

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 clinical professional 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.

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

AN ACT relating to counseling; establishing the practice of clinical professional counseling; creating the Board of Clinical Professional Counseling; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 This bill establishes the practice of clinical professional counseling and creates
2 the Board of Clinical Professional Counseling to license and regulate the practice.

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 clinical professional 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,*



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1 *inclusive, of this act have the meanings ascribed to them in those*
2 *sections.*

3 **Sec. 4.** (Deleted by amendment.)

4 **Sec. 5.** *“Approved supervisor” means a licensee who is*
5 *approved by the Board to supervise a person who is acquiring the*
6 *supervised experience in clinical professional counseling that is*
7 *required for licensure pursuant to this chapter.*

8 **Sec. 6.** *“Board” means the Board of Clinical Professional*
9 *Counseling.*

10 **Sec. 6.5.** *“Clinical professional counselor” means a person*
11 *who holds himself out as a person qualified to engage in clinical*
12 *professional counseling or a person who offers to provide or*
13 *provides clinical professional counseling services.*

14 **Sec. 7.** (Deleted by amendment.)

15 **Sec. 8.** *“License” means a license issued by the Board*
16 *pursuant to this chapter to practice as a clinical professional*
17 *counselor. The term includes a provisional license as an intern.*

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

20 **Sec. 10.** (Deleted by amendment.)

21 **Sec. 11.** (Deleted by amendment.)

22 **Sec. 12.** (Deleted by amendment.)

23 **Sec. 13.** (Deleted by amendment.)

24 **Sec. 14.** (Deleted by amendment.)

25 **Sec. 15.** *“Practice of clinical professional counseling” means*
26 *the provision of treatment, assessment and counseling, or*
27 *equivalent activities, to a person or groups to achieve mental,*
28 *emotional, physical, social, moral, educational, spiritual or career*
29 *development and adjustment through the lifespan. The term*
30 *includes counseling interventions to prevent, diagnose and treat*
31 *mental, emotional or behavioral disorders and associated*
32 *distresses which interfere with mental health. The term does not*
33 *include:*

34 1. *The practice of psychology or medicine;*
35 2. *The prescription of drugs or electroconvulsive therapy;*
36 3. *The treatment of physical disease, injury or deformity;*
37 4. *The diagnosis or treatment of a psychotic disorder;*
38 5. *The use of projective techniques in the assessment of*
39 *personality;*

40 6. *The use of psychological, neuropsychological or clinical*
41 *tests designed to identify or classify abnormal or pathological*
42 *human behavior;*

43 7. *The use of individually administered intelligence tests,*
44 *academic achievement tests or neuropsychological tests; or*



1 8. *The use of psychotherapy to treat the concomitants of*
2 *organic illness except in consultation with a qualified physician or*
3 *licensed clinical psychologist.*

4 Sec. 16. (Deleted by amendment.)

5 Sec. 17. (Deleted by amendment.)

6 Sec. 18. (Deleted by amendment.)

7 Sec. 19. *The Board of Clinical Professional Counseling,*
8 *consisting of 7 members appointed by the Governor, is hereby*
9 *created.*

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

11 (a) *Five members who are licensed clinical professional*
12 *counselors and are in good standing with or acceptable for*
13 *membership in their local or state societies and associations when*
14 *they exist; and*

15 (b) *Two members who are representatives of the general*
16 *public. The members must not be:*

17 (1) *A clinical professional counselor; or*

18 (2) *The spouse or the parent or child, by blood, marriage or*
19 *adoption, of a clinical professional counselor.*

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

23 3. *After the initial terms, members of the Board serve terms*
24 *of 4 years. No member of the Board may serve more than two*
25 *consecutive terms.*

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

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

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

32 2. *A resident of Nevada.*

33 Sec. 22. *The Board shall meet at least once every 3 months at*
34 *a time and place fixed by the Board. The Board shall hold a*
35 *special meeting upon a call of the President or upon a request by a*
36 *majority of the members. A majority of the Board constitutes*
37 *a quorum to transact the business of the Board.*

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

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

44 1. *A record of all meetings and proceedings.*

45 2. *A record of all examinations and applicants.*



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3. A register of the name and address of each person licensed 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 and licensing of applicants;

3. The issuance, refusal, revocation or suspension of licenses; and

4. The practice of clinical professional counseling as that practice applies to this chapter.

Sec. 26. The Board shall:

1. Examine and pass upon the qualifications of applicants for licensing.

2. License qualified applicants.

3. Revoke or suspend licenses.

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; and

(b) Determine the schools in and outside this State that have courses of study which are sufficient for the purpose of issuing licenses. 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 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;



