a certificate;*



1 (h) *The conduct of any disciplinary or other administrative*
2 *proceeding relating to a person who is issued a certificate;*

3 (i) *The filing of a complaint against a person who is issued a*
4 *certificate;*

5 (j) *The issuance of a subpoena for the attendance of witnesses*
6 *and the production of books, papers and records;*

7 (k) *The payment of fees for:*

8 (1) *Witnesses, mileage and attendance at a hearing or*
9 *deposition; and*

10 (2) *The issuance, renewal or reinstatement of a certificate;*

11 (l) *The imposition of a penalty for a violation of any provision*
12 *of the regulations; and*

13 (m) *The confidentiality of any record or other information*
14 *maintained by the Board relating to an applicant or the holder of a*
15 *certificate.*

16 3. *A person shall not engage in any activity for which the*
17 *Board requires a certificate as a detoxification technician*
18 *pursuant to this section unless the person is certified as such.*

19 4. *In addition to the provisions of subsection 2, a regulation*
20 *adopted pursuant to this section must include provisions that are*
21 *substantially similar to the requirements set forth in sections 33*
22 *and 58 of this act. Any provision included in a regulation pursuant*
23 *to this subsection remains effective until the provisions of sections*
24 *33 and 58 of this act expire by limitation.*

25 5. *Except as otherwise provided in this section and sections*
26 *66, 67 and 68 of this act, the provisions of this chapter do not*
27 *apply to the holder of a certificate that is issued in accordance*
28 *with a regulation adopted pursuant to this section.*

29 6. *As used in this section, "detoxification technician" means*
30 *a person who is certified by the Board to provide screening for the*
31 *safe withdrawal from alcohol and other drugs.*

32 **Sec. 44.** *In addition to any other requirements set forth in*
33 *this chapter, an applicant for a license or certificate must submit*
34 *to the Board a complete set of his fingerprints which the Board*
35 *may forward to the Central Repository for Nevada Records of*
36 *Criminal History for submission to the Federal Bureau of*
37 *Investigation for its report.*

38 **Sec. 45. 1.** *The Board may use any information included in*
39 *a report of criminal history that is obtained pursuant to this*
40 *section or section 44 of this act in determining whether:*

41 (a) *To issue, renew, suspend, revoke or reinstate a license or*
42 *certificate pursuant to this chapter; or*

43 (b) *Any ground for imposing any disciplinary action exists*
44 *pursuant to section 57 of this act.*



2. Before renewing or reinstating a license or certificate issued pursuant to this chapter, the Board may, by regulation, require a licensee or holder of a certificate to submit to the Board a complete set of his fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

3. A regulation adopted pursuant to subsection 2 must set forth the circumstances under which the Board will require a detoxification technician to submit his fingerprints and written authorization specified in that subsection before renewing or reinstating his certificate.

Sec. 46. The Board may issue a license without examination to a person who holds a license to engage in the practice of alcohol and drug abuse counseling, marriage and family therapy or professional counseling in a state whose licensing requirements at the time the license was issued are deemed by the Board to be substantially equivalent to the requirements set forth in this chapter.

Sec. 47. 1. A person who wishes to obtain the supervised experience that is required for licensure or certification pursuant to this chapter must obtain a provisional license before beginning his supervised experience.

2. In addition to the requirements set forth in section 35 of this act, an applicant for a provisional license must furnish evidence satisfactory to the Board that he:

(a) Possesses a bachelor's, master's or doctoral degree in an appropriate field of social science from an accredited college or university approved by the Board which required the completion of a practicum or internship; and

(b) Has entered into a supervision agreement with an approved supervisor.

Sec. 48. A provisional license:

1. Is valid for 5 years and may be renewed not more than once; and

2. Expires upon:

(a) The termination of a supervision agreement;

(b) A change in the approved supervisor; or

(c) The issuance of a license as a marriage and family therapist, professional counselor or alcohol and drug abuse counselor to the holder of a provisional license.

Sec. 49. 1. The holder of a provisional license shall, before providing any counseling or other therapeutic service to a client:

(a) Inform the client that he holds a provisional license and is practicing under the supervision of an approved supervisor; and



(b) Provide to the client the name of his approved supervisor.

2. A violation of subsection 1 constitutes a ground for initiating disciplinary action or denying licensure.

Sec. 50. 1. The holder of a provisional license who makes a change in a supervision agreement or enters into a new supervision agreement shall notify the Board within 30 days after the date of the change or new agreement.

2. Each party to a supervision agreement shall, upon its termination, notify the Board in writing not more than 5 days after the date of termination.

Sec. 51. 1. The Board shall issue a license or certificate to an applicant who complies with the requirements for a license or certificate as set forth in this chapter.

2. Except as otherwise provided in section 48 of this act, a license or certificate is valid for 1 year after the date of issuance or until it is suspended, revoked or otherwise terminated.

Sec. 52. 1. A person who wishes to renew a license or certificate issued pursuant to this chapter, must, on or before the date of expiration of the license or certificate:

(a) Apply to the Board for renewal;

(b) Pay the fee for renewal prescribed by the Board;

(c) Submit proof to the Board of his completion of the requirements for continuing education; and

(d) Submit all information required to complete the renewal.

2. The Board shall, as a requirement for the renewal of a license or certificate, require each licensee or holder of a certificate to comply with the requirements for continuing education adopted by the Board.

Sec. 53. Failure to pay the fee for renewal automatically effects a revocation of the license or certificate on the date of expiration of the license or certificate. The license or certificate may not be reinstated except upon:

1. Written application;

2. Submission of proof of the completion of the continuing education for the period the license or certificate was revoked; and

3. The payment of the fee for renewal and the fee for reinstatement set forth in section 56 of this act.

Sec. 54. After a license or certificate has lapsed continuously for 3 years, a person who applies for reinstatement of a license or certificate must meet the statutory requirements for a license or certificate in effect at the time of application.

Sec. 55. 1. Upon written request to the Board and payment of the fee prescribed by the Board, a licensee or holder of a certificate in good standing may have his name and license or certificate transferred to an inactive list for a period not to exceed



3 continuous years. A licensee or holder of a certificate shall not practice during the time his license or certificate is inactive. If an inactive licensee or holder of a certificate wishes to resume practice, the Board shall reactivate the license or certificate upon the:

(a) Completion of an application for reactivation;

(b) Payment of the fee for reactivation of the license or certificate; and

(c) Demonstration, if required by the Board, that the licensee or holder of a certificate is qualified to practice.

↳ Except as otherwise provided in subsection 2, the licensee or holder of a certificate is not required to pay the renewal fee for any year the license or certificate is inactive.

2. Any license or certificate that is inactive for a period of more than 3 continuous years is deemed:

(a) To effect a revocation for the purposes of section 53 of this act.

(b) To have lapsed at the beginning of that period for the purposes of section 54 of this act.

3. The Board may adopt such regulations as it deems necessary to carry out the provisions of this section, including, without limitation, regulations governing the renewal of inactive licenses and certificates and any requirement for continuing education for inactive licensees or holders of a certificate.

Sec. 56. The Board shall charge and collect not more than the following fees:

For the initial application for a license or certificate.....\$75

For the issuance of an initial license or certificate.....50

For issuance of a provisional license125

For the annual renewal of a license or certificate150

For the reinstatement of a suspended or revoked
license or certificate100

For the reactivation of an inactive license or
certificate150

For an examination of an applicant for a license or
certificate150

Sec. 57. The Board may refuse to issue a license or certificate or may suspend or revoke a license or certificate for any of the following reasons:

1. Conviction of a felony relating to the practice of behavioral health counseling or of any offense involving moral turpitude, the record of conviction being conclusive evidence thereof.

