

SENATE BILL NO. 260—COMMITTEE ON HEALTH AND EDUCATION

MARCH 16, 2009

Referred to Committee on Health and Education

**SUMMARY**—Revises provisions relating to the management of treatment for persons with co-occurring disorders. (BDR 40-941)

**FISCAL NOTE:** Effect on Local Government: No.  
Effect on the State: Yes.

~

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

AN ACT relating to mental health; authorizing the Committee on Co-Occurring Disorders to take certain actions regarding treatment for co-occurring disorders; requiring the Committee to adopt regulations for the treatment of persons with co-occurring disorders; expanding the membership of the Committee; requiring the Committee to set certain standards regarding the treatment of patients with co-occurring disorders; requiring certain alcohol and drug abuse programs to screen patients for mental health disorders; requiring certain employees of the Department of Corrections and certain mental health workers and substance abuse counselors to receive annual training relating to co-occurring disorders; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law creates the Committee on Co-Occurring Disorders and sets forth its membership, which is appointed by the Governor and made up of certain members of the mental health and addictions recovery community, the education system, the criminal justice system, and persons who have used or are related to persons who have used services relating to mental health, substance abuse or criminal justice in Nevada. (NRS 439.527) Existing law also sets forth the duties of the Committee. (NRS 439.528) **Section 5** of this bill sets forth various actions the Committee is authorized to take, including accepting donations to assist in carrying out its purposes, taking steps to increase the quality of care of persons with co-occurring disorders, creating a plan to coordinate the services for the treatment of a person with co-occurring disorders and offering training programs concerning the treatment of those suffering from co-occurring disorders. **Section 6** of this bill



requires the Committee to adopt regulations for the care and treatment of persons with co-occurring disorders by state agencies to ensure the continuity of care, and authorizes the Committee to adopt regulations to promote programs relating to co-occurring disorders. **Section 7** of this bill authorizes the Committee or its designated agent to inspect state facilities providing services for persons with co-occurring disorders to determine if the facility is in compliance with the provisions of NRS relating to the treatment of co-occurring disorders. **Section 9** of this bill expands the membership of the Committee to include one member of the Senate, one member of the Assembly and three additional members who are representatives of state and local criminal justice agencies. (NRS 439.527) **Section 10** of this bill expands the duties of the Committee to require the Committee to establish various policies, to review the finances and programs of the Division of Mental Health and Developmental Services of the Department of Health and Human Services and the Department of Corrections for the treatment of persons with co-occurring disorders, and to provide that, if a person with co-occurring disorders is being treated by both a person who is professionally qualified in the field of psychiatric mental health and a person who is licensed as an alcohol and drug abuse counselor or clinical alcohol and drug abuse counselor or certified as an alcohol and drug abuse counselor, the professionals must communicate about the treatment of the person, unless he refuses to grant permission for the communication. (NRS 439.528)

**Section 11** of this bill expands the existing duties of the Division of Mental Health and Developmental Services to include requiring all alcohol and drug abuse programs which are certified to receive state and federal money to screen their patients for the existence of mental health disorders as well as for alcohol and drug abuse. (NRS 458.025) **Sections 13-17** of this bill require the Department of Corrections, the Board of Psychological Examiners, the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, the Board of Examiners for Social Workers and the Board of Examiners for Alcohol, Drug and Gambling Counselors to require their respective employees and licensees to receive at least 6 hours of training annually relating to co-occurring disorders. (NRS 641.220, 641A.170, 641B.280, 641C.200)

---

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

**Section 1.** Chapter 439 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

**Sec. 2.** *As used in NRS 439.526, 439.527 and 439.528 and sections 2 to 7, inclusive, of this act, unless the context otherwise requires, the words and terms defined in NRS 439.526 and sections 3 and 4 of this act have the meanings ascribe to them in those sections.*

**Sec. 3.** *“Committee” means the Committee on Co-Occurring Disorders created pursuant to NRS 439.527.*

**Sec. 4.** *“Division” means the Division of Mental Health and Developmental Services of the Department.*

**Sec. 5.** *The Committee may:*

*1. Collect and disseminate information pertaining to co-occurring disorders.*



2. *Accept gifts and grants of money and property.*  
3. *Take appropriate steps to increase the availability of and enhance the quality of the care and treatment of a person with co-occurring disorders provided through state agencies, hospitals and clinics.*

