

## Amendment No. 474

Assembly Amendment to Assembly Bill No. 424

(BDR 54-1294)

**Proposed by:** Assembly Committee on Commerce and Labor**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN a 2/3s majority vote requirement for final passage of A.B. 424 (§§ 8 + NRS 641A.210 and 641A.290, 57).

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) **green bold** is newly added transitory language.

TL/TMC



Date: 4/22/2007

A.B. No. 424—Revises provisions relating to the licensure of counselors.  
(BDR 54-1294)



## ASSEMBLY BILL NO. 424—ASSEMBLYWOMAN LESLIE

MARCH 19, 2007

Referred to Committee on Commerce and Labor

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

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for  
Term of Imprisonment in County or City Jail or Detention  
Facility.  
Effect on the State: No.

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

AN ACT relating to professions; providing ~~in skeleton form~~ for the licensing and regulation of **clinical** professional counselors and ~~advanced~~ **clinical** alcohol and drug abuse counselors; revising the name and expanding the membership of the Board of Examiners for Marriage and Family Therapists; **providing a privilege against the disclosure of certain confidential communications between a clinical professional counselor and his client and certain other persons**; requiring reimbursement for services provided by a licensed **clinical** professional counselor or licensed ~~advanced~~ **clinical** alcohol and drug abuse counselor under certain policies of health insurance; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Sections ~~3 and 4~~ **6 and 7** of this bill provide definitions for the terms ~~“practice of professional counseling” and “clinical professional counselor”~~ and **“clinical professional counseling.”** Sections ~~5 and 6~~ **8 and 9** of this bill establish the requirements for a license to practice as a **clinical** professional counselor. Sections ~~7, 11, 13, 25 and 27-29~~ **10-14, 16-28 and 30-32** of this bill amend certain provisions of chapter 641A of NRS to include **clinical** professional counselors under the regulation of the Board of Examiners for Marriage and Family Therapists ~~and Clinical Professional Counselors~~. Section ~~12~~ **15** of this bill increases the membership of the Board of Examiners for Marriage and Family Therapists and **Clinical Professional Counselors** from six to eight members. Section ~~13~~ **16** of this bill requires that two members of the Board must be licensed **clinical** professional counselors. Section ~~26~~ **29** of this bill prohibits a person from engaging in the practice of **clinical** professional counseling without a license. Section **35 of this bill provides a definition of “clinical practice of counseling alcohol and drug abusers.”** Section ~~34~~ **36** of this bill establishes the requirements for the issuance of a license as ~~an advanced~~ **a clinical** alcohol and drug abuse counselor. Section ~~32~~ **37** of this bill establishes the requirements for ~~to license as an advanced~~ **certification as a clinical** alcohol and drug abuse counselor intern. Section ~~32~~ **38** of this bill establishes the scope of practice of ~~an advanced~~ **a clinical** alcohol and drug abuse counselor and the duration of his license. Section ~~36~~ **45** of this bill revises the definition of the “practice of counseling alcohol and drug abusers.”

**Section ~~63-66~~ 54** of this bill clarifies the scope of practice of an alcohol and drug abuse counselor. **Sections 63-66 of this bill provide a privilege against the disclosure of certain confidential communications between a clinical professional counselor and his client and certain other persons. Sections 2, 70, 75, 76 and 85 of this bill include a clinical professional counselor in the definition of the term “provider of health care.” Sections ~~40-42~~ 72, 73 and 78** of this bill require a **clinical** professional counselor to report to certain governmental agencies, including law enforcement agencies, cases of known or suspected abuse or neglect of an older person, vulnerable person or a child. **Sections 70, 79, 81 and 83 of this bill include a clinical professional counselor in the definition of the term “person professionally qualified in the field of psychiatric mental health.” Sections ~~42-46~~ 92-99** of this bill require reimbursement for services provided by a licensed **clinical** professional counselor or ~~(advanced)~~ **clinical** alcohol and drug abuse counselor under certain policies of health insurance.

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

**Section 1. NRS 622A.120 is hereby amended to read as follows:**  
622A.120 1. The following regulatory bodies are exempted from the provisions of this chapter:

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

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

**Sec. 2. NRS 629.031 is hereby amended to read as follows:**  
629.031 Except as otherwise provided by specific statute:

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

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

~~Section 1.~~ **Sec. 3.** NRS 632.472 is hereby amended to read as follows:

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

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

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

(c) A coroner.