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



1 3. *Impersonating a licensee or holder of a certificate or*
2 *allowing another person to use his license or certificate.*

3 4. *Using fraud or deception in applying for a license or*
4 *certificate or in passing the examination provided for in this*
5 *chapter.*

6 5. *Providing or offering to provide services outside the area*
7 *of his training, experience or competence.*

8 6. *Committing unethical practices contrary to the interest of*
9 *the public as determined by the Board.*

10 7. *Unprofessional conduct as determined by the Board.*

11 8. *Negligence, fraud or deception in connection with services*
12 *he is licensed or certified to provide pursuant to this chapter.*

13 9. *Any disciplinary action by another state or jurisdiction in*
14 *connection with the practice of behavioral health counseling or*
15 *the commission of an act in another state or jurisdiction which is a*
16 *violation of this chapter.*

17 10. *Failure to comply with a requirement for licensure or*
18 *certification.*

19 **Sec. 58.** 1. *If the Board receives a copy of a court order*
20 *issued pursuant to NRS 425.540 that provides for the suspension*
21 *of all professional, occupational and recreational licenses,*
22 *certificates and permits issued to a person who is a licensee or a*
23 *holder of a certificate issued pursuant to this chapter, the Board*
24 *shall deem the license or certificate issued to that person to be*
25 *suspended at the end of the 30th day after the date on which the*
26 *court order was issued unless the Board receives a letter issued to*
27 *the licensee or holder of the certificate by the district attorney or*
28 *other public agency pursuant to NRS 425.550 stating that the*
29 *licensee or holder of a certificate has complied with the subpoena*
30 *or warrant or has satisfied the arrearage pursuant to*
31 *NRS 425.560.*

32 2. *Except as otherwise provided in section 45 of this act, the*
33 *Board shall reinstate a license or certificate issued pursuant to this*
34 *chapter that has been suspended by a district court pursuant to*
35 *NRS 425.540 if the Board receives a letter issued by the district*
36 *attorney or other public agency pursuant to NRS 425.550 to the*
37 *person whose license or certificate was suspended stating that the*
38 *person whose license or certificate was suspended has complied*
39 *with the subpoena or warrant or has satisfied the arrearage*
40 *pursuant to NRS 425.560.*

41 **Sec. 59.** 1. *If the Board or any investigative committee of*
42 *the Board has reason to believe that the conduct of any licensee or*
43 *holder of a certificate has raised a reasonable question concerning*
44 *his competence to practice with reasonable skill and safety, it may*
45 *order the licensee or holder of a certificate to undergo:*



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

3 (b) An examination testing his competence to practice; or

4 (c) Any other examination designated by the Board,

5 ➔ to assist the Board or committee in determining the fitness of
6 the licensee or holder of a certificate to practice.

7 2. For the purposes of this section:

8 (a) Each person who applies for a license or certificate or who
9 is licensed or certified pursuant to this chapter is deemed to have
10 given his consent to submit to any examination ordered pursuant
11 to subsection 1 if ordered to do so in writing by the Board.

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

14 3. Except in extraordinary circumstances, as determined by
15 the Board, the failure of a licensee or holder of a certificate to
16 submit to an examination if ordered to do so as provided in this
17 section constitutes an admission of the charges against him.

18 4. The Board may require the licensee or holder of a
19 certificate to pay the cost of an examination ordered pursuant to
20 this section.

21 **Sec. 60.** 1. The Board may discipline a licensee or holder of
22 a certificate whose default has been entered or who has been
23 heard by the Board and found guilty, by any of the following
24 methods:

25 (a) Placing him upon probation for a period to be determined
26 by the Board.

27 (b) Suspending his license or certificate for not more than 1
28 year.

29 (c) Revoking his license or certificate.

30 (d) Administering a public reprimand.

31 (e) Limiting his practice.

32 (f) Imposing an administrative fine of not more than \$5,000.

33 (g) Requiring him to complete successfully another
34 examination.

35 2. The Board shall not administer a private reprimand.

36 3. An order that imposes discipline and the findings of fact
37 and conclusions of law supporting that order are public records.

38 **Sec. 61.** 1. A complaint may be made against a licensee or
39 holder of a certificate by an agency or inspector employed by the
40 Board, any other licensee or holder of a certificate or any
41 aggrieved person, charging one or more of the causes for which
42 the licensee or holder of a certificate may be revoked or suspended
43 with such particularity as to enable the defendant to prepare a
44 defense thereto.



2. A complaint must be made in writing and signed and verified by the person making the complaint. The original complaint and two copies must be filed with the Secretary-Treasurer of the Board.

Sec. 62. 1. As soon as practicable after the filing of a complaint, the Board shall fix a date for the hearing on the matter. The date must not be less than 30 days after the filing of the complaint. The Secretary-Treasurer of the Board shall immediately notify the licensee or holder of a certificate of the complaint and the date and place fixed for the hearing. A copy of the complaint must be attached to the notice.

2. The hearing must be conducted by a panel consisting of:

(a) Two members of the Board who practice in the same discipline as the licensee or holder of a certificate; and

(b) A member of the Board who represents the general public.

3. Upon conclusion of the hearing or as soon as practicable thereafter, the Board shall make and announce its decision.

Sec. 63. If the Board revokes or suspends a license or certificate for a specific period, the licensee or holder of a certificate may apply for a rehearing within 10 days after the date of the suspension or revocation, and the Board may grant the application upon the terms and conditions it deems appropriate within 30 days after the application.

Sec. 64. An application may be made to the Board for reinstatement of a license or certificate not less than 1 year after the date of the revocation of a license or certificate. The Board has sole discretion to accept or reject an application for reinstatement and may require examination for reinstatement of the license or certificate.

Sec. 65. 1. It is unlawful for any person to engage in the practice of marriage and family therapy, the practice of professional counseling, the practice of counseling alcohol and drug abusers or the practice of counseling problem gamblers or to practice as a detoxification technician unless he is licensed or certified pursuant to this chapter.

2. The provisions of this chapter do not:

(a) Prohibit any licensed physician, licensed nurse, licensed psychologist or other person licensed or certified by the State from carrying out the functions authorized 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



1 *course of study, the activities are supervised by an approved*
2 *supervisor and the student is identified by the title "intern in*
3 *behavioral health counseling" or any other title which clearly*
4 *indicates his status as a student.*

5 *(c) Apply to a licensed or ordained minister in good standing*
6 *with his denomination whose duty is primarily to serve his*
7 *congregation and whose practice of behavioral health counseling*
8 *is incidental to his other duties if he does not hold himself out to*
9 *the public by any title or description of service that is likely to*
10 *cause confusion with the titles and descriptions or services set*
11 *forth in this chapter.*

12 **Sec. 66.** *It is unlawful for any person, other than a person*
13 *licensed or certified pursuant to this chapter to use any title in*
14 *connection with his work, or imply that he is licensed or certified*
15 *by the Board, unless he is licensed or certified pursuant to this*
16 *chapter.*

17 **Sec. 67.** *Any person who violates any of the provisions of this*
18 *chapter or, having had his license or certificate suspended or*
19 *revoked, continues to represent himself as having such a license*
20 *or certificate shall be punished by imprisonment in the county jail*
21 *for not more than 1 year or by a fine of not more than \$5,000, or*
22 *by both fine and imprisonment. Each violation is a separate*
23 *offense.*

24 **Sec. 68.** *A violation of any provision of this chapter by a*
25 *person unlawfully representing himself as licensed or certified*
26 *pursuant to this chapter may be enjoined by a district court on*
27 *petition by the Board. In any such proceeding it is not necessary to*
28 *demonstrate that any person is individually injured. If the*
29 *respondent is found guilty of misrepresenting himself as licensed*
30 *or certified pursuant to this chapter, the court shall enjoin him*
31 *from making such a representation until he is licensed or certified.*
32 *The procedure in such cases is the same as in any other*
33 *application for an injunction. The remedy by injunction is in*
34 *addition to criminal prosecution and punishment.*

35 **Sec. 69.** NRS 622A.120 is hereby amended to read as follows:

36 622A.120 1. The following regulatory bodies are exempted
37 from the provisions of this chapter:

- 38 (a) State Contractors' Board.
39 (b) State Board of Professional Engineers and Land Surveyors.
40 (c) Nevada State Board of Accountancy.
41 (d) Board of Medical Examiners.
42 (e) Board of Dental Examiners of Nevada.
43 (f) State Board of Nursing.
44 (g) Chiropractic Physicians' Board of Nevada.
45 (h) Nevada State Board of Optometry.



(i) State Board of Pharmacy.

(j) Board of Examiners for ~~[Marriage and Family Therapists.]~~
Behavioral Health Counseling.

(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. 70. 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, *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. 71. NRS 632.472 is hereby amended to read as follows:

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

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

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



1 a medical facility or facility for the dependent upon notification by a
2 member of the staff of the facility.

3 (c) A coroner.

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

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

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

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

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

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

19 (j) Any social worker.

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

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

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

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

35 **Sec. 72.** NRS 640A.070 is hereby amended to read as follows:
36 640A.070 This chapter does not apply to a person:

37 1. Holding a current license or certificate issued pursuant to
38 chapter 391, 630 to 637B, inclusive, 640, 640B to 641B, inclusive,
39 of NRS, *and sections 2 to 68, inclusive, of this act* who practices
40 within the scope of that license or certificate.

41 2. Employed by the Federal Government who practices
42 occupational therapy within the scope of that employment.

43 3. Enrolled in an educational program approved by the Board
44 which is designed to lead to a certificate or degree in occupational



1 therapy, if he is designated by a title which clearly indicates that he
2 is a student.

3 4. Obtaining the supervised experience necessary to satisfy the
4 requirements of subsection 3 of NRS 640A.120.

5 5. Practicing occupational therapy in this State in association
6 with an occupational therapist licensed pursuant to this chapter if the
7 person:

8 (a) Practices in this State for not more than 45 days in a calendar
9 year;

10 (b) Is licensed to practice occupational therapy in another state
11 where the requirements for such a license are equivalent to the
12 requirements of this chapter; and

13 (c) Meets the requirements for certification as an "occupational
14 therapist registered" or "certified occupational therapy assistant"
15 established by the American Occupational Therapy Certification
16 Board.