4. *Create a plan to coordinate the services for the treatment of a person with co-occurring disorders provided in this State and to provide continuity in the care and treatment of the person.*

5. *Offer training programs concerning the treatment of a person with co-occurring disorders.*

6. *Accept information and requests from employees of the Division and the Department of Corrections and allow the employees to appear before the Committee to testify. The Committee may not interfere with the procedures for resolving the grievances of employees in the classified service of the State.*

**Sec. 6.** 1. *The Committee shall adopt regulations:*

(a) *For the care and treatment of persons with co-occurring disorders by all state agencies and facilities, and the referral of those persons to private facilities; and*

(b) *To ensure the continuity of care and treatment of persons with co-occurring disorders in this State.*

2. *The Committee may adopt regulations to promote programs relating to co-occurring disorders.*

**Sec. 7.** *The Committee or its designated agent may inspect any state facility providing services for persons with co-occurring disorders to determine if the facility is in compliance with the provisions of NRS 439.526, 439.527 and 439.528 and sections 2 to 7, inclusive, of this act, and any regulations adopted pursuant to those provisions.*

**Sec. 8.** NRS 439.526 is hereby amended to read as follows:

439.526 ~~[As used in this section and NRS 439.527 and 439.528, unless the context otherwise requires, "co-occurring"]~~ *"Co-occurring disorders"* means the existence of both mental health and substance abuse disorders in the same person.

**Sec. 9.** NRS 439.527 is hereby amended to read as follows:

439.527 1. There is hereby created the Committee on Co-Occurring Disorders. The Committee consists of:

(a) ~~[The Administrator of the Division of Mental Health and Developmental Services of the Department, who is an ex-officio member of the Committee; and~~

~~—(b) Fourteen]~~ *One member of the Senate appointed by the Majority Leader of the Senate;*

*(b) One member of the Assembly appointed by the Speaker of the Assembly; and*

*(c) Seventeen members appointed by the Governor.*



1        2. The Governor shall appoint to the Committee:

2        (a) One member who is a psychiatrist licensed to practice  
3 medicine in this State and certified by the American Board of  
4 Psychiatry and Neurology;

5        (b) One member who is a physician licensed pursuant to chapter  
6 630 or 633 of NRS who is certified as an addictionologist by the  
7 American Society of Addiction Medicine;

8        (c) One member who is a psychologist licensed to practice in  
9 this State;

10       (d) One member who is licensed as a marriage and family  
11 therapist in this State;

12       (e) One member who is licensed as a clinical social worker in  
13 this State;

14       (f) One member who is a district judge in this State;

15       (g) One member who is a representative of the Nevada System  
16 of Higher Education;

17       (h) ~~{One member who is a representative}~~ *Four members who*  
18 *are representatives* of ~~{a}~~ state ~~{or}~~ *and* local criminal justice  
19 ~~{agency;}~~ *agencies, one of whom must be a representative of a*  
20 *department of juvenile justice services;*

21       (i) One member who is a representative of a hospital or mental  
22 health facility in this State;

23       (j) One member who is a member of the Nevada Mental Health  
24 Planning Advisory Council;

25       (k) One member who is a representative of a program relating to  
26 mental health and the treatment of the abuse of alcohol or drugs in  
27 this State;

28       (l) One member who is a policy analyst in the field of mental  
29 health, substance abuse or criminal justice;

30       (m) One member who is a representative of persons who have  
31 used services relating to mental health, substance abuse or criminal  
32 justice in this State; and

33       (n) One member who is an immediate family member of a  
34 person who has used services relating to mental health, substance  
35 abuse or criminal justice in this State.

36       3. The members of the Committee shall elect a Chairman and  
37 Vice Chairman by a majority vote. After the initial election, the  
38 Chairman and Vice Chairman shall hold office for a term of 1 year  
39 beginning on October 1 of each year. If a vacancy occurs in the  
40 chairmanship, the members of the Committee shall elect a Chairman  
41 from among its members for the remainder of the unexpired term.