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

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

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

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

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

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

(j) Any social worker.

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

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

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

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

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

641.029 The provisions of this chapter do not apply to:

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

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

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

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

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

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

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

~~7.] 8.~~ Any clergyman,  
↪ if such a person does not commit an act described in NRS 641.440 or represent himself as a psychologist.

~~Sec. 2.]~~ Sec. 5. Chapter 641A of NRS is hereby amended by adding thereto the provisions set forth as sections ~~3 to 6,~~ 6 to 9, inclusive, of this act.

~~Sec. 3.]~~ Sec. 6. ~~1. "Practice of professional counseling" means assisting clients by the application of established principles, including, without limitation:~~

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

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

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

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

~~2. The term does not include:~~

~~— (a) The diagnosis or treatment of a psychotic disorder; or~~

~~— (b) The use of a psychological or psychometric assessment test to determine intelligence, personality, aptitude, interests or addictions.~~ "Clinical professional counselor" means a person who describes himself or his services to the public by any title or description which incorporates the term "clinical professional counselor" and under such a title offers to provide or provides services to any person.

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

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

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

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

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

2. The term does not include:

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

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

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

~~[Sec. 5.]~~ Sec. 8. Each applicant for a license to practice as a clinical professional counselor must furnish evidence satisfactory to the Board that he:

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

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

(b) A graduate degree in ~~[counseling in a program approved by the Council for Accreditation of Counseling and Related Educational Programs of the American Counseling Association.]~~ an accredited program for mental health counseling; or

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

5. Has ~~[a:]~~:

(a) At least ~~[1 year]~~ 2 years of postgraduate experience in professional counseling ~~[deemed satisfactory to the Board.]~~; and

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

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

~~[Sec. 6.]~~ Sec. 9. 1. Except as otherwise provided in subsection 2, each qualified applicant for a license to practice as a clinical professional counselor must be given a written examination by the Board on his knowledge of clinical professional counseling. Examinations must be given at a time and place and under such supervision as the Board may determine. A grade of 70 percent or higher is a passing grade.

2. The Board shall accept receipt of a passing grade by a qualified applicant on the ~~[National Counselor Examination or the]~~ National Clinical Mental Health Counselor Examination administered by the National Board of Certified Counselors in lieu of requiring a written examination pursuant to subsection 1.

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

~~[Sec. 7.]~~ Sec. 10. NRS 641A.010 is hereby amended to read as follows:

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

~~[Sec. 8.]~~ Sec. 11. NRS 641A.020 is hereby amended to read as follows:

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

~~[Sec. 9.]~~ Sec. 12. NRS 641A.030 is hereby amended to read as follows:

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

~~[Sec. 10.]~~ **Sec. 13.** NRS 641A.040 is hereby amended to read as follows:  
641A.040 "License" means a license issued by the Board pursuant to this chapter to practice as a marriage and family therapist ~~[+] or to practice as a~~ *clinical professional counselor*.

~~[Sec. 11.]~~ **Sec. 14.** NRS 641A.050 is hereby amended to read as follows:  
641A.050 "Licensee" means a person licensed as a marriage and family therapist *or a clinical professional counselor* by the Board.

~~[Sec. 12.]~~ **Sec. 15.** NRS 641A.090 is hereby amended to read as follows:  
641A.090 The Board of Examiners for Marriage and Family Therapists ~~[+] and~~ *Clinical Professional Counselors*, consisting of ~~[six]~~ *eight* members appointed by the Governor, is hereby created.

~~[Sec. 13.]~~ **Sec. 16.** NRS 641A.100 is hereby amended to read as follows:

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

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

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

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

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

(2) *A clinical professional counselor; or*

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

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

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

~~[Sec. 14.]~~ **Sec. 17.** NRS 641A.130 is hereby amended to read as follows:

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

~~[Sec. 15.]~~ **Sec. 18.** NRS 641A.160 is hereby amended to read as follows:

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

~~[Sec. 16.]~~ **Sec. 19.** NRS 641A.180 is hereby amended to read as follows:

641A.180 The Board shall:

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

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



~~[Sec. 17.]~~ **Sec. 20.** NRS 641A.215 is hereby amended to read as follows:

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

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

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

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

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

(b) A separate form prescribed by the Board.

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

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

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

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

~~[Sec. 18.]~~ **Sec. 21.** NRS 641A.215 is hereby amended to read as follows:

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

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

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

(b) A separate form prescribed by the Board.