17 **Sec. 73.** NRS 641.029 is hereby amended to read as follows:

18 641.029 The provisions of this chapter do not apply to:

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

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

21 3. A person who is licensed as a marriage and family therapist
22 pursuant to ~~chapter 641A of NRS;~~ *sections 2 to 68, inclusive, of*
23 *this act;*

24 4. *A person who is licensed as a professional counselor*
25 *pursuant to sections 2 to 68, inclusive, of this act;*

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

28 ~~5-1~~ 6. A person who is licensed as an occupational therapist or
29 occupational therapy assistant pursuant to NRS 640A.010 to
30 640A.230, inclusive;

31 ~~6-1~~ 7. A person who is licensed or certified as an alcohol and
32 drug abuse counselor or certified as an alcohol and drug abuse
33 counselor intern, a problem gambling counselor or a problem
34 gambling counselor intern pursuant to ~~chapter 641C of NRS;~~
35 *sections 2 to 68, inclusive, of this act;* or

36 ~~7-1~~ 8. Any clergyman,
37 ➤ if such a person does not commit an act described in NRS
38 641.440 or represent himself as a psychologist.

39 **Sec. 74.** NRS 641.440 is hereby amended to read as follows:

40 641.440 Any person who:

41 1. Presents as his own the diploma, license or credentials of
42 another;

43 2. Gives either false or forged evidence of any kind to the
44 Board or any member thereof, in connection with an application for
45 a license;



* S B 5 4 3 *

3. Practices psychology under a false or assumed name or falsely personates another psychologist of a like or different name;

4. Except as provided in NRS 641.390, 641.410 and ~~641A.410,~~ *section 65 of this act*, represents himself as a psychologist, or uses any title or description which incorporates the word "psychology," "psychological," "psychologist," "psychometry," "psychometrics," "psychometrist" or any other term indicating or implying that he is a psychologist, unless he has been issued a license; or

5. Practices psychology unless he has been issued a license,
 ➤ is guilty of a gross misdemeanor.

Sec. 75. NRS 641B.040 is hereby amended to read as follows:

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

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

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

3. A person who is licensed as a psychologist pursuant to chapter 641 of NRS;

4. A person who is licensed as a marriage and family therapist pursuant to ~~chapter 641A of NRS;~~ *sections 2 to 68, inclusive, of this act;*

5. *A person who is licensed as a professional counselor pursuant to sections 2 to 68, inclusive, of this act;*

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.~~ 7. A person who is licensed or certified as an alcohol and drug abuse counselor or certified as an alcohol and drug abuse counselor intern, a problem gambling counselor or a problem gambling counselor intern pursuant to ~~chapter 641C of NRS;~~ *sections 2 to 68, inclusive, of this act;*

8. Any clergyman;

~~8-9.~~ 9. A county welfare director;

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

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



1 **Sec. 76.** Chapter 49 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 77 to 80, inclusive, of this
3 act.

4 **Sec. 77.** *As used in sections 77 to 80, inclusive, of this act,*
5 *unless the context otherwise requires:*

6 1. *“Client” means a person who consults or is interviewed by*
7 *a professional counselor for the purpose of diagnosis or treatment.*

8 2. *A communication is “confidential” if it is not intended to*
9 *be disclosed to any third person other than a person:*

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

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

14 (c) *Who participates in the diagnosis or treatment under the*
15 *direction of the professional counselor, including a member of the*
16 *client’s family.*

17 3. *“Professional counselor” has the meaning ascribed to it in*
18 *section 18 of this act.*

19 **Sec. 78.** *A client has a privilege to refuse to disclose, and to*
20 *prevent any other person from disclosing, confidential*
21 *communications among himself, his professional counselor or any*
22 *other person who participates in the diagnosis or treatment under*
23 *the direction of the professional counselor.*

24 **Sec. 79.** 1. *The privilege may be claimed by the client, his*
25 *guardian or conservator, or by the personal representative of a*
26 *deceased client.*

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

30 **Sec. 80.** *There is no privilege under section 78 or 79 of this*
31 *act:*

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

35 2. *If the professional counselor is required to testify in an*
36 *administrative or court-related investigation or proceeding*
37 *involving the welfare of his client or the minor children of his*
38 *client.*

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

43 4. *With respect to communications relevant to an issue of the*
44 *treatment of the client in any proceeding in which the treatment is*
45 *an element of a claim or defense.*



* S B 5 4 3 *

Sec. 81. NRS 49.246 is hereby amended to read as follows:

49.246 As used in NRS 49.246 to 49.249, inclusive, unless the context otherwise requires:

1. "Client" means a person who consults or is interviewed by a marriage and family therapist for the purpose of diagnosis or treatment.

2. 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 marriage and family therapist, including a member of the client's family.

3. "Marriage and family therapist" has the meaning ascribed to it in ~~NRS 641A.060.~~ *section 10 of this act.*

Sec. 82. NRS 62A.270 is hereby amended to read as follows:

62A.270 "Qualified professional" means:

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

2. A psychologist licensed to practice in this State;

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

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

5. A marriage and family therapist licensed in this State pursuant to ~~chapter 641A of NRS.~~ *sections 2 to 68, inclusive, of this act; or*

6. A professional counselor licensed in this State pursuant to sections 2 to 68, inclusive, of this act.

Sec. 83. NRS 62E.620 is hereby amended to read as follows:

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

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

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

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

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



(a) An alcohol and drug abuse counselor who is licensed or certified or an alcohol and drug abuse counselor intern who is certified pursuant to ~~[chapter 641C of NRS]~~ *sections 2 to 68, inclusive, of this act* to make that classification; or

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

3. If the child resides in this State but the nearest location at which an evaluation may be conducted is in another state, the court may allow the evaluation to be conducted in the other state if the person conducting the evaluation:

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

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

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

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

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

6. The juvenile court shall:

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

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

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

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

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

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



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

4 (b) Engages in any other conduct prohibited by NRS 484.379,
5 484.3795, 484.37955, subsection 2 of NRS 488.400, NRS 488.410,
6 488.420 or 488.425 or a law of any other jurisdiction that prohibits
7 the same or similar conduct.

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

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

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

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

20 (a) The juvenile court;

21 (b) The child;

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

23 (d) The parents or guardian of the child;

24 (e) The district attorney; and

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

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

32 **Sec. 84.** NRS 89.050 is hereby amended to read as follows:

33 89.050 1. Except as otherwise provided in subsection 2, a
34 professional corporation may be organized only for the purpose of
35 rendering one specific type of professional service and may not
36 engage in any business other than rendering the professional service
37 for which it was organized and services reasonably related thereto,
38 except that a professional corporation may own real and personal
39 property appropriate to its business and may invest its money in any
40 form of real property, securities or any other type of investment.

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

43 (a) Architecture, interior design, residential design, engineering
44 and landscape architecture, or any combination thereof, and may be
45 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.]~~ *sections 2 to 68, inclusive, of this act; and*

(5) Any professional counselor who is licensed by this State pursuant to sections 2 to 68, inclusive, of this act.

➔ 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. 85. 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; ~~for~~

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

sections 2 to 68, inclusive, of this act; or

(f) A professional counselor licensed in this State pursuant to sections 2 to 68, inclusive, of this act.

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. 86. NRS 200.471 is hereby amended to read as follows:

200.471 1. As used in this section:



* S B 5 4 3 *

(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;

(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, *a 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 driver or a transit operator who is performing his duty or upon a sports official based on the performance of his duties at a sporting event, and the person charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a gross misdemeanor, unless the assault is made with the use of a deadly weapon, or the present ability to use a deadly weapon, then 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.

(d) If the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his duty or upon a sports official based on the performance of his duties at a sporting event by a probationer, a prisoner who is in lawful custody or confinement or a parolee, and the probationer, prisoner or parolee charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a category D felony as provided in NRS 193.130, unless the assault is made with the use of a deadly weapon, or the present ability to use a deadly weapon, then 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.

Sec. 87. NRS 200.5093 is hereby amended to read as follows:

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

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

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

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

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



* S B 5 4 3 *

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

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

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

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

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

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

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

(c) A coroner.

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

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

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

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



* S B 5 4 3 *

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

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

8 (j) Every social worker.

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

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

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

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

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

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

37 **Sec. 88.** NRS 200.50935 is hereby amended to read as
38 follows:

39 200.50935 1. Any person who is described in subsection 3
40 and who, in his professional or occupational capacity, knows or has
41 reasonable cause to believe that a vulnerable person has been
42 abused, neglected, exploited or isolated shall:

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



* S B 5 4 3 *

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

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

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

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

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

(c) A coroner.

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

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

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

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

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

(i) Every social worker.

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

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



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

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

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

Sec. 89. NRS 200.5095 is hereby amended to read as follows:

200.5095 1. Reports made pursuant to NRS 200.5093, 200.50935 and 200.5094, and records and investigations relating to those reports, are confidential.