42       4. After the initial terms, each member of the Committee who  
43 is appointed serves for a term of 4 years. A member may be  
44 reappointed.



\* S B 2 6 0 \*

1        5. A vacancy on the Committee must be filled in the same  
2 manner as the original appointment.

3        6. Each member of the Committee:

4        (a) Serves without compensation; and

5        (b) While engaged in the business of the Committee, is entitled  
6 to receive the per diem allowance and travel expenses provided for  
7 state officers and employees generally.

8        7. Each member of the Committee who is an officer or  
9 employee of the State or a local government must be relieved from  
10 his duties without loss of his regular compensation so that he may  
11 prepare for and attend meetings of the Committee and perform any  
12 work necessary to carry out the duties of the Committee in the most  
13 timely manner practicable. A state agency or local government shall  
14 not require an officer or employee who is a member of the  
15 Committee to make up the time he is absent from work to carry out  
16 his duties as a member, and shall not require the member to take  
17 annual vacation or compensatory time for the absence.

18        8. The members of the Committee shall meet at least quarterly  
19 and *more when necessary* at the times and places specified by a call  
20 of the Chairman or a majority of the members of the Committee.

21        9. ~~Eight~~ *Ten* members of the Committee constitute a quorum.  
22 The affirmative vote of a majority of the Committee members  
23 present is sufficient for any action of the Committee.

24        **Sec. 10.** NRS 439.528 is hereby amended to read as follows:  
25        439.528 The Committee shall:

26        1. Study and review issues relating to persons with co-  
27 occurring disorders.

28        2. ~~{Develop a policy statement}~~ *Establish policies* confirming  
29 the commitment of this State to treatment for persons with co-  
30 occurring disorders and the expectations of this State concerning  
31 such treatment.

32        3. Review and ~~{recommend strategies}~~ *establish policies* for  
33 improving the treatment provided to persons with co-occurring  
34 disorders, including, without limitation, reducing administrative  
35 barriers to such treatment and supporting the provision of  
36 coordinated and integrated services relating to mental health,  
37 substance abuse and criminal justice to persons with co-occurring  
38 disorders.

39        4. ~~{Develop recommendations}~~ *Establish policies* concerning  
40 the licensing and certification of treatment programs for persons  
41 with co-occurring disorders, including, without limitation, the  
42 standards that should be required of such programs to increase their  
43 effectiveness.



1        5. Develop recommendations concerning the creation of  
2 incentives for the development of treatment programs for persons  
3 with co-occurring disorders.

4        6. ~~[Evaluate the utilization of existing resources in this State]~~  
5 *Review the finances and programs of the Division, including those*  
6 *for alcohol and drug abuse programs authorized by NRS 458.025,*  
7 *and the Department of Corrections* for the treatment of persons  
8 with co-occurring disorders and develop ~~[recommendations]~~  
9 *policies* concerning innovative funding alternatives to promote and  
10 support ~~[mental health courts,]~~ the prevention of co-occurring  
11 disorders and the coordination of integrated services in the mental  
12 health, substance abuse and criminal justice systems.

13        7. Identify and ~~[recommend]~~ *establish* practices and  
14 procedures to improve the effectiveness and quality of care provided  
15 in both the public and private sector to persons with co-occurring  
16 disorders.

17        8. ~~[Examine and develop]~~ *Develop* recommendations  
18 concerning training and technical assistance that are available  
19 through the Substance Abuse and Mental Health Services  
20 Administration of the United States Department of Health and  
21 Human Services and other entities to support the development and  
22 implementation of a comprehensive system of care for persons with  
23 co-occurring disorders.