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

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

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

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



~~[Sec. 19.]~~ **Sec. 22.** NRS 641A.220 is hereby amended to read as follows:  
641A.220 Each applicant *for a license to practice as a marriage and family therapist* must furnish evidence satisfactory to the Board that he:

1. Is at least 21 years of age;
2. Is of good moral character;
3. Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;
4. Has completed his residency training in psychiatry from an accredited institution approved by the Board, has a graduate degree in marriage and family therapy, psychology or social work from an accredited institution approved by the Board or has completed other education and training which is deemed equivalent by the Board;

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

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

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

~~[Sec. 20.]~~ **Sec. 23.** NRS 641A.230 is hereby amended to read as follows:

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

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

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

~~[Sec. 21.]~~ **Sec. 24.** NRS 641A.265 is hereby amended to read as follows:

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

~~[Sec. 22.]~~ **Sec. 25.** NRS 641A.285 is hereby amended to read as follows:

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

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

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

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

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

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

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 of continuing education for inactive licensees.

~~Sec. 23.~~ **Sec. 26.** NRS 641A.310 is hereby amended to read as follows:

641A.310 The Board may refuse to grant 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 marriage and family therapy *or 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.

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

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

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

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

7. Unprofessional conduct as determined by the Board.

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

~~Sec. 24.~~ **Sec. 27.** NRS 641A.313 is hereby amended to read as follows:

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

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

~~Sec. 25.~~ **Sec. 28.** NRS 641A.315 is hereby amended to read as follows:

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

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

(b) An examination testing his competence to practice therapy ~~or~~ *or clinical professional counseling*; or

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

2. For the purposes of this section:

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

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

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

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

~~Sec. 26.~~ **Sec. 29.** NRS 641A.410 is hereby amended to read as follows:

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

2. The provisions of this chapter do not:

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

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

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

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

~~Sec. 27.~~ **Sec. 30.** NRS 641A.430 is hereby amended to read as follows:

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

~~Sec. 28.~~ **Sec. 31.** NRS 641A.440 is hereby amended to read as follows:  
641A.440 Any person who violates any of the provisions of this chapter or, having had his license suspended or revoked, continues to represent himself as a marriage and family therapist *or a clinical professional counselor* shall be punished by imprisonment in the county jail for not more than 1 year or by a fine of not more than \$5,000, or by both fine and imprisonment. Each violation is a separate offense.

~~Sec. 29.~~ **Sec. 32.** NRS 641A.450 is hereby amended to read as follows:  
641A.450 A violation of this chapter by a person unlawfully representing himself as a marriage and family therapist *or a clinical professional counselor* may be enjoined by a district court on petition by the Board. In any such proceeding it is not necessary to show that any person is individually injured. If the respondent is found guilty of misrepresenting himself as a marriage and family therapist ~~or a~~ *clinical professional counselor*, the court shall enjoin him from making such a representation until he has been licensed. Procedure in ~~such~~ *those* cases is the same as in any other application for an injunction. The remedy by injunction is in addition to criminal prosecution and punishment.

**Sec. 33. NRS 641B.040 is hereby amended to read as follows:**  
641B.040 The provisions of this chapter do not apply to:  
1. A physician who is licensed to practice in this State;  
2. A nurse who is licensed to practice in this State;  
3. A person who is licensed as a psychologist pursuant to chapter 641 of NRS;

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

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

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

~~6.~~ 7. A person who is licensed *as a clinical alcohol and drug abuse counselor, licensed* or certified as an alcohol and drug abuse counselor, or certified as *a clinical alcohol and drug abuse counselor intern*, an alcohol and drug abuse counselor intern, a problem gambling counselor or a problem gambling counselor intern, 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. 30.~~ **Sec. 34.** Chapter 641C of NRS is hereby amended by adding thereto the provisions set forth as sections ~~31 to 33, inclusive,~~ **35 to 38, inclusive,** of this act.