2. A person, law enforcement agency or public or private agency, institution or facility who willfully releases data or information concerning the reports and investigation of the abuse, neglect, exploitation or isolation of older persons or vulnerable persons, except:

(a) Pursuant to a criminal prosecution;

(b) Pursuant to NRS 200.50982; or

(c) To persons or agencies enumerated in subsection 3,

→ is guilty of a misdemeanor.

3. Except as otherwise provided in subsection 2 and NRS 200.50982, data or information concerning the reports and investigations of the abuse, neglect, exploitation or isolation of an older person or a vulnerable person is available only to:

(a) A physician who is providing care to an older person or a vulnerable person who may have been abused, neglected, exploited or isolated;

(b) An agency responsible for or authorized to undertake the care, treatment and supervision of the older person or vulnerable person;

(c) A district attorney or other law enforcement official who requires the information in connection with an investigation of the abuse, neglect, exploitation or isolation of the older person or vulnerable person;

(d) A court which has determined, in camera, that public disclosure of such information is necessary for the determination of an issue before it;



* S B 5 4 3 *

(e) A person engaged in bona fide research, but the identity of the subjects of the report must remain confidential;

(f) A grand jury upon its determination that access to such records is necessary in the conduct of its official business;

(g) Any comparable authorized person or agency in another jurisdiction;

(h) A legal guardian of the older person or vulnerable person, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation or isolation of the older person or vulnerable person to the public agency is protected, and the legal guardian of the older person or vulnerable person is not the person suspected of such abuse, neglect, exploitation or isolation;

(i) If the older person or vulnerable person is deceased, the executor or administrator of his estate, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation or isolation of the older person or vulnerable person to the public agency is protected, and the executor or administrator is not the person suspected of such abuse, neglect, exploitation or isolation; or

(j) The older person or vulnerable person named in the report as allegedly being abused, neglected, exploited or isolated, if that person is not legally incompetent.

4. If the person who is reported to have abused, neglected, exploited or isolated an older person or a vulnerable person is the holder of a license or certificate issued pursuant to chapters 449, 630 to 641B, inclusive, or 654 of NRS, *or sections 2 to 68, inclusive, of this act*, information contained in the report must be submitted to the board that issued the license.

Sec. 90. NRS 209.448 is hereby amended to read as follows:

209.448 1. An offender who has no serious infraction of the regulations of the Department or the laws of the State recorded against him must be allowed, in addition to the credits provided pursuant to NRS 209.433, 209.443, 209.446 or 209.4465, a deduction of not more than 30 days from the maximum term of his sentence for the successful completion of a program of treatment for the abuse of alcohol or drugs which is conducted jointly by the Department and a person who is licensed or certified as an alcohol and drug abuse counselor or certified as an alcohol and drug abuse counselor intern pursuant to ~~[chapter 641C of NRS.]~~ *sections 2 to 68, inclusive, of this act.*

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

Sec. 91. NRS 211.340 is hereby amended to read as follows:

211.340 1. In addition to the credits on a term of imprisonment provided for in NRS 211.310, 211.320 and 211.330,



1 the sheriff of the county or the chief of police of the municipality in
2 which a prisoner is incarcerated may deduct not more than 5 days
3 from his term of imprisonment if the prisoner:

4 (a) Successfully completes a program of treatment for the abuse
5 of alcohol or drugs which is conducted jointly by the local detention
6 facility in which he is incarcerated and a person who is licensed or
7 certified as an alcohol and drug abuse counselor or certified as an
8 alcohol and drug abuse counselor intern pursuant to ~~chapter 641C~~
9 ~~of NRS;~~ *sections 2 to 68, inclusive, of this act;* and

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

12 2. The provisions of this section apply to any prisoner who is
13 sentenced on or after October 1, 1991, to a term of imprisonment of
14 90 days or more.

15 **Sec. 92.** NRS 218.825 is hereby amended to read as follows:

16 218.825 1. Except as otherwise provided in subsection 2,
17 each board created by the provisions of NRS 590.485 and chapters
18 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656
19 of NRS *and sections 2 to 68, inclusive, of this act* shall:

20 (a) If the revenue of the board from all sources is less than
21 \$50,000 for any fiscal year, prepare a balance sheet for that fiscal
22 year on the form provided by the Legislative Auditor and file the
23 balance sheet with the Legislative Auditor and the Chief of the
24 Budget Division of the Department of Administration on or before
25 December 1 following the end of that fiscal year. The Legislative
26 Auditor shall prepare and make available a form that must be used
27 by a board to prepare such a balance sheet.

28 (b) If the revenue of the board from all sources is \$50,000 or
29 more for any fiscal year, engage the services of a certified public
30 accountant or public accountant, or firm of either of such
31 accountants, to audit all its fiscal records for that fiscal year and file
32 a report of the audit with the Legislative Auditor and the Chief of
33 the Budget Division of the Department of Administration on or
34 before December 1 following the end of that fiscal year.

35 2. In lieu of preparing a balance sheet or having an audit
36 conducted for a single fiscal year, a board may engage the services
37 of a certified public accountant or public accountant, or firm of
38 either of such accountants, to audit all its fiscal records for a period
39 covering two successive fiscal years. If such an audit is conducted,
40 the board shall file the report of the audit with the Legislative
41 Auditor and the Chief of the Budget Division of the Department of
42 Administration on or before December 1 following the end of the
43 second fiscal year.

44 3. The cost of each audit conducted pursuant to subsection 1 or
45 2 must be paid by the board that is audited. Each such audit must be



* S B 5 4 3 *

1 conducted in accordance with generally accepted auditing standards,
2 and all financial statements must be prepared in accordance with
3 generally accepted principles of accounting for special revenue
4 funds.

5 4. Whether or not a board is required to have its fiscal records
6 audited pursuant to subsection 1 or 2, the Legislative Auditor shall
7 audit the fiscal records of any such board whenever directed to do so
8 by the Legislative Commission. When the Legislative Commission
9 directs such an audit, the Legislative Commission shall also
10 determine who is to pay the cost of the audit.

11 5. A person who is a state officer or employee of a board is
12 guilty of nonfeasance if the person:

13 (a) Is responsible for preparing a balance sheet or having an
14 audit conducted pursuant to this section or is responsible for
15 preparing or maintaining the fiscal records that are necessary to
16 prepare a balance sheet or have an audit conducted pursuant to this
17 section; and

18 (b) Knowingly fails to prepare the balance sheet or have the
19 audit conducted pursuant to this section or knowingly fails to
20 prepare or maintain the fiscal records that are necessary to prepare a
21 balance sheet or have an audit conducted pursuant to this section.

22 6. In addition to any other remedy or penalty, a person who is
23 guilty of nonfeasance pursuant to this section forfeits his state office
24 or employment and may not be appointed to a state office or
25 position of state employment for a period of 2 years following the
26 forfeiture. The provisions of this subsection do not apply to a state
27 officer who may be removed from office only by impeachment
28 pursuant to Article 7 of the Nevada Constitution.

29 **Sec. 93.** NRS 284.013 is hereby amended to read as follows:

30 284.013 1. Except as otherwise provided in subsection 4, this
31 chapter does not apply to:

32 (a) Agencies, bureaus, commissions, officers or personnel in the
33 Legislative Department or the Judicial Department of State
34 Government, including the Commission on Judicial Discipline;

35 (b) Any person who is employed by a board, commission,
36 committee or council created in chapters 590, 623 to 625A,
37 inclusive, 628, 630 to 644, inclusive, 648, 652, 654 and 656 of NRS
38 ***and sections 2 to 68, inclusive, of this act;*** or

39 (c) Officers or employees of any agency of the Executive
40 Department of the State Government who are exempted by specific
41 statute.

42 2. Except as otherwise provided in subsection 3, the terms and
43 conditions of employment of all persons referred to in subsection 1,
44 including salaries not prescribed by law and leaves of absence,
45 including, without limitation, annual leave and sick and disability



1 leave, must be fixed by the appointing or employing authority
2 within the limits of legislative appropriations or authorizations.

3 3. Except as otherwise provided in this subsection, leaves of
4 absence prescribed pursuant to subsection 2 must not be of lesser
5 duration than those provided for other state officers and employees
6 pursuant to the provisions of this chapter. The provisions of this
7 subsection do not govern the Legislative Commission with respect
8 to the personnel of the Legislative Counsel Bureau.

9 4. Any board, commission, committee or council created in
10 chapters 590, 623 to 625A, inclusive, 628, 630 to 644, inclusive,
11 648, 652, 654 and 656 of NRS *and sections 2 to 68, inclusive, of*
12 *this act* which contracts for the services of a person, shall require the
13 contract for those services to be in writing. The contract must be
14 approved by the State Board of Examiners before those services
15 may be provided.

16 **Sec. 94.** NRS 353.005 is hereby amended to read as follows:

17 353.005 The provisions of this chapter do not apply to boards
18 created by the provisions of NRS 590.485 and chapters 623 to
19 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656 of
20 NRS *and sections 2 to 68, inclusive, of this act* and the officers and
21 employees of those boards.