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

4 (8) *Research and evaluation; and*

5 (9) *Professional orientation and ethics in counseling.*

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

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

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

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

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

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

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

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

32 4. *The court, upon such a petition, shall enter an order*
33 *directing the witness to appear before the court at a time and place*
34 *fixed by the court in the order, and then and there to show cause*
35 *why he has not attended or testified or produced the books or*
36 *papers before the Board. The time may not be more than 10 days*
37 *after the date of the order. A certified copy of the order must be*
38 *served upon the witness.*

39 5. *If the court determines that the subpoena was regularly*
40 *issued by the Board, the court shall thereupon enter an order that*
41 *the witness appear before the Board at the time and place fixed in*
42 *the order, and testify or produce the required books or papers.*
43 *Failure to obey the order is a contempt of the court that issued the*
44 *order.*



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

2 *(a) A salary of not more than \$150 per day, as fixed by the*
3 *Board, while engaged in the business of the Board; and*

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

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

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

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

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

26 4. *If a hearing officer or panel is not authorized to take*
27 *disciplinary action pursuant to subsection 3 and the Board*
28 *deposits the money collected from the imposition of fines with the*
29 *State Treasurer for credit to the State General Fund, it may*
30 *present a claim to the State Board of Examiners for*
31 *recommendation to the Interim Finance Committee if money is*
32 *required to pay attorney's fees or the costs of an investigation, or*
33 *both.*

34 **Sec. 31. 1.** *Except as otherwise provided in this section, any*
35 *records or information received by the Board relating to a licensee*
36 *or an applicant for a license is confidential.*

37 2. *Except as otherwise provided in this section, a complaint*
38 *filed with the Board, all documents and other information filed*
39 *with the complaint and all documents and other information*
40 *compiled as a result of an investigation conducted to determine*
41 *whether to initiate disciplinary action against a person are*
42 *confidential, unless the person submits a written statement to the*
43 *Board requesting that those documents and information be made*
44 *public records.*



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

5 4. The provisions of this section do not prohibit the Board
6 from communicating or cooperating with or providing any
7 documents or other information to any other licensing board or
8 any other agency that is investigating a person, including, without
9 limitation, a law enforcement agency.

10 **Sec. 32.** Each person desiring a license must apply to the
11 Board upon a form, and in a manner, prescribed by the Board.
12 The application must be accompanied by the application fee
13 prescribed by the Board and all information required to complete
14 the application.

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

17 (a) An applicant for the issuance of a license must include the
18 social security number of the applicant in the application
19 submitted to the Board.

20 (b) An applicant for the issuance or renewal of a license must
21 submit to the Board the statement prescribed by the Division of
22 Welfare and Supportive Services of the Department of Health and
23 Human Services pursuant to NRS 425.520. The statement must be
24 completed and signed by the applicant.

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

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

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

30 3. A license may not be issued or renewed by the Board if the
31 applicant:

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

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

39 4. If an applicant indicates on the statement submitted
40 pursuant to subsection 1 that he is subject to a court order for the
41 support of a child and is not in compliance with the order or a
42 plan approved by the district attorney or other public agency
43 enforcing the order for the repayment of the amount owed
44 pursuant to the order, the Board shall advise the applicant to
45 contact the district attorney or other public agency enforcing the



1 *order to determine the actions that the applicant may take to*
2 *satisfy the arrearage.*

3 **Sec. 34.** 1. *In addition to any other requirements set forth*
4 *in this chapter, an applicant for the issuance or renewal of a*
5 *license must submit to the Board the statement prescribed by the*
6 *Division of Welfare and Supportive Services of the Department of*
7 *Health and Human Services pursuant to NRS 425.520. The*
8 *statement must be completed and signed by the applicant.*

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

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

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

14 3. *A license may not be issued or renewed by the Board if the*
15 *applicant:*

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

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

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

32 **Sec. 35.** *Each applicant for a license must provide proof*
33 *satisfactory to the Board that he:*

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

35 2. *Is of good moral character; and*

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

38 **Sec. 36.** *In addition to the requirements set forth in section*
39 *35 of this act, an applicant for a license as a clinical professional*
40 *counselor must provide proof satisfactory to the Board that he:*

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



2. *Has completed at least 3,000 hours of supervised experience in the practice of clinical 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 or groups; and*

(b) *At least 100 hours of counseling under the direct supervision of an approved supervisor of which at least 1 hour per week of such direct supervision was completed for each work setting at which the applicant provided counseling.*

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. 36.5. *In addition to the requirements set forth in section 35 of this act, an applicant for a license as a clinical 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 clinical 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 or groups; and*

(b) *At least 100 hours of counseling under the direct supervision of an approved supervisor of which at least 1 hour per week of such direct supervision was completed for each work setting at which the applicant provided counseling.*

3. *Has passed the National Clinical Mental Health Counseling Examination which is administered by the National Board for Certified Counselors.*

Sec. 37. (Deleted by amendment.)