1       Sec. 35. 1. "Clinical practice of counseling alcohol and drug abusers"  
2       means:

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

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

8       2. The term does not include:

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

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

12       ~~Sec. 34.~~ Sec. 36. The Board shall issue a license as ~~an advanced~~ a  
13       clinical alcohol and drug abuse counselor to:

14       1. A person who:

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

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

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

22       (d) Has completed a program approved by the Board consisting of at least  
23       2,000 hours of supervised, postgraduate counseling of alcohol and drug abusers;

24       (e) Has completed a program that:

25       (1) Is approved by the Board ~~consisting~~; and

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

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

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

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

35       2. A person who:

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

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

39       (c) Is:

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

42       (2) Licensed as a marriage and family therapist pursuant to chapter  
43       641A of NRS; or

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

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

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

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

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

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

~~Sec. 32.~~ Sec. 37. 1. The Board shall issue a ~~license~~ certificate as an advanced a clinical alcohol and drug abuse counselor intern to a person who:

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

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

(c) ~~Has a high school diploma or a general equivalency diploma;~~

~~(d)~~ Pays the fees required pursuant to NRS 641C.470;

~~(e)~~ (d) Submits proof to the Board that he has received a master's degree or doctoral degree in a field of social science approved by the Board ~~that~~ includes comprehensive coursework in clinical mental health, including the diagnosis of mental health disorders; and

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

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

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

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

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

~~Sec. 33.~~ Sec. 38. 1. A license as ~~an advanced~~ a clinical alcohol and drug abuse counselor is valid for ~~2 years~~ 1 year and may be renewed.

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

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

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

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

~~(d)~~ Supervise licensed and certified interns.

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

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

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

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

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

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



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

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

~~[Sec. 34.]~~ **Sec. 43. NRS 641C.080 is hereby amended to read as follows:**

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

~~[Sec. 35.]~~ **Sec. 44. NRS 641C.090 is hereby amended to read as follows:**

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

~~[Sec. 36.]~~ **Sec. 45. ~~NRS 641C.100 is hereby amended to read as follows:~~**

~~641C.100 1. "Practice of counseling alcohol and drug abusers" means [the]~~

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

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

~~2. The term does not include~~

~~— (a) The diagnosis or treatment of a psychotic disorder; or~~

~~— (b) The use of a psychological or psychometric assessment test to determine intelligence, personality, aptitude, interests or addictions.] (Deleted by amendment.)~~

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

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

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

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

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

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

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

~~[5.]~~ 6. A person who is licensed as a clinical social worker pursuant to the provisions of chapter 641B of NRS and is authorized by the Board of Examiners for Social Workers to engage in the practice of counseling alcohol and drug abusers or the practice of counseling problem gamblers.

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

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



2. The Board must consist of:

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

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

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

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

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

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

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

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

(b) A resident of this State.

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

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

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

~~Sec. 37.~~ **Sec. 49. NRS 641C.290 is hereby amended to read as follows:**

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

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

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

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

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

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

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

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

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

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

641C.300 The Board shall issue a license or certificate without examination to a person who holds a license or certificate as ~~for~~ a clinical alcohol and drug abuse counselor or an alcohol and drug abuse counselor in another state, a territory or possession of the United States or the District of Columbia if the requirements of that jurisdiction at the time the license or certificate was issued are deemed by the Board to be substantially equivalent to the requirements set forth in the provisions of this chapter.

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

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

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

(a) Is not of good moral character as it relates to the practice of counseling alcohol and drug abusers ~~for~~ or the clinical practice of counseling alcohol and drug abusers;

(b) Has submitted a false credential to the Board;

(c) Has been disciplined in another state, a possession or territory of the United States or the District of Columbia in connection with the practice of counseling alcohol and drug abusers ~~for~~ or the clinical practice of counseling alcohol and drug abusers;

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

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

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

641C.320 1. The Board may issue ~~for~~ :

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

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

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

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

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

1. A person who:

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

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

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

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

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

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

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

2. A person who:

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

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

(c) Is:

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

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

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

~~(3)~~ (4) A nurse who is licensed pursuant to chapter 632 of NRS and has received a master's degree or a doctoral degree from an accredited college or university; *or*

(5) *Licensed as a clinical alcohol and drug abuse counselor pursuant to this chapter;*

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

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

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

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

~~Sec. 38.~~ **Sec. 54.** NRS 641C.360 is hereby amended to read as follows:

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

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

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

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

(c) Supervise certified *alcohol and drug abuse counselor* interns.