24        9. *Require that, if a person with co-occurring disorders is*  
25 *being treated by both a person who is professionally qualified in*  
26 *the field of psychiatric mental health, as defined in NRS 433.209,*  
27 *and a person who is licensed as an alcohol and drug abuse*  
28 *counselor or clinical alcohol and drug abuse counselor or*  
29 *certified as an alcohol and drug abuse counselor pursuant to*  
30 *chapter 641C of NRS, the person professionally qualified in the*  
31 *field of psychiatric mental health and the alcohol and drug abuse*  
32 *counselor or clinical alcohol and drug abuse counselor shall*  
33 *communicate at least once a month about case planning and*  
34 *treatment regarding the person, unless the person refuses to grant*  
35 *permission for such communication.*

36        10. *Require any program treating persons with co-occurring*  
37 *disorders to file a monthly report with the Committee regarding*  
38 *the management of treatment of co-occurring disorders.*

39        11. Submit on or before January 31 of each odd-numbered year  
40 a report to the Director of the Legislative Counsel Bureau for  
41 distribution to the regular session of the Legislature. The report must  
42 include, without limitation, a summary of the work of the  
43 Committee and recommendations for any necessary legislation  
44 concerning issues relating to persons with co-occurring disorders.



**Sec. 11.** NRS 458.025 is hereby amended to read as follows:  
458.025 The Division:

1. Shall formulate and operate a comprehensive state plan for alcohol and drug abuse programs which must include:

(a) A survey of the need for prevention and treatment of alcohol and drug abuse, including a survey of the facilities needed to provide services and a plan for the development and distribution of services and programs throughout this State.

(b) A plan for programs to educate the public in the problems of the abuse of alcohol and other drugs.

(c) A survey of the need for persons who have professional training in fields of health and other persons involved in the prevention of alcohol and drug abuse and in the treatment and recovery of alcohol and drug abusers, and a plan to provide the necessary treatment.

➔ In developing and revising the state plan, the Division shall consider, without limitation, the amount of money available from the Federal Government for alcohol and drug abuse programs and the conditions attached to the acceptance of that money, and the limitations of legislative appropriations for alcohol and drug abuse programs.

2. Shall coordinate the efforts to carry out the state plan and coordinate all state and federal financial support of alcohol and drug abuse programs in this State.

3. Must be consulted in the planning of projects and advised of all applications for grants from within this State which are concerned with alcohol and drug abuse programs, and shall review the applications and advise the applicants concerning the applications.

4. Shall certify or deny certification of detoxification technicians or any facilities or programs on the basis of the standards established by the Division pursuant to this section, and publish a list of certified detoxification technicians, facilities and programs. Any detoxification technicians, facilities or programs which are not certified are ineligible to receive state and federal money for alcohol and drug abuse programs. The Division shall adopt regulations. The regulations:

(a) Must prescribe the requirements for continuing education for persons certified as detoxification technicians; and

(b) May prescribe the fees for the certification of detoxification technicians, facilities or programs. A fee prescribed pursuant to this paragraph must be calculated to produce the revenue estimated to cover the costs related to the certifications, but in no case may a fee for a certificate exceed the actual cost to the Division of issuing the certificate.



\* S B 2 6 0 \*

1        5. Upon request from a facility which is self-supported, may  
2 certify the facility, its programs and detoxification technicians and  
3 add them to the list described in subsection 4.

4        ***6. Shall require all alcohol and drug abuse programs which***  
5 ***are certified pursuant to subsection 4 to screen a person who***  
6 ***receives treatment in the program for the existence of mental***  
7 ***health disorders as well as for alcohol and drug abuse.***

8        **Sec. 12.** NRS 458.025 is hereby amended to read as follows:

9        458.025 The Division:

10        1. Shall formulate and operate a comprehensive state plan for  
11 alcohol and drug abuse programs which must include:

12        (a) A survey of the need for prevention and treatment of alcohol  
13 and drug abuse, including a survey of the facilities needed to  
14 provide services and a plan for the development and distribution of  
15 services and programs throughout this State.

16        (b) A plan for programs to educate the public in the problems of  
17 the abuse of alcohol and other drugs.

18        (c) A survey of the need for persons who have professional  
19 training in fields of health and other persons involved in the  
20 prevention of alcohol and drug abuse and in the treatment and  
21 recovery of alcohol and drug abusers, and a plan to provide the  
22 necessary treatment.