Sec. 38. (Deleted by amendment.)

Sec. 39. (Deleted by amendment.)

Sec. 40. (Deleted by amendment.)

Sec. 41. (Deleted by amendment.)

Sec. 42. (Deleted by amendment.)

Sec. 43. (Deleted by amendment.)

Sec. 44. *In addition to any other requirements set forth in this chapter, an applicant for a license must submit to the Board a complete set of his fingerprints which the Board may forward to*



1 *the Central Repository for Nevada Records of Criminal History*
2 *for submission to the Federal Bureau of Investigation for its*
3 *report.*

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

7 (a) *To issue, renew, suspend, revoke or reinstate a license*
8 *pursuant to this chapter; or*

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

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

18 **Sec. 46.** *The Board may issue a license without examination*
19 *to a person who holds a license to engage in the practice of*
20 *clinical professional counseling in a state whose licensing*
21 *requirements at the time the license was issued are deemed by the*
22 *Board to be substantially equivalent to the requirements set forth*
23 *in this chapter.*

24 **Sec. 47.** 1. *A person who wishes to obtain the supervised*
25 *experience that is required for licensure pursuant to this chapter*
26 *must obtain a provisional license as an intern before beginning his*
27 *supervised experience.*

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

31 (a) *Possesses a master's or doctoral degree in counseling from*
32 *an accredited college or university approved by the Board which*
33 *required the completion of a practicum or internship; and*

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

36 **Sec. 48.** *A provisional license as an intern:*

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

39 2. *Expires upon:*

40 (a) *The termination of a supervision agreement;*

41 (b) *A change in the approved supervisor; or*

42 (c) *The issuance of a license as a clinical professional*
43 *counselor to the holder of a provisional license as an intern.*



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1 **Sec. 49. 1.** *The holder of a provisional license as an intern*
2 *shall, before providing any counseling or other therapeutic service*
3 *to a client:*

4 (a) *Inform the client that he holds a provisional license as an*
5 *intern and is practicing under the supervision of an approved*
6 *supervisor; and*

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

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

10 **Sec. 50. 1.** *The holder of a provisional license as an intern*
11 *who makes a change in a supervision agreement or enters into a*
12 *new supervision agreement shall notify the Board within 30 days*
13 *after the date of the change or new agreement.*

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

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

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

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

26 (a) *Apply to the Board for renewal;*

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

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

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

31 **2.** *The Board shall, as a requirement for the renewal of a*
32 *license, require each licensee to comply with the requirements for*
33 *continuing education adopted by the Board.*

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

37 **1.** *Written application;*

38 **2.** *Submission of proof of the completion of the continuing*
39 *education for the period the license was revoked; and*

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

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



Sec. 55. 1. Upon written request to the Board and payment of the fee prescribed by the Board, a licensee in good standing may have his name and license transferred to an inactive list for a period not to exceed 3 continuous years. A licensee shall not practice during the time his license is inactive. If an inactive licensee wishes to resume practice, the Board shall reactivate the license upon the:

- (a) Completion of an application for reactivation;
- (b) Payment of the fee for reactivation of the license; and
- (c) Demonstration, if required by the Board, that the licensee is qualified to practice.

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

2. Any license 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 any requirement for continuing education for inactive licensees.

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

For the initial application for a license	\$75
For the issuance of an initial license.....	50
For issuance of a provisional license as an intern	125
For an inactive license	150
For the annual renewal of a license.....	150
For the reinstatement of a suspended or revoked license	100
For the reactivation of an inactive license	150
For an examination of an applicant for a license.....	200

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

1. Conviction of a felony relating to the practice of clinical professional 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.



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

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

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

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

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

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

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

16 10. *Failure to comply with a requirement for licensure.*

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

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

36 **Sec. 59.** 1. *If the Board or any investigative committee of*
37 *the Board has reason to believe that the conduct of any licensee*
38 *has raised a reasonable question concerning his competence to*
39 *practice with reasonable skill and safety, it may order the licensee*
40 *to undergo:*

41 (a) *A mental or physical examination administered by a*
42 *licensed provider of health care;*

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

44 (c) *Any other examination designated by the Board,*



1 ↪ to assist the Board or committee in determining the fitness of
2 the licensee to practice.