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

**Sec. 55. NRS 641C.420 is hereby amended to read as follows:**

641C.420 1. The Board shall issue a certificate as an alcohol and drug abuse counselor intern to a person who:

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

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

(c) Has a high school diploma or a general equivalency diploma;

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

(e) Submits proof to the Board that he:

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

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

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

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

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

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

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

**Sec. 56. NRS 641C.430 is hereby amended to read as follows:**

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

1. A person who:

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

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

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

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

(e) Has completed at least 2,000 hours of supervised counseling of problem gamblers in a setting approved by the Board;

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

(g) Presents himself when scheduled for an interview at a meeting of the Board;

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

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

2. A person who:

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

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

(c) Is licensed as:

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

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

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

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

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

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

~~(7)~~ (7) An alcohol and drug abuse counselor pursuant to this chapter; or

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

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

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

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

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

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

~~Sec. 39.~~ **Sec. 57.** NRS 641C.470 is hereby amended to read as follows:  
 641C.470 1. The Board shall charge and collect not more than the following fees:

For the initial application for a license or certificate .....	\$150
For the issuance of a provisional license or certificate .....	125
For the issuance of an initial license or certificate.....	60
For the renewal of a license or certificate as an alcohol and drug abuse counselor , <u>a license as <del>an advanced</del> a clinical alcohol and drug abuse counselor</u> or a certificate as a problem gambling counselor ...	300
For the renewal of a certificate as <u>a clinical alcohol and drug abuse counselor intern</u> , an alcohol and drug abuse counselor intern or a problem gambling counselor intern.....	75
For the renewal of a delinquent license or certificate .....	75
For the restoration of an expired license or certificate .....	150
For the restoration or reinstatement of a suspended or revoked license or certificate .....	300
For the issuance of a license or certificate without examination .....	150
For an examination .....	150
For the approval of a course of continuing education .....	150

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

**Sec. 58. NRS 641C.700 is hereby amended to read as follows:**

641C.700 The grounds for initiating disciplinary action pursuant to the provisions of this chapter include:

1. Conviction of:

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

(b) An offense involving moral turpitude; or

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

2. Fraud or deception in:

(a) Applying for a license or certificate;

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

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

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

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

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

4. Professional incompetence;

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

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

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

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

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

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

(a) Administer a public reprimand;

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

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

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

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

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

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

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

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

4. The Board shall not administer a private reprimand.

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

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

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

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

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

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

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

641C.910 1. A person shall not:

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

(b) Use the title “clinical alcohol and drug abuse counselor,” “clinical alcohol and drug abuse counselor intern,” “alcohol and drug abuse counselor,” “alcohol and drug abuse counselor intern,” “drug abuse counselor,” “substance abuse counselor,” “problem gambling counselor,” “problem gambling counselor intern,” “gambling counselor,” “detoxification technician” or any similar title in connection with his work; or

(c) Imply in any way that he is licensed or certified by the Board, unless he is licensed or certified by the Board pursuant to the provisions of this chapter or a regulation adopted pursuant to NRS 641C.500.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

**Sec. 67. NRS 62A.270 is hereby amended to read as follows:**

62A.270 “Qualified professional” means:

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

2. A psychologist licensed to practice in this State;

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

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

5. A marriage and family therapist licensed in this State pursuant to chapter 641A of NRS ~~4~~; or

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

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

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

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

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

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

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

(a) ~~Any~~ A clinical alcohol and drug abuse counselor who is licensed, an alcohol and drug abuse counselor who is licensed or certified, or an alcohol and drug abuse counselor intern or a clinical alcohol and drug abuse counselor intern who is certified, pursuant to chapter 641C of NRS to make that classification; or

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

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

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

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

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

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

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

6. The juvenile court shall:

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

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

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

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

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

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

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

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

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

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

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

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

(a) The juvenile court;

(b) The child;

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

(d) The parents or guardian of the child;

(e) The district attorney; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. "Sexual offense" means:

(a) Sexual assault pursuant to NRS 200.366;