22 **Sec. 95.** NRS 353A.020 is hereby amended to read as follows:

23 353A.020 1. The Director, in consultation with the
24 Committee and Legislative Auditor, shall adopt a uniform system of
25 internal accounting and administrative control for agencies. The
26 elements of the system must include, without limitation:

27 (a) A plan of organization which provides for a segregation of
28 duties appropriate to safeguard the assets of the agency;

29 (b) A plan which limits access to assets of the agency to persons
30 who need the assets to perform their assigned duties;

31 (c) Procedures for authorizations and recordkeeping which
32 effectively control accounting of assets, liabilities, revenues and
33 expenses;

34 (d) A system of practices to be followed in the performance of
35 the duties and functions of each agency; and

36 (e) An effective system of internal review.

37 2. The Director, in consultation with the Committee and
38 Legislative Auditor, may modify the system whenever he considers
39 it necessary.

40 3. Each agency shall develop written procedures to carry out
41 the system of internal accounting and administrative control adopted
42 pursuant to this section.

43 4. For the purposes of this section, "agency" does not include:



* S B 5 4 3 *

(a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656 of NRS ~~H~~ *and sections 2 to 68, inclusive, of this act.*

(b) The Nevada System of Higher Education.

(c) The Public Employees' Retirement System.

(d) The Housing Division of the Department of Business and Industry.

(e) The Colorado River Commission of Nevada.

Sec. 96. NRS 353A.025 is hereby amended to read as follows:

353A.025 1. The head of each agency shall periodically review the agency's system of internal accounting and administrative control to determine whether it is in compliance with the uniform system of internal accounting and administrative control for agencies adopted pursuant to subsection 1 of NRS 353A.020.

2. On or before July 1 of each even-numbered year, the head of each agency shall report to the Director whether the agency's system of internal accounting and administrative control is in compliance with the uniform system adopted pursuant to subsection 1 of NRS 353A.020. The reports must be made available for inspection by the members of the Legislature.

3. For the purposes of this section, "agency" does not include:

(a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656 of NRS ~~H~~ *and sections 2 to 68, inclusive, of this act.*

(b) The Nevada System of Higher Education.

(c) The Public Employees' Retirement System.

(d) The Housing Division of the Department of Business and Industry.

(e) The Colorado River Commission of Nevada.

4. The Director shall, on or before the first Monday in February of each odd-numbered year, submit a report on the status of internal accounting and administrative controls in agencies to the:

(a) Director of the Legislative Counsel Bureau for transmittal to the:

(1) Senate Standing Committee on Finance; and

(2) Assembly Standing Committee on Ways and Means;

(b) Governor; and

(c) Legislative Auditor.

5. The report submitted by the Director pursuant to subsection 4 must include, without limitation:

(a) The identification of each agency that has not complied with the requirements of subsections 1 and 2;

(b) The identification of each agency that does not have an effective method for reviewing its system of internal accounting and administrative control; and



(c) The identification of each agency that has weaknesses in its system of internal accounting and administrative control, and the extent and types of ~~[such]~~ *those* weaknesses.

Sec. 97. NRS 353A.045 is hereby amended to read as follows:

353A.045 The Chief shall:

1. Report to the Director.

2. Develop long-term and annual work plans to be based on the results of periodic documented risk assessments. The annual work plan must list the agencies to which the Division will provide training and assistance and be submitted to the Director for approval. Such agencies must not include:

(a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656 of NRS ~~[H]~~ *and sections 2 to 68, inclusive, of this act.*

(b) The Nevada System of Higher Education.

(c) The Public Employees' Retirement System.

(d) The Housing Division of the Department of Business and Industry.

(e) The Colorado River Commission of Nevada.

3. Provide a copy of the approved annual work plan to the Legislative Auditor.

4. In consultation with the Director, prepare a plan for auditing executive branch agencies for each fiscal year and present the plan to the Committee for its review and approval. Each plan for auditing must:

(a) State the agencies which will be audited, the proposed scope and assignment of those audits and the related resources which will be used for those audits; and

(b) Ensure that the internal accounting, administrative controls and financial management of each agency are reviewed periodically.

5. Perform the audits of the programs and activities of the agencies in accordance with the plan approved pursuant to subsection 5 of NRS 353A.038 and prepare audit reports of his findings.

6. Review each agency that is audited pursuant to subsection 5 and advise those agencies concerning internal accounting, administrative controls and financial management.

7. Submit to each agency that is audited pursuant to subsection 5 analyses, appraisals and recommendations concerning:

(a) The adequacy of the internal accounting and administrative controls of the agency; and

(b) The efficiency and effectiveness of the management of the agency.



8. Report any possible abuses, illegal actions, errors, omissions and conflicts of interest of which the Division becomes aware during the performance of an audit.

9. Adopt the standards of the Institute of Internal Auditors for conducting and reporting on internal audits.

10. Consult with the Legislative Auditor concerning the plan for auditing and the scope of audits to avoid duplication of effort and undue disruption of the functions of agencies that are audited pursuant to subsection 5.

11. Appoint a Manager of Internal Controls.

Sec. 98. NRS 372.7285 is hereby amended to read as follows:

372.7285 1. In administering the provisions of NRS 372.325, the Department shall apply the exemption to the sale of a medical device to a governmental entity that is exempt pursuant to that section without regard to whether the person using the medical device or the governmental entity that purchased the device is deemed to be the holder of title to the device if:

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

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

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

2. As used in this section:

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

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

(c) "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 audiologist, licensed speech pathologist, licensed hearing aid specialist, licensed marriage and family therapist, *professional counselor*, chiropractor or doctor of Oriental medicine in any form.

Sec. 99. NRS 374.731 is hereby amended to read as follows:

374.731 1. In administering the provisions of NRS 374.330, the Department shall apply the exemption to the sale of a medical device to a governmental entity that is exempt pursuant to that



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, *professional counselor*, chiropractor or doctor of Oriental
27 medicine in any form.

28 **Sec. 100.** NRS 432B.220 is hereby amended to read as
29 follows:

30 432B.220 1. Any person who is described in subsection 4
31 and who, in his professional or occupational capacity, knows or has
32 reasonable cause to believe that a child has been abused or neglected
33 shall:

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

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

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

43 (a) A person directly responsible or serving as a volunteer for or
44 an employee of a public or private home, institution or facility
45 where the child is receiving child care outside of his home for a



1 portion of the day, the person shall make the report to a law
2 enforcement agency.

3 (b) An agency which provides child welfare services or a law
4 enforcement agency, the person shall make the report to an agency
5 other than the one alleged to have committed the act or omission,
6 and the investigation of the abuse or neglect of the child must be
7 made by an agency other than the one alleged to have committed the
8 act or omission.

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

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

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

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

38 (c) A coroner.

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

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

44 (f) Any person who maintains or is employed by a facility or
45 establishment that provides care for children, children's camp or



* S B 5 4 3 *

1 other public or private facility, institution or agency furnishing care
2 to a child.

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

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

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

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

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

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

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

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

28 **Sec. 101.** NRS 433.209 is hereby amended to read as follows:

29 433.209 "Person professionally qualified in the field of
30 psychiatric mental health" means:

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

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

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

38 4. A registered nurse who:

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

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

42 (c) Is employed by the Division ; ~~§~~

43 5. A marriage and family therapist licensed pursuant to
44 ~~[chapter 641A of NRS.]~~ *sections 2 to 68, inclusive, of this act; or*



1 **6. A professional counselor licensed pursuant to sections 2 to**
2 **68, inclusive, of this act.**

3 **Sec. 102.** NRS 433.265 is hereby amended to read as follows:

4 433.265 Any person employed by the Division as a
5 psychiatrist, psychologist, marriage and family therapist,
6 **professional counselor**, registered nurse or social worker must be
7 licensed or certified by the appropriate state licensing board for his
8 respective profession.

9 **Sec. 103.** NRS 433A.018 is hereby amended to read as
10 follows:

11 433A.018 "Person professionally qualified in the field of
12 psychiatric mental health" means:

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

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

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

19 4. A registered nurse who:

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

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

23 (c) Is employed by the Division; ~~or~~

24 5. A marriage and family therapist licensed pursuant to
25 ~~[chapter 641A of NRS.]~~ **sections 2 to 68, inclusive, of this act; or**

26 **6. A professional counselor licensed pursuant to sections 2 to**
27 **68, inclusive, of this act.**

28 **Sec. 104.** NRS 433A.160 is hereby amended to read as
29 follows:

30 433A.160 1. Except as otherwise provided in subsection 2,
31 an application for the emergency admission of an allegedly mentally
32 ill person for evaluation, observation and treatment may only be
33 made by an accredited agent of the Department, an officer
34 authorized to make arrests in the State of Nevada or a physician,
35 psychologist, marriage and family therapist, **professional counselor**,
36 social worker or registered nurse. The agent, officer, physician,
37 psychologist, marriage and family therapist, **professional counselor**,
38 social worker or registered nurse may:

39 (a) Without a warrant:

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

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



* S B 5 4 3 *

1 (I) A local law enforcement agency;
2 (II) A system for the nonemergency medical
3 transportation of persons whose operation is authorized by the
4 Transportation Services Authority;

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

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

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

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

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

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

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

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

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

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

44 —5— Except as otherwise provided in this subsection, each
45 person admitted to a public or private mental health facility or



1 hospital under an emergency admission must be evaluated at the
2 time of admission by a psychiatrist or a psychologist. If a
3 psychiatrist or a psychologist is not available to conduct an
4 evaluation at the time of admission, a physician may conduct the
5 evaluation. Each such emergency admission must be approved by a
6 psychiatrist.