3 2. For the purposes of this section:

4 (a) Each person who applies for a license or who is licensed
5 pursuant to this chapter is deemed to have given his consent to
6 submit to any examination ordered pursuant to subsection 1 if
7 ordered to do so in writing by the Board.

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

10 3. Except in extraordinary circumstances, as determined by
11 the Board, the failure of a licensee to submit to an examination if
12 ordered to do so as provided in this section constitutes an
13 admission of the charges against him.

14 4. The Board may require the licensee to pay the cost of an
15 examination ordered pursuant to this section.

16 **Sec. 60.** 1. The Board may discipline a licensee whose
17 default has been entered or who has been heard by the Board and
18 found guilty, by any of the following methods:

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

21 (b) Suspending his license for not more than 1 year.

22 (c) Revoking his license.

23 (d) Administering a public reprimand.

24 (e) Limiting his practice.

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

26 (g) Requiring him to complete successfully another
27 examination.

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

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

31 **Sec. 61.** 1. A complaint may be made against a licensee by
32 an agency or inspector employed by the Board, any other licensee
33 or any aggrieved person, charging one or more of the causes for
34 which the licensee may be revoked or suspended with such
35 particularity as to enable the defendant to prepare a defense
36 thereto.

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

41 **Sec. 62.** 1. As soon as practicable after the filing of a
42 complaint, the Board shall fix a date for the hearing on the matter.
43 The date must not be less than 30 days after the filing of the
44 complaint. The Secretary-Treasurer of the Board shall
45 immediately notify the licensee of the complaint and the date and



1 *place fixed for the hearing. A copy of the complaint must be*
2 *attached to the notice.*

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

4 *(a) Two members of the Board who are clinical professional*
5 *counselors; and*

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

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

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

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

19 **Sec. 65.** *1. It is unlawful for any person to engage in the*
20 *practice of clinical professional counseling unless he is licensed*
21 *pursuant to this chapter.*

22 *2. The provisions of this chapter do not:*

23 *(a) Prohibit any licensed physician, licensed nurse, licensed*
24 *psychologist or other person licensed or certified by the State from*
25 *carrying out the functions authorized by his respective license or*
26 *certification if the person does not hold himself out to the public*
27 *by any title and description of service likely to cause confusion*
28 *with the titles and descriptions of service set forth in this chapter.*

29 *(b) Apply to any activity or service of a student who is*
30 *obtaining a professional education as recognized by the Board if*
31 *the activity or service constitutes a part of the student's supervised*
32 *course of study, the activities are supervised by an approved*
33 *supervisor and the student is identified by the title "student intern*
34 *in clinical professional counseling" or any other title which*
35 *clearly indicates his status as a student.*

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

43 **Sec. 66.** *It is unlawful for any person, other than a person*
44 *licensed pursuant to this chapter to use any title in connection*



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1 *with his work, or imply that he is licensed by the Board, unless he*
2 *is licensed pursuant to this chapter.*

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

9 **Sec. 68.** *A violation of any provision of this chapter by a*
10 *person unlawfully representing himself as licensed pursuant to*
11 *this chapter may be enjoined by a district court on petition by the*
12 *Board. In any such proceeding it is not necessary to demonstrate*
13 *that any person is individually injured. If the respondent is found*
14 *guilty of misrepresenting himself as licensed pursuant to this*
15 *chapter, the court shall enjoin him from making such a*
16 *representation until he is licensed. The procedure in such cases is*
17 *the same as in any other application for an injunction. The*
18 *remedy by injunction is in addition to criminal prosecution and*
19 *punishment.*

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

21 622A.120 1. The following regulatory bodies are exempted
22 from the provisions of this chapter:

- 23 (a) State Contractors' Board.
24 (b) State Board of Professional Engineers and Land Surveyors.
25 (c) Nevada State Board of Accountancy.
26 (d) Board of Medical Examiners.
27 (e) Board of Dental Examiners of Nevada.
28 (f) State Board of Nursing.
29 (g) Chiropractic Physicians' Board of Nevada.
30 (h) Nevada State Board of Optometry.
31 (i) State Board of Pharmacy.
32 (j) Board of Examiners for Marriage and Family Therapists.
33 (k) ***Board of Clinical Professional Counseling.***
34 (l) Real Estate Commission, Real Estate Administrator and Real
35 Estate Division of the Department of Business and Industry.
36 ~~[(m)]~~ (m) Commission of Appraisers of Real Estate.
37 ~~[(n)]~~ (n) Commissioner of Mortgage Lending and Division of
38 Mortgage Lending of the Department of Business and Industry.
39 ~~[(o)]~~ (o) Commissioner of Financial Institutions and Division of
40 Financial Institutions of the Department of Business and Industry.
41 ~~[(p)]~~ (p) State Board of Health and Health Division of the
42 Department of Health and Human Services.