- (b) Statutory sexual seduction pursuant to NRS 200.368, if punished as a felony;
- (c) Battery with intent to commit sexual assault pursuant to NRS 200.400;
- (d) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation and is punished as a felony;
- (e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;
- (f) Incest pursuant to NRS 201.180;
- (g) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195, if punished as a felony;
- (h) Open or gross lewdness pursuant to NRS 201.210, if punished as a felony;
- (i) Indecent or obscene exposure pursuant to NRS 201.220, if punished as a felony;
- (j) Lewdness with a child pursuant to NRS 201.230;
- (k) Sexual penetration of a dead human body pursuant to NRS 201.450;
- (l) Luring a child or mentally ill person pursuant to NRS 201.560, if punished as a felony;
- (m) An attempt to commit an offense listed in paragraphs (a) to (l), inclusive, if punished as a felony; or
- (n) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.
- Sec. 71. NRS 200.471 is hereby amended to read as follows:**
- 200.471 1. As used in this section:
- (a) "Assault" means intentionally placing another person in reasonable apprehension of immediate bodily harm.
- (b) "Officer" means:
- (1) A person who possesses some or all of the powers of a peace officer;
  - (2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;
  - (3) A member of a volunteer fire department;
  - (4) A jailer, guard, matron or other correctional officer of a city or county jail;
  - (5) A justice of the Supreme Court, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including a person acting pro tempore in a capacity listed in this subparagraph; or
  - (6) An employee of the State or a political subdivision of the State whose official duties require him to make home visits.
- (c) "Provider of health care" means a physician, a physician assistant, a practitioner of respiratory care, a homeopathic physician, an advanced practitioner of homeopathy, a homeopathic assistant, an osteopathic physician, an osteopathic physician's assistant, a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory technician, an optometrist, a chiropractor, a chiropractor's assistant, a doctor of Oriental medicine, a nurse, a student nurse, a certified nursing assistant, a nursing assistant trainee, a dentist, a dental hygienist, a pharmacist, an intern pharmacist, an attendant on an ambulance or air ambulance, a psychologist, a social worker, a marriage and family therapist ~~and~~, a clinical professional counselor and an emergency medical technician.
- (d) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100.
- (e) "Sporting event" has the meaning ascribed to it in NRS 41.630.
- (f) "Sports official" has the meaning ascribed to it in NRS 41.630.
- (g) "Taxicab" has the meaning ascribed to it in NRS 706.8816.
- (h) "Taxicab driver" means a person who operates a taxicab.

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

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

(a) If paragraph (c) or (d) ~~for 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) ~~for this subsection~~ does not apply to the circumstances of the crime and if the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his duty or upon a sports official based on the performance of his duties at a sporting event, and the person charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a gross misdemeanor, unless the assault is made with the use of a deadly weapon, or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

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

~~Sec. 40.~~ **Sec. 72.** NRS 200.5093 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

1 enforcement agency, the person shall make the report to an agency other than the  
2 one alleged to have committed the act or omission.

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

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

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

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

20 (c) A coroner.

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

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

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

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

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

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

34 (j) Every social worker.

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

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

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

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

52 8. If the investigation of a report results in the belief that an older person is  
53 abused, neglected, exploited or isolated, the Aging Services Division of the

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

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

6 ~~[Sec. 41]~~ **Sec. 73.** NRS 200.50935 is hereby amended to read as follows:

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

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

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

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

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

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

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

35 (c) A coroner.

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

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

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

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

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

47 (i) Every social worker.

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

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

50 5. If a person who is required to make a report pursuant to subsection 1 knows  
51 or has reasonable cause to believe that a vulnerable person has died as a result of  
52 abuse, neglect or isolation, the person shall, as soon as reasonably practicable,  
53 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. 74. NRS 209.448 is hereby amended to read as follows:**

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

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

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

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

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

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

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

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

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

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

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

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

2. As used in this section:

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

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

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

**Sec. 77. 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 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. 42.]~~ **Sec. 78. NRS 432B.220 is hereby amended to read as follows:**

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

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

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

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

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

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

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

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

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

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

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

29 (c) A coroner.

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

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

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

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

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

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

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

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

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

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

52 6. If a person who is required to make a report pursuant to subsection 1 knows  
53 or has reasonable cause to believe that a child has died as a result of abuse or

neglect, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the report and submit to an agency which provides child welfare services his written findings. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

**Sec. 79. NRS 433.209 is hereby amended to read as follows:**

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

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

2. A psychologist licensed to practice in this State;

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

4. A registered nurse who:

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

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

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

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

~~for~~; or

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

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

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

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

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

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

2. A psychologist licensed to practice in this State;

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

4. A registered nurse who:

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

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

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

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

~~for~~; or

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

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

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

(a) Without a warrant:

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

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

(I) A local law enforcement agency;

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

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

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

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

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

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

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

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

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

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

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

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

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

1       **Sec. 83. NRS 433B.090 is hereby amended to read as follows:**  
2       433B.090 “Person professionally qualified in the field of psychiatric mental  
3 health” means:

- 4       1. A psychiatrist licensed to practice medicine in this State and certified by  
5 the American Board of Psychiatry and Neurology;
- 6       2. A psychologist licensed to practice in this State;
- 7       3. A social worker who holds a master’s degree in social work, is licensed by  
8 the State as a clinical social worker and is employed by the Division;
- 9       4. A registered nurse who:
  - 10       (a) Is licensed to practice professional nursing in this State;
  - 11       (b) Holds a master’s degree in the field of psychiatric nursing; and
  - 12       (c) Is employed by the Division or the Division of Mental Health and  
13 Developmental Services of the Department; ~~for~~
- 14       5. A marriage and family therapist licensed pursuant to chapter 641A of NRS

15 ~~or~~; or

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

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

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

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

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

28       433B.170 The Administrator shall not employ any psychiatrist, psychologist,  
29 social worker, registered nurse, clinical professional counselor or marriage and  
30 family therapist who is unable to demonstrate proficiency in the oral and written  
31 expression of the English language.

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

33       442.003 As used in this chapter, unless the context requires otherwise:

34       1. “Advisory Board” means the Advisory Board on Maternal and Child  
35 Health.

36       2. “Department” means the Department of Health and Human Services.

37       3. “Director” means the Director of the Department.

38       4. “Fetal alcohol syndrome” includes fetal alcohol effects.

39       5. “Health Division” means the Health Division of the Department.

40       6. “Obstetric center” has the meaning ascribed to it in NRS 449.0155.

41       7. “Provider of health care or other services” means:

42       (a) ~~Am~~ A clinical alcohol and drug abuse counselor who is licensed, or an  
43 alcohol and drug abuse counselor who is licensed or certified pursuant to chapter  
44 641C of NRS;

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

49       (c) A licensed nurse;

50       (d) A licensed psychologist;

51       (e) A licensed marriage and family therapist;

52       (f) A licensed clinical professional counselor;

53       (g) A licensed social worker; or

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

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

484.37937 1. An offender who is found guilty of a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792, other than an offender who is found to have a concentration of alcohol of 0.18 or more in his blood or breath, may, at that time or any time before he is sentenced, apply to the court to undergo a program of treatment for alcoholism or drug abuse which is certified by the Health Division of the Department of Health and Human Services for at least 6 months. The court shall authorize that treatment if:

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

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

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

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

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

2. A prosecuting attorney may, within 10 days after receiving notice of an application for treatment pursuant to this section, request a hearing on the question of whether the offender is eligible to undergo a program of treatment for alcoholism or drug abuse. The court shall order a hearing on the application upon the request of the prosecuting attorney or may order a hearing on its own motion. The hearing must be limited to the question of whether the offender is eligible to undergo such a program of treatment.

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

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

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

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

(c) Advise the offender that:

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

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

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

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



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

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

6. The court shall notify the Department, on a form approved by the Department, upon granting the application of the offender for treatment and his failure to be accepted for or complete treatment.

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

484.3794 1. An offender who is found guilty of a violation of NRS 484.379 that is punishable pursuant to paragraph (b) of subsection 1 of NRS 484.3792 may, at that time or any time before he is sentenced, apply to the court to undergo a program of treatment for alcoholism or drug abuse which is certified by the Health Division of the Department of Health and Human Services for at least 1 year if:

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

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

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

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

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

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

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

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

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

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

(c) Advise the offender that:

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

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

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

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

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

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

7        6. The court shall notify the Department, on a form approved by the  
8 Department, upon granting the application of the offender for treatment and his  
9 failure to be accepted for or complete treatment.

10        **Sec. 89. NRS 484.37943 is hereby amended to read as follows:**

11        484.37943 1. If an offender is found guilty of a violation of NRS 484.379  
12 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792 and if  
13 the concentration of alcohol in the offender's blood or breath at the time of the  
14 offense was 0.18 or more, or if an offender is found guilty of a violation of NRS  
15 484.379 that is punishable pursuant to paragraph (b) of subsection 1 of NRS  
16 484.3792, the court shall, before sentencing the offender, require an evaluation of  
17 the offender pursuant to subsection 3, 4, 5 or 6 to determine whether he is an abuser  
18 of alcohol or other drugs.

19        2. If an offender is convicted of a violation of NRS 484.379 that is punishable  
20 pursuant to paragraph (a) of subsection 1 of NRS 484.3792 and if the offender is  
21 under 21 years of age at the time of the violation, the court shall, before sentencing  
22 the offender, require an evaluation of the offender pursuant to subsection 3, 4, 5 or  
23 6 to determine whether he is an abuser of alcohol or other drugs.