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

12 **Sec. 105.** NRS 433B.090 is hereby amended to read as
13 follows:

14 433B.090 "Person professionally qualified in the field of
15 psychiatric mental health" means:

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

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

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

22 4. A registered nurse who:

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

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

26 (c) Is employed by the Division or the Division of Mental
27 Health and Developmental Services of the Department; ~~or~~

28 5. A marriage and family therapist licensed pursuant to
29 ~~[chapter 641A of NRS.]~~ *sections 2 to 68, inclusive, of this act; or*

30 *6. A professional counselor licensed pursuant to sections 2 to*
31 *68, inclusive, of this act.*

32 **Sec. 106.** NRS 433B.160 is hereby amended to read as
33 follows:

34 433B.160 1. A person employed by the Division as a
35 psychiatrist, psychologist, marriage and family therapist,
36 *professional counselor*, registered nurse or social worker must be
37 licensed or certified by the appropriate state licensing board for his
38 respective profession.

39 2. Any psychiatrist who is employed by the Division must be
40 certified by the American Board of Psychiatry and Neurology within
41 5 years after his first date of employment with the Division. The
42 Administrator shall terminate the employment of any psychiatrist
43 who fails to receive that certification.



1 **Sec. 107.** NRS 433B.170 is hereby amended to read as
2 follows:

3 433B.170 The Administrator shall not employ any psychiatrist,
4 psychologist, social worker, registered nurse , ~~for~~ marriage and
5 family therapist *or professional counselor* who is unable to
6 demonstrate proficiency in the oral and written expression of the
7 English language.

8 **Sec. 108.** NRS 439B.225 is hereby amended to read as
9 follows:

10 439B.225 1. As used in this section, "licensing board" means
11 any division or board empowered to adopt standards for licensing or
12 registration or for the renewal of licenses or certificates of
13 registration pursuant to NRS 435.3305 to 435.339, inclusive,
14 chapter 449, 625A, 630, 630A, 631, 632, 633, 634, 634A, 635, 636,
15 637, 637A, 637B, 639, 640, 640A, 641, ~~641A,~~ 641B, ~~641C,~~ 652
16 or 654 of NRS *or sections 2 to 68, inclusive, of this act.*

17 2. The Committee shall review each regulation that a licensing
18 board proposes or adopts that relates to standards for licensing or
19 registration or to the renewal of a license or certificate of
20 registration issued to a person or facility regulated by the board,
21 giving consideration to:

22 (a) Any oral or written comment made or submitted to it by
23 members of the public or by persons or facilities affected by the
24 regulation;

25 (b) The effect of the regulation on the cost of health care in this
26 State;

27 (c) The effect of the regulation on the number of licensed or
28 registered persons and facilities available to provide services in this
29 State; and

30 (d) Any other related factor the Committee deems appropriate.

31 3. After reviewing a proposed regulation, the Committee shall
32 notify the agency of the opinion of the Committee regarding the
33 advisability of adopting or revising the proposed regulation.

34 4. The Committee shall recommend to the Legislature as a
35 result of its review of regulations pursuant to this section any
36 appropriate legislation.

37 **Sec. 109.** NRS 442.003 is hereby amended to read as follows:

38 442.003 As used in this chapter, unless the context requires
39 otherwise:

40 1. "Advisory Board" means the Advisory Board on Maternal
41 and Child Health.

42 2. "Department" means the Department of Health and Human
43 Services.

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

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



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

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

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

(a) An alcohol and drug abuse counselor who is licensed or certified pursuant to ~~chapter 641C of NRS;~~ *sections 2 to 68, inclusive, of this act;*

(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 professional counselor;*

(g) A licensed social worker; or

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

Sec. 110. 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 pursuant to ~~chapter 641C of NRS~~ *sections 2 to 68, inclusive, of this act* 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,



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

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

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

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

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

20 (c) Advise the offender that:

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

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

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

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

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

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



* S B 5 4 3 *

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. 111. 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 pursuant to ~~chapter 641C of NRS~~ *sections 2 to 68, inclusive, of this act* 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:



* S B 5 4 3 *

(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. 112. 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.



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 pursuant to ~~chapter 641C of NRS~~ *sections 2 to 68, inclusive, of this act* 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. 113. 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



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 pursuant to ~~[chapter 641C of NRS]~~ *sections 2 to 68,*
6 *inclusive, of this act* to make such an evaluation;

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

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

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

15 **Sec. 114.** NRS 488.430 is hereby amended to read as follows:

16 488.430 1. Before sentencing a defendant pursuant to NRS
17 488.420, 488.425 or 488.427, the court shall require that the
18 defendant be evaluated to determine whether he is an abuser of
19 alcohol or drugs and whether he can be treated successfully for his
20 condition.

21 2. The evaluation must be conducted by:

22 (a) An alcohol and drug abuse counselor who is licensed or
23 certified pursuant to ~~[chapter 641C of NRS]~~ *sections 2 to 68,*
24 *inclusive, of this act* to make such an evaluation;

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

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

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

33 **Sec. 115.** NRS 608.0116 is hereby amended to read as
34 follows:

35 608.0116 "Professional" means pertaining to an employee who
36 is licensed or certified by the State of Nevada for and engaged in
37 the practice of law or any of the professions regulated by chapters 623
38 to 645, inclusive, and 656A of NRS ~~[H]~~ *and sections 2 to 68,*
39 *inclusive, of this act.*

40 **Sec. 116.** Chapter 689A of NRS is hereby amended by adding
41 thereto a new section to read as follows:

42 *If any policy of health insurance provides coverage for*
43 *treatment of an illness which is within the authorized scope of the*
44 *practice of a professional counselor, the insured is entitled to*



reimbursement for treatment by a professional counselor who is licensed pursuant to sections 2 to 68, inclusive, of this act.

Sec. 117. NRS 689A.0483 is hereby amended to read as follows:

689A.0483 If any policy of health insurance provides coverage for treatment of an illness which is within the authorized scope of the practice of a licensed marriage and family therapist, the insured is entitled to reimbursement for treatment by a marriage and family therapist who is licensed pursuant to ~~chapter 641A of NRS.~~ *sections 2 to 68, inclusive, of this act.*

Sec. 118. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

If any policy of group health insurance provides coverage for treatment of an illness which is within the authorized scope of the practice of a professional counselor, the insured is entitled to reimbursement for treatment by a professional counselor who is licensed pursuant to sections 2 to 68, inclusive, of this act.

Sec. 119. NRS 689B.0383 is hereby amended to read as follows:

689B.0383 If any policy of group health insurance provides coverage for treatment of an illness which is within the authorized scope of the practice of a licensed marriage and family therapist, the insured is entitled to reimbursement for treatment by a marriage and family therapist who is licensed pursuant to ~~chapter 641A of NRS.~~ *sections 2 to 68, inclusive, of this act.*

Sec. 120. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

If any contract for hospital or medical service provides coverage for treatment of an illness which is within the authorized scope of the practice of a professional counselor, the insured is entitled to reimbursement for treatment by a professional counselor who is licensed pursuant to sections 2 to 68, inclusive, of this act.

Sec. 121. NRS 695B.1973 is hereby amended to read as follows:

695B.1973 If any contract for hospital or medical service provides coverage for treatment of an illness which is within the authorized scope of the practice of a licensed marriage and family therapist, the insured is entitled to reimbursement for treatment by a marriage and family therapist who is licensed pursuant to ~~chapter 641A of NRS.~~ *sections 2 to 68, inclusive, of this act.*

Sec. 122. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

If any evidence of coverage provides coverage for treatment of an illness which is within the authorized scope of the practice of a



professional counselor, the insured is entitled to reimbursement for treatment by a professional counselor who is licensed pursuant to sections 2 to 68, inclusive, of this act.