43 2. Any regulatory body which is exempted from the provisions
44 of this chapter pursuant to subsection 1 may elect by regulation to
45 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, *clinical professional counselor*, chiropractor, athletic trainer, doctor of Oriental medicine in any form, medical laboratory director or technician, pharmacist or a licensed hospital as the employer of any such person.

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

Sec. 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, *clinical professional counselor*, alcohol or drug abuse counselor, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this State.

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

(c) A coroner.

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

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

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

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

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



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

(j) Any social worker.

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

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

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

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

Sec. 72. NRS 640A.070 is hereby amended to read as follows:

640A.070 This chapter does not apply to a person:

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

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

3. Enrolled in an educational program approved by the Board which is designed to lead to a certificate or degree in occupational therapy, if he is designated by a title which clearly indicates that he is a student.

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

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

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

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

(c) Meets the requirements for certification as an "occupational therapist registered" or "certified occupational therapy assistant"



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1 established by the American Occupational Therapy Certification
2 Board.

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

4 641.029 The provisions of this chapter do not apply to:

- 5 1. A physician who is licensed to practice in this State;
- 6 2. A person who is licensed to practice dentistry in this State;
- 7 3. A person who is licensed as a marriage and family therapist
8 pursuant to chapter 641A of NRS;

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

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

13 ~~5-1~~ 6. A person who is licensed as an occupational therapist or
14 occupational therapy assistant pursuant to NRS 640A.010 to
15 640A.230, inclusive;

16 ~~6-1~~ 7. A person who is licensed or certified as an alcohol and
17 drug abuse counselor or certified as an alcohol and drug abuse
18 counselor intern, a problem gambling counselor or a problem
19 gambling counselor intern pursuant to chapter 641C of NRS; or

20 ~~7-1~~ 8. Any clergyman,
21 ➔ if such a person does not commit an act described in NRS
22 641.440 or represent himself as a psychologist.

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

24 641.440 Any person who:

25 1. Presents as his own the diploma, license or credentials of
26 another;

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

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

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

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

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

42 641B.040 The provisions of this chapter do not apply to:

- 43 1. A physician who is licensed to practice in this State;
- 44 2. A nurse who is licensed to practice in this State;



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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;

5. *A person who is licensed as a clinical 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. 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;

~~7.~~ 8. Any clergyman;

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

~~9.~~ 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. 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.

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

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

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

2. *"Clinical professional counselor" has the meaning ascribed to it in section 6.5 of this act.*

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

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

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

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



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1 **Sec. 78.** *A client has a privilege to refuse to disclose, and to*
2 *prevent any other person from disclosing, confidential*
3 *communications among himself, his clinical professional*
4 *counselor or any other person who participates in the diagnosis or*
5 *treatment under the direction of the clinical professional*
6 *counselor.*

7 **Sec. 79.** 1. *The privilege may be claimed by the client, his*
8 *guardian or conservator, or by the personal representative of a*
9 *deceased client.*

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

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

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

19 2. *If the clinical professional counselor is required to testify*
20 *in an administrative or court-related investigation or proceeding*
21 *involving the welfare of his client or the minor children of his*
22 *client.*

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

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

30 **Sec. 81.** (Deleted by amendment.)

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

32 62A.270 “Qualified professional” means:

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

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

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

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

41 5. A marriage and family therapist licensed in this State
42 pursuant to chapter 641A of NRS ~~§~~; **or**

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

45 **Sec. 83.** (Deleted by amendment.)



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

8 **Sec. 85.** NRS 176.133 is hereby amended to read as follows:

9 176.133 As used in NRS 176.133 to 176.159, inclusive, unless
10 the context otherwise requires:

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

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

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

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

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

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

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

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

28 3. "Sexual offense" means:

29 (a) Sexual assault pursuant to NRS 200.366;

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

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

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

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

39 (f) Incest pursuant to NRS 201.180;

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

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



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(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:

(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 clinical professional counselor* and an emergency medical technician.

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



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(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



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1 than 1 year and a maximum term of not more than 6 years, or by a
2 fine of not more than \$5,000, or by both fine and imprisonment.