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

26        (a) An alcohol and drug abuse counselor who is licensed or certified, or a  
27 clinical alcohol and drug abuse counselor who is licensed, pursuant to chapter  
28 641C of NRS to make that evaluation; or

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

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

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

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

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

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

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

484.3796 1. Before sentencing an offender for a violation of NRS 484.379 that is punishable as a felony pursuant to NRS 484.3792 or a violation of NRS 484.3795 or 484.37955, the court shall require that the offender be evaluated to determine whether he is an abuser of alcohol or drugs and whether he can be treated successfully for his condition.

2. The evaluation must be conducted by:

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

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

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

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

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

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

2. The evaluation must be conducted by:

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

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

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

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

**Sec. 92. 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 practice of a licensed clinical alcohol and drug abuse counselor, the insured is entitled to reimbursement for treatment by a clinical alcohol and drug abuse counselor who is licensed pursuant to chapter 641C of NRS.

~~[Sec. 43.]~~ Sec. 93. NRS 689A.0483 is hereby amended to read as follows:

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

1 ~~professional counselor for advanced alcohol and drug abuse counselor~~ who is  
2 licensed pursuant to chapter 641A ~~for 641C~~ of NRS.

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

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

10 ~~[Sec. 44.]~~ **Sec. 95.** NRS 689B.0383 is hereby amended to read as follows:

11 689B.0383 If any policy of group health insurance provides coverage for  
12 treatment of an illness which is within the authorized scope of ~~the~~ practice of a  
13 licensed marriage and family therapist ~~or~~ or licensed clinical professional  
14 counselor, ~~for licensed advanced alcohol and drug abuse counselor,~~ the insured  
15 is entitled to reimbursement for treatment by a marriage and family therapist ~~or~~ or  
16 clinical professional counselor ~~for advanced alcohol and drug abuse counselor~~  
17 who is licensed pursuant to chapter 641A ~~for 641C~~ of NRS.

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

20 *If any contract for hospital or medical service provides coverage for*  
21 *treatment of an illness which is within the authorized scope of practice of a*  
22 *licensed clinical alcohol and drug abuse counselor, the insured is entitled to*  
23 *reimbursement for treatment by a clinical alcohol and drug abuse counselor who*  
24 *is licensed pursuant to chapter 641C of NRS.*

25 ~~[Sec. 45.]~~ **Sec. 97.** NRS 695B.1973 is hereby amended to read as follows:

26 695B.1973 If any contract for hospital or medical service provides coverage  
27 for treatment of an illness which is within the authorized scope of ~~the~~ practice of a  
28 licensed marriage and family therapist ~~or~~ or licensed clinical professional  
29 counselor, ~~for licensed advanced alcohol and drug abuse counselor,~~ the insured  
30 is entitled to reimbursement for treatment by a marriage and family therapist ~~or~~ or  
31 clinical professional counselor ~~for advanced alcohol and drug abuse counselor~~  
32 who is licensed pursuant to chapter 641A ~~for 641C~~ of NRS.

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

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

40 ~~[Sec. 46.]~~ **Sec. 99.** NRS 695C.1773 is hereby amended to read as follows:

41 695C.1773 If any evidence of coverage provides coverage for treatment of an  
42 illness which is within the authorized scope of ~~the~~ practice of a licensed marriage  
43 and family therapist ~~or~~ or licensed clinical professional counselor, ~~for licensed~~  
44 ~~advanced alcohol and drug abuse counselor,~~ the insured is entitled to  
45 reimbursement for treatment by a marriage and family therapist ~~or~~ or clinical  
46 professional counselor ~~for advanced alcohol and drug abuse counselor~~ who is  
47 licensed pursuant to chapter 641A ~~for 641C~~ of NRS.

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

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

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

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

~~Sec. 47.~~ **Sec. 101.** 1. This section and sections 1 to ~~17~~ 20, inclusive, and ~~19 to 46~~ 22 to 100, inclusive, of this act become effective on July 1, 2007, for the ~~purpose~~ purposes of appointing members to the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors and adopting regulations to carry out the amendatory provisions of this act, and on January 1, 2008, for all other purposes.

2. Section ~~17~~ 20 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 ~~18~~ 21 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 procedure 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.

4. Sections ~~18 and 24~~ 21 and 27 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.