Sec. 123. NRS 695C.1773 is hereby amended to read as follows:

695C.1773 If any evidence of coverage provides coverage for treatment of an illness which is within the authorized scope of the practice of a licensed marriage and family therapist, the insured is entitled to reimbursement for treatment by a marriage and family therapist who is licensed pursuant to ~~chapter 641A of NRS.~~ *sections 2 to 68, inclusive, of this act.*

Sec. 124. Section 234 of chapter 501, Statutes of Nevada 2005, at page 2818, is hereby amended to read as follows:

Sec. 234. 1. This section and sections 1 to 9, inclusive, 11 to 14, inclusive, 16 to 19, inclusive, 21, 22, 24 to 27, inclusive, 29, 30, 32, 33, 35, 36, 37, 39, 40, 41, 43 to 50, inclusive, 52, 53, 54, 56 to 59, inclusive, 61 to 64, inclusive, 66 to 69, inclusive, 71, 72, 73, 75 to 78, inclusive, 80, 81, 82, 84 to 87, inclusive, 89, 90, 91, 93 to 96, inclusive, 98 to 100, inclusive, 102 to 106, inclusive, 108, 110, 111, 113, 114, 115, 117, 118, 120, 121, 122, 124 to 132, inclusive, 134 to 138, inclusive, 140 to 143, inclusive, 145 to 149, inclusive, 151, 152, 154, 155, 157, 158, 159, 161, 162, 164, 166 to 169, inclusive, 171, 172, 174, 176 to 181, inclusive, 183, 184, 186, 187, 189 to 192, inclusive, 194, 195, 197 to 200, inclusive, and 207 to 233, inclusive, of this act become effective on July 1, 2005.

2. Sections 10, 15, 20, 23, 28, 31, 34, 38, 42, 51, 55, 60, 65, 70, 74, 79, 83, 88, 92, 97, 101, 107, 109, 112, ~~116,~~ 119, ~~123,~~ 133, 139, 144, 150, 153, 156, 160, 163, 165, 170, 173, 175, 182, 185, 188, 193, 196 and 201 to 206, inclusive, of this act:

(a) Become effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

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

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

are repealed by the Congress of the United States; and



(b) Expire by limitation on the date 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

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

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

↪ are repealed by the Congress of the United States.

3. Sections 9, 14, 19, 22, 27, 30, 33, 37, 41, 50, 54, 59, 64, 69, 73, 78, 82, 87, 91, 96, 100, 106, 108, 111, 115, 118, 122, 132, 138, 143, 149, 152, 155, 159, 162, 164, 169, 172, 174, 181, 184, 187, 192 and 195 of this act expire by limitation on the date 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

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

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

↪ are repealed by the Congress of the United States.

4. Sections 44 and 45 of this act expire by limitation on September 30, 2005.

Sec. 125. 1. NRS 641A.010, 641A.020, 641A.030, 641A.040, 641A.050, 641A.060, 641A.080, 641A.090, 641A.100, 641A.110, 641A.130, 641A.140, 641A.150, 641A.160, 641A.170, 641A.180, 641A.185, 641A.191, 641A.200, 641A.210, 641A.215, 641A.220, 641A.230, 641A.235, 641A.260, 641A.265, 641A.270, 641A.280, 641A.285, 641A.290, 641A.300, 641A.310, 641A.313, 641A.315, 641A.320, 641A.330, 641A.340, 641A.360, 641A.370, 641A.400, 641A.410, 641A.430, 641A.440, 641A.450, 641C.010, 641C.020, 641C.030, 641C.040, 641C.050, 641C.060, 641C.070, 641C.080, 641C.090, 641C.100, 641C.105, 641C.110, 641C.130, 641C.150, 641C.160, 641C.170, 641C.180, 641C.190, 641C.200, 641C.210, 641C.220, 641C.250, 641C.260, 641C.280, 641C.290, 641C.300, 641C.310, 641C.320, 641C.350, 641C.360, 641C.390, 641C.420, 641C.430, 641C.435, 641C.440, 641C.450, 641C.460,



1 641C.470, 641C.500, 641C.530, 641C.700, 641C.710, 641C.720,
2 641C.730, 641C.740, 641C.750, 641C.760, 641C.900, 641C.910
3 and 641C.950 are hereby repealed.

4 2. Section 116 of chapter 501, Statutes of Nevada 2005, at page
5 2758, and section 123 of chapter 501, Statutes of Nevada 2005, at
6 page 2762, are hereby repealed.

7 **Sec. 126.** 1. The Division of Health Care Financing and
8 Policy of the Department of Health and Human Services shall
9 conduct a study of the delivery of behavioral health counseling
10 under the State Plan for Medicaid. The study must address:

11 (a) The laws and regulations of this State and the Federal
12 Government concerning the eligibility of marriage and family
13 therapists, professional counselors and alcohol and drug abuse
14 counselors for participation and remuneration as providers of
15 services under the State Plan for Medicaid.

16 (b) Methods of qualifying marriage and family therapists,
17 professional counselors and alcohol and drug abuse counselors to
18 participate and be remunerated as providers of services under the
19 State Plan for Medicaid.

20 2. The Division shall, not later than July 1, 2008, submit a
21 report of the results of the study and any recommendations for
22 legislation to the Legislative Committee on Health Care.

23 **Sec. 127.** The terms of the members of the Board of
24 Examiners for Marriage and Family Therapists and the Board of
25 Examiners for Alcohol, Drug and Gambling Counselors expire on
26 July 1, 2007.

27 **Sec. 128.** As soon as practicable on or after July 1, 2007, the
28 Governor shall appoint to the Board of Examiners for Behavioral
29 Health Counseling created by section 19 of this act:

30 1. Two members whose terms expire on July 1, 2008.

31 2. Three members whose terms expire on July 1, 2009.

32 3. Three members whose terms expire on July 1, 2010.

33 4. Three members whose terms expire on July 1, 2011.

34 **Sec. 129.** Notwithstanding the provisions of section 20 of this
35 act, the members whom the Governor is required to appoint to the
36 Board of Examiners for Behavioral Health Counseling pursuant to:

37 1. Paragraph (a) of subsection 1 of section 20 of this act, must
38 be marriage and family therapists who, on July 1, 2007, are licensed
39 as marriage and family therapists in this State and whose licenses
40 are in good standing.

41 2. Paragraph (b) of subsection 1 of section 20 of this act, must
42 be alcohol and drug abuse counselors or problem gambling
43 counselors who on July 1, 2007, are licensed as alcohol and drug
44 abuse counselors or certified as problem gambling counselors in this
45 State and whose licenses or certificates are in good standing.



3. Paragraph (c) of subsection 1 of section 20 of this act, must be professional counselors who, on July 1, 2007, have complied with the requirements of sections 35, 36 and 44 of this act, or are licensed as professional counselors in another state whose requirements for licensure as a professional counselor are substantially equivalent to the requirements for licensure as a professional counselor in this State.

Sec. 130. The regulations adopted by the Board of Examiners for Marriage and Family Therapists pursuant to chapter 641A of NRS and the regulations adopted by the Board of Examiners for Alcohol, Drug and Gambling Counselors pursuant to chapter 641C of NRS before July 1, 2007, shall be deemed to have been adopted by the Board of Examiners for Behavioral Health Counseling and remain in effect until amended or repealed by the Board of Examiners for Behavioral Health Counseling.

Sec. 131. 1. Any subpoena issued by the Board of Examiners for Marriage and Family Therapists pursuant to NRS 641A.185 or the Board of Examiners for Alcohol, Drug and Gambling Counselors pursuant to NRS 641C.730 that is in effect on July 1, 2007, shall be deemed to have been issued by the Board of Examiners for Behavioral Health Counseling.

2. Any bond or other security filed with the Board of Examiners for Marriage and Family Therapists or the Board of Examiners for Alcohol, Drug and Gambling Counselors that is in effect on July 1, 2007, shall be deemed to have been filed with the Board of Examiners for Behavioral Health Counseling.

3. Any contract or other agreement entered into by the Board of Examiners for Marriage and Family Therapists or the Board of Examiners for Alcohol, Drug and Gambling Counselors that is in effect on July 1, 2007, is binding upon the Board of Examiners for Behavioral Health Counseling and may be enforced by the Board of Examiners for Behavioral Health Counseling.

Sec. 132. Any legal or administrative action, including any disciplinary action, commenced by the Board of Examiners for Marriage and Family Therapists or the Board of Examiners for Alcohol, Drug and Gambling Counselors that has not been completed before July 1, 2007, shall be deemed to be an action commenced by the Board of Examiners for Behavioral Health Counseling and may only be prosecuted by the Board of Examiners for Behavioral Health Counseling if the Board determines prosecution is required or appropriate.

Sec. 133. The Board of Examiners for Marriage and Family Therapists and the Board of Examiners for Alcohol, Drug and Gambling Counselors shall cooperate with the Board of Examiners for Behavioral Health Counseling to ensure that the provisions of



* S B 5 4 3 *

1 this act are carried out in an orderly manner, including, without
2 limitation, the transfer or exchange of books and records and the
3 transfer of money in the bank accounts of the Board of Examiners
4 for Marriage and Family Therapists and the Board of Examiners for
5 Alcohol, Drug and Gambling Counselors to the Board of Examiners
6 for Behavioral Health Counseling.