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

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

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

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

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

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

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

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

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

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

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

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

43 (b) Any personnel of a hospital or similar institution engaged in
44 the admission, examination, care or treatment of persons or an
45 administrator, manager or other person in charge of a hospital or



1 similar institution upon notification of the suspected abuse, neglect,
2 exploitation or isolation of an older person by a member of the staff
3 of the hospital.

4 (c) A coroner.

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

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

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

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

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

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

21 (j) Every social worker.

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

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

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

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

43 8. If the investigation of a report results in the belief that an
44 older person is abused, neglected, exploited or isolated, the Aging
45 Services Division of the Department of Health and Human Services



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1 or the county's office for protective services may provide protective
2 services to the older person if he is able and willing to accept them.

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

5 **Sec. 88.** NRS 200.50935 is hereby amended to read as
6 follows:

7 200.50935 1. Any person who is described in subsection 3
8 and who, in his professional or occupational capacity, knows or has
9 reasonable cause to believe that a vulnerable person has been
10 abused, neglected, exploited or isolated shall:

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

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

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

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

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

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

40 (c) A coroner.

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

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



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(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:



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

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

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

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

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

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

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

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

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

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

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

42 **Sec. 90.** (Deleted by amendment.)

43 **Sec. 91.** (Deleted by amendment.)



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

218.825 1. Except as otherwise provided in subsection 2, each 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 *and sections 2 to 68, inclusive, of this act* shall:

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

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

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

3. The cost of each audit conducted pursuant to subsection 1 or 2 must be paid by the board that is audited. Each such audit must be conducted in accordance with generally accepted auditing standards, and all financial statements must be prepared in accordance with generally accepted principles of accounting for special revenue funds.

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

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

(a) Is responsible for preparing a balance sheet or having an audit conducted pursuant to this section or is responsible for



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1 preparing or maintaining the fiscal records that are necessary to
2 prepare a balance sheet or have an audit conducted pursuant to this
3 section; and

4 (b) Knowingly fails to prepare the balance sheet or have the
5 audit conducted pursuant to this section or knowingly fails to
6 prepare or maintain the fiscal records that are necessary to prepare a
7 balance sheet or have an audit conducted pursuant to this section.

8 6. In addition to any other remedy or penalty, a person who is
9 guilty of nonfeasance pursuant to this section forfeits his state office
10 or employment and may not be appointed to a state office or
11 position of state employment for a period of 2 years following the
12 forfeiture. The provisions of this subsection do not apply to a state
13 officer who may be removed from office only by impeachment
14 pursuant to Article 7 of the Nevada Constitution.

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

16 284.013 1. Except as otherwise provided in subsection 4, this
17 chapter does not apply to:

18 (a) Agencies, bureaus, commissions, officers or personnel in the
19 Legislative Department or the Judicial Department of State
20 Government, including the Commission on Judicial Discipline;

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

25 (c) Officers or employees of any agency of the Executive
26 Department of the State Government who are exempted by specific
27 statute.

28 2. Except as otherwise provided in subsection 3, the terms and
29 conditions of employment of all persons referred to in subsection 1,
30 including salaries not prescribed by law and leaves of absence,
31 including, without limitation, annual leave and sick and disability
32 leave, must be fixed by the appointing or employing authority
33 within the limits of legislative appropriations or authorizations.

34 3. Except as otherwise provided in this subsection, leaves of
35 absence prescribed pursuant to subsection 2 must not be of lesser
36 duration than those provided for other state officers and employees
37 pursuant to the provisions of this chapter. The provisions of this
38 subsection do not govern the Legislative Commission with respect
39 to the personnel of the Legislative Counsel Bureau.

40 4. Any board, commission, committee or council created in
41 chapters 590, 623 to 625A, inclusive, 628, 630 to 644, inclusive,
42 648, 652, 654 and 656 of NRS *and sections 2 to 68, inclusive, of*
43 *this act* which contracts for the services of a person, shall require the
44 contract for those services to be in writing. The contract must be



1 approved by the State Board of Examiners before those services
2 may be provided.

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

4 353.005 The provisions of this chapter do not apply to boards
5 created by the provisions of NRS 590.485 and chapters 623 to
6 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656 of
7 NRS *and sections 2 to 68, inclusive, of this act* and the officers and
8 employees of those boards.

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

10 353A.020 1. The Director, in consultation with the
11 Committee and Legislative Auditor, shall adopt a uniform system of
12 internal accounting and administrative control for agencies. The
13 elements of the system must include, without limitation:

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

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

18 (c) Procedures for authorizations and recordkeeping which
19 effectively control accounting of assets, liabilities, revenues and
20 expenses;

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

23 (e) An effective system of internal review.

24 2. The Director, in consultation with the Committee and
25 Legislative Auditor, may modify the system whenever he considers
26 it necessary.

27 3. Each agency shall develop written procedures to carry out
28 the system of internal accounting and administrative control adopted
29 pursuant to this section.

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

31 (a) A board created by the provisions of NRS 590.485 and
32 chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648,
33 654 and 656 of NRS *and sections 2 to 68, inclusive, of this act.*

34 (b) The Nevada System of Higher Education.

35 (c) The Public Employees' Retirement System.

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

38 (e) The Colorado River Commission of Nevada.

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

40 353A.025 1. The head of each agency shall periodically
41 review the agency's system of internal accounting and
42 administrative control to determine whether it is in compliance with
43 the uniform system of internal accounting and administrative control
44 for agencies adopted pursuant to subsection 1 of NRS 353A.020.



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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 ~~and~~ *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 ~~and~~ *and sections 2 to 68, inclusive, of this act.*



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- 1 (b) The Nevada System of Higher Education.
- 2 (c) The Public Employees' Retirement System.
- 3 (d) The Housing Division of the Department of Business and
- 4 Industry.
- 5 (e) The Colorado River Commission of Nevada.
- 6 3. Provide a copy of the approved annual work plan to the
- 7 Legislative Auditor.
- 8 4. In consultation with the Director, prepare a plan for auditing
- 9 executive branch agencies for each fiscal year and present the plan
- 10 to the Committee for its review and approval. Each plan for auditing
- 11 must:
- 12 (a) State the agencies which will be audited, the proposed scope
- 13 and assignment of those audits and the related resources which will
- 14 be used for those audits; and
- 15 (b) Ensure that the internal accounting, administrative controls
- 16 and financial management of each agency are reviewed periodically.
- 17 5. Perform the audits of the programs and activities of the
- 18 agencies in accordance with the plan approved pursuant to
- 19 subsection 5 of NRS 353A.038 and prepare audit reports of his
- 20 findings.
- 21 6. Review each agency that is audited pursuant to subsection 5
- 22 and advise those agencies concerning internal accounting,
- 23 administrative controls and financial management.
- 24 7. Submit to each agency that is audited pursuant to subsection
- 25 5 analyses, appraisals and recommendations concerning:
- 26 (a) The adequacy of the internal accounting and administrative
- 27 controls of the agency; and
- 28 (b) The efficiency and effectiveness of the management of the
- 29 agency.
- 30 8. Report any possible abuses, illegal actions, errors, omissions
- 31 and conflicts of interest of which the Division becomes aware
- 32 during the performance of an audit.
- 33 9. Adopt the standards of the Institute of Internal Auditors for
- 34 conducting and reporting on internal audits.
- 35 10. Consult with the Legislative Auditor concerning the plan
- 36 for auditing and the scope of audits to avoid duplication of effort
- 37 and undue disruption of the functions of agencies that are audited
- 38 pursuant to subsection 5.
- 39 11. Appoint a Manager of Internal Controls.
- 40 **Sec. 98.** NRS 372.7285 is hereby amended to read as follows:
- 41 372.7285 1. In administering the provisions of NRS 372.325,
- 42 the Department shall apply the exemption to the sale of a medical
- 43 device to a governmental entity that is exempt pursuant to that
- 44 section without regard to whether the person using the medical



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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, *clinical 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 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



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1 provide assistance for part or all of the cost of medical care rendered
2 on behalf of indigent persons.

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

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

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

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

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

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

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

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

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

40 3. Any person who is described in paragraph (a) of subsection
41 4 who delivers or provides medical services to a newborn infant and
42 who, in his professional or occupational capacity, knows or has
43 reasonable cause to believe that the newborn infant has been
44 affected by prenatal illegal substance abuse or has withdrawal
45 symptoms resulting from prenatal drug exposure shall, as soon as



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1 reasonably practicable but not later than 24 hours after the person
2 knows or has reasonable cause to believe that the newborn infant is
3 so affected or has such symptoms, notify an agency which provides
4 child welfare services of the condition of the infant and refer each
5 person who is responsible for the welfare of the infant to an agency
6 which provides child welfare services for appropriate counseling,
7 training or other services. A notification and referral to an agency
8 which provides child welfare services pursuant to this subsection
9 shall not be construed to require prosecution for any illegal action.

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

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

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

24 (c) A coroner.