7 **Sec. 134.** 1. Any person who on July 1, 2007, holds a license
8 as a marriage and family therapist issued by Board of Examiners for
9 Marriage and Family Therapists pursuant to chapter 641A of NRS
10 shall be deemed to hold a license as a marriage and family therapist
11 issued by the Board of Examiners for Behavioral Health Counseling
12 pursuant to sections 2 to 68, inclusive, of this act. The license
13 remains in effect until its expiration, unless earlier suspended,
14 terminated or revoked, or until July 1, 2008, whichever is earlier.

15 2. Any person who, on July 1, 2007, holds a license as an
16 alcohol and drug abuse counselor or a certificate as an alcohol and
17 drug abuse counselor, alcohol and drug abuse counselor intern,
18 problem gambling counselor or problem gambling counselor intern
19 issued by the by the Board of Examiners for Alcohol, Drug and
20 Gambling Counselors pursuant to chapter 641C of NRS shall be
21 deemed to hold such a license or certificate issued by the Board of
22 Examiners for Behavioral Health Counseling pursuant to sections 2
23 to 68, inclusive, of this act. The license or certificate remains in
24 effect until its expiration, unless earlier suspended, terminated or
25 revoked, or until July 1, 2008, whichever is earlier.

26 **Sec. 135.** The Legislative Counsel shall, in preparing
27 supplements to the Nevada Administrative Code, appropriately
28 change any references to an officer, agency or other entity whose
29 name is changed or whose responsibilities are transferred pursuant
30 to the provisions of this act to refer to the appropriate officer,
31 agency or other entity.

32 **Sec. 136.** 1. This section and sections 1 to 33, inclusive, and
33 35 to 135, inclusive, of this act become effective on July 1, 2007.

34 2. Section 33 of this act expires by limitation on the date on
35 which the provisions of 42 U.S.C. § 666 requiring each state to
36 establish procedures under which the state has authority to withhold
37 or suspend, or to restrict the use of professional, occupational and
38 recreational licenses of persons who:

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

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

44 ➤ are repealed by the Congress of the United States.



* S B 5 4 3 *

3. Section 34 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

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

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

are repealed by the Congress of the United States; and

4. Sections 34 and 58 of this act expire by limitation on the date 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

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

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

are repealed by the Congress of the United States.

**LEADLINES OF REPEALED SECTIONS OF NRS AND
TEXT OF REPEALED SECTIONS OF STATUTES OF NEVADA**

641A.010 Legislative declaration.

641A.020 Definitions.

641A.030 "Board" defined.

641A.040 "License" defined.

641A.050 "Licensee" defined.

641A.060 "Marriage and family therapist" defined.

641A.080 "Practice of marriage and family therapy" defined.

641A.090 Creation; number and appointment of members.

641A.100 Qualifications of members; representative of general public not to participate in examination; removal for misconduct.

641A.110 Eligibility for membership.

641A.130 Meetings; quorum.

641A.140 Officers.

641A.150 Duties of Secretary-Treasurer.



* S B 5 4 3 *

- 641A.160 Regulations.
- 641A.170 General powers.
- 641A.180 Courses of study: Regulations specifying criteria; evaluation.
- 641A.185 Subpoenas: Issuance; enforcement; penalty for failure to obey.
- 641A.191 Certain records relating to investigation deemed confidential; certain records relating to disciplinary action deemed public records; communication and cooperation with other agencies.
- 641A.200 Compensation of members and employees.
- 641A.210 Application and fee.
- 641A.215 Payment of child support: Submission of certain information by applicant; grounds for denial of license; duty of Board.
- 641A.220 Qualifications of applicant.
- 641A.230 Examinations.
- 641A.235 License: Issuance; expiration; proration of fee.
- 641A.260 Renewal: Application; fee; continuing education.
- 641A.265 Waiver of requirements for continuing education.
- 641A.270 Automatic revocation of license for failure to pay biennial fee for registration; reinstatement.
- 641A.280 Reinstatement of license after lapse.
- 641A.285 Inactive license.
- 641A.290 Fees.
- 641A.300 Deposit and expenditure of money.
- 641A.310 Grounds for denial, suspension or revocation of license.
- 641A.313 Suspension of license for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of license.
- 641A.315 Examination to determine competence.
- 641A.320 Authorized disciplinary action; private reprimands prohibited; orders imposing discipline deemed public records.
- 641A.330 Filing of complaint.
- 641A.340 Notice of hearing.
- 641A.360 Decision of Board.
- 641A.370 Rehearing: Time for application.
- 641A.400 Reinstatement of license after revocation.
- 641A.410 Unlawful representation and practice as marriage and family therapist without license; exceptions.
- 641A.430 Unlawful to use certain terms without license.
- 641A.440 Penalty.
- 641A.450 Injunctive relief.



- 641C.010 Legislative declaration.
- 641C.020 Definitions.
- 641C.030 “Board” defined.
- 641C.040 “Certificate” defined.
- 641C.050 “Certified counselor” defined.
- 641C.060 “Certified intern” defined.
- 641C.070 “Habitual use” defined.
- 641C.080 “License” defined.
- 641C.090 “Licensed counselor” defined.
- 641C.100 “Practice of counseling alcohol and drug abusers” defined.
- 641C.105 “Practice of counseling problem gamblers” defined.
- 641C.110 “Problem gambling” defined.
- 641C.130 Applicability.
- 641C.150 Creation; appointment and qualifications of members; limitations on civil liability.
- 641C.160 Terms of office; removal of members; election of officers; meetings; limitations on expenses; maintenance of records; adoption of seal; quorum.
- 641C.170 Compensation of members; payment of per diem allowance and travel expenses.
- 641C.180 Location of offices; employment of attorneys, investigators and other persons.
- 641C.190 Payment of expenses; deposit of money; delegation of authority to take disciplinary action; deposit of fines imposed by Board; presentment of claims for attorney’s fees and costs of investigation.
- 641C.200 Adoption of regulations.
- 641C.210 Duties of Secretary-Treasurer.
- 641C.220 Interlocal agreements with Indian tribes.
- 641C.250 License or certificate is revocable privilege; holder acquires no vested right.
- 641C.260 Application required for license or certificate; submission of fingerprints; payment of application fee.
- 641C.280 Payment of child support: Submission of certain information by applicant; grounds for denial of license or certificate; duty of Board.
- 641C.290 Examination required for license or certificate.
- 641C.300 Waiver of examination for person who holds license or certificate in another jurisdiction.
- 641C.310 Investigation and hearings related to applications for license or certificate; grounds for denial of license or certificate.



641C.320 Issuance of provisional license or certificate; period provisional license or certificate is valid; prohibition on renewal.

641C.350 Requirements for issuance of license.

641C.360 Period license is valid; scope of practice authorized by license.

641C.390 Requirements for issuance of certificate; period certificate is valid; scope of practice authorized by certificate.

641C.420 Requirements for issuance of certificate; period certificate is valid; scope of practice authorized by certificate.

641C.430 Requirements for issuance of certificate.

641C.435 Period certificate is valid; scope of practice authorized by certificate.

641C.440 Requirements for issuance of certificate; period certificate is valid; scope of practice authorized by certificate.

641C.450 Procedure for renewal on or before date of expiration.

641C.460 Procedure for renewal or restoration after date of expiration.

641C.470 Fees.

641C.500 Adoption of regulations governing certification; scope of regulations; prohibitions; inapplicability of certain provisions of chapter.

641C.530 Reports of criminal history: Use by Board in making determinations concerning licensure and certification; power of Board to require submission of fingerprints to obtain reports.

641C.700 Grounds for disciplinary action.

641C.710 Suspension of license or certificate for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of license or certificate.

641C.720 Filing of complaint; authorized disciplinary action; reinstatement of suspended or revoked license or certificate; private reprimands prohibited; orders imposing discipline deemed public records.

641C.730 Subpoenas: Issuance; enforcement; penalty for failure to obey.

641C.740 Payment of fees and mileage for witnesses.

641C.750 Deposition of witnesses; taking of evidence in another jurisdiction.

641C.760 Confidentiality of certain records of Board; exceptions.

641C.900 Unlawful to engage in practice of counseling alcohol and drug abusers or problem gamblers without being licensed or certified; exceptions.



641C.910 Unlawful to engage in certain acts, use certain titles or make certain representations without being licensed or certified; civil action for injunctive relief.

641C.950 Penalties.

Section 116 of chapter 501, Statutes of Nevada 2005:

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

~~—(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~~ **, 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 Welfare Division of the Department of Human Resources pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

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

(a) The application or any other forms that must be submitted for the issuance 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.



* S B 5 4 3 *

Section 123 of chapter 501, Statutes of Nevada 2005:

641C.280 1. In addition to any other requirements set forth in this chapter ~~1:~~

~~—(a) An applicant for the issuance of a license or certificate shall include the social security number of the applicant in the application submitted to the Board.~~

~~—(b) An~~ *an* applicant for the issuance, renewal, reinstatement or restoration of a license or certificate shall submit to the Board the statement prescribed by the Welfare Division of the Department of Human Resources pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

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

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

(b) A separate form prescribed by the Board.

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

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

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

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