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

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

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

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

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

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

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



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

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

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

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

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

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

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

2. A psychologist licensed to practice in this State;

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

4. A registered nurse who:

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

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

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

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

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

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

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

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

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



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

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

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

7 4. A registered nurse who:

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

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

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

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

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

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

18 433A.160 1. Except as otherwise provided in subsection 2,
19 an application for the emergency admission of an allegedly mentally
20 ill person for evaluation, observation and treatment may only be
21 made by an accredited agent of the Department, an officer
22 authorized to make arrests in the State of Nevada or a physician,
23 psychologist, marriage and family therapist, *clinical professional*
24 *counselor*, social worker or registered nurse. The agent, officer,
25 physician, psychologist, marriage and family therapist, *clinical*
26 *professional counselor*, social worker or registered nurse may:

27 (a) Without a warrant:

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

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

34 (I) A local law enforcement agency;

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

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

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

43 ➡ only if the agent, officer, physician, psychologist, marriage and
44 family therapist, *clinical professional counselor*, social worker or
45 registered nurse has, based upon his personal observation of the



1 allegedly mentally ill person, probable cause to believe that the
2 person is a mentally ill person and, because of that illness, is likely
3 to harm himself or others if allowed his liberty.

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

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

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

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

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

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

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

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

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



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

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

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

2. A psychologist licensed to practice in this State;

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

4. A registered nurse who:

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

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

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

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

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

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

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

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

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

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

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

439B.225 1. As used in this section, “licensing board” means any division or board empowered to adopt standards for licensing or registration or for the renewal of licenses or certificates of registration pursuant to NRS 435.3305 to 435.339, inclusive,



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chapter 449, 625A, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637A, 637B, 639, 640, 640A, 641, 641A, 641B, 641C, 652 or 654 of NRS ~~or~~ *or sections 2 to 68, inclusive, of this act.*

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

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

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

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

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

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

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

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

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

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

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

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

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;

(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;



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- (d) A licensed psychologist;
- (e) A licensed marriage and family therapist;
- (f) *A licensed clinical professional counselor;*
- (g) A licensed social worker; or
- ~~(g)~~ (h) The holder of a certificate of registration as a pharmacist.

Sec. 110. (Deleted by amendment.)

Sec. 111. (Deleted by amendment.)

Sec. 112. (Deleted by amendment.)

Sec. 113. (Deleted by amendment.)

Sec. 114. (Deleted by amendment.)

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

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

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

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

Sec. 117. (Deleted by amendment.)

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

Sec. 119. (Deleted by amendment.)

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

Sec. 121. (Deleted by amendment.)



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

Sec. 123. (Deleted by amendment.)

Sec. 124. (Deleted by amendment.)

Sec. 125. (Deleted by amendment.)

Sec. 126. 1. The Division of Health Care Financing and Policy of the Department of Health and Human Services shall conduct a study of the delivery of clinical professional counseling under the State Plan for Medicaid. The study must address:

(a) The laws and regulations of this State and the Federal Government concerning the eligibility of clinical professional counselors for participation and remuneration as providers of services under the State Plan for Medicaid.

(b) Methods of qualifying clinical professional counselors to participate and be remunerated as providers of services under the State Plan for Medicaid.

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

Sec. 127. (Deleted by amendment.)

Sec. 128. As soon as practicable on or after July 1, 2007, the Governor shall appoint to the Board of Clinical Professional Counseling created by section 19 of this act:

1. One member whose term expires on July 1, 2008.

2. Two members whose terms expire on July 1, 2009.

3. Two members whose terms expire on July 1, 2010.

4. Two members whose terms expire on July 1, 2011.

Sec. 129. Notwithstanding the provisions of section 20 of this act, the members whom the Governor is required to appoint to the Board of Clinical Professional Counseling pursuant to paragraph (a) of subsection 1 of section 20 of this act, must be clinical 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 clinical professional counselors in another state whose requirements for licensure as a clinical professional counselor are substantially equivalent to the requirements for licensure as a clinical professional counselor in this State.

Sec. 130. (Deleted by amendment.)

Sec. 131. (Deleted by amendment.)

Sec. 132. (Deleted by amendment.)



Sec. 133. (Deleted by amendment.)

Sec. 134. (Deleted by amendment.)

Sec. 135. (Deleted by amendment.)

Sec. 136. 1. This section and sections 1 to 33, inclusive, and 35, 36 and 37 to 135, inclusive, of this act become effective on July 1, 2007.

2. Section 33 of this act expires by limitation 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.

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.

5. Section 36 of this act expires by limitation on December 31, 2009.

6. Section 36.5 of this act becomes effective on January 1, 2010.