23        ➤ In developing and revising the state plan, the Division shall  
24 consider, without limitation, the amount of money available from  
25 the Federal Government for alcohol and drug abuse programs and  
26 the conditions attached to the acceptance of that money, and the  
27 limitations of legislative appropriations for alcohol and drug abuse  
28 programs.

29        2. Shall coordinate the efforts to carry out the state plan and  
30 coordinate all state and federal financial support of alcohol and drug  
31 abuse programs in this State.

32        3. Must be consulted in the planning of projects and advised of  
33 all applications for grants from within this State which are  
34 concerned with alcohol and drug abuse programs, and shall review  
35 the applications and advise the applicants concerning the  
36 applications.

37        4. Shall certify or deny certification of any facilities or  
38 programs on the basis of the standards established by the Division  
39 pursuant to this section, and publish a list of certified facilities and  
40 programs. Any facilities or programs which are not certified are  
41 ineligible to receive state and federal money for alcohol and drug  
42 abuse programs. The Division shall adopt regulations which may  
43 prescribe the fees for the certification of facilities or programs. A  
44 fee prescribed pursuant to this subsection must be calculated to  
45 produce the revenue estimated to cover the costs related to the



\* S B 2 6 0 \*



1 certifications, but in no case may a fee for a certificate exceed the  
2 actual cost to the Division of issuing the certificate.

3 5. Upon request from a facility which is self-supported, may  
4 certify the facility and its programs and add them to the list  
5 described in subsection 4.

6 *6. Shall require all alcohol and drug abuse programs which*  
7 *are certified pursuant to subsection 4 to screen a person who*  
8 *receives treatment in the program for the existence of mental*  
9 *health disorders as well as for alcohol and drug abuse.*

10 **Sec. 13.** Chapter 209 of NRS is hereby amended by adding  
11 thereto a new section to read as follows:

12 *The Director shall develop and implement, in each institution*  
13 *and facility of the Department, a program of annual training for*  
14 *the correctional staff consisting of at least 6 hours of training*  
15 *relating to co-occurring disorders, as defined in NRS 439.526.*

16 **Sec. 14.** NRS 641.220 is hereby amended to read as follows:

17 641.220 1. To renew a license issued pursuant to this chapter,  
18 each person must, on or before the first day of January of each odd-  
19 numbered year:

20 (a) Apply to the Board for renewal;

21 (b) Pay the biennial fee for the renewal of a license;

22 (c) Submit evidence to the Board of his completion of the  
23 requirements for continuing education ~~[H]~~, *including, without*  
24 *limitation, at least 6 hours of training relating to co-occurring*  
25 *disorders, as defined in NRS 439.526;* and

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

27 2. Upon renewing his license, the holder of the license shall  
28 declare his areas of competence, as determined in accordance with  
29 NRS 641.112.

30 3. ~~[The]~~ *In addition to the training required pursuant to*  
31 *paragraph (c) of subsection 1, the* Board shall, as a prerequisite for  
32 the renewal of a license, require each holder to comply with the  
33 requirements for continuing education adopted by the Board.

34 **Sec. 15.** NRS 641A.170 is hereby amended to read as follows:

35 641A.170 The Board shall under the provisions of this chapter:

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

38 2. License qualified applicants.

39 3. Revoke or suspend licenses.

40 4. Establish requirements for continuing education ~~[H]~~, *which*  
41 *must include, without limitation, at least 6 hours of annual*  
42 *training relating to co-occurring disorders, as defined in*  
43 *NRS 439.526.*

44 5. Collect all fees and make disbursements pursuant to this  
45 chapter.



**Sec. 16.** NRS 641B.280 is hereby amended to read as follows:

641B.280 1. Every holder of a license issued pursuant to this chapter may renew his license annually by:

(a) Applying to the Board for renewal;

(b) Paying the annual renewal fee set by the Board;

(c) Submitting evidence to the Board of his completion of the required continuing education ~~[§]~~, *including, without limitation, at least 6 hours of training relating to co-occurring disorders, as defined in NRS 439.526*; and

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

2. ~~[The]~~ *In addition to the training required pursuant to paragraph (c) of subsection 1, the* Board shall, as a prerequisite for the renewal of a license, require the holder to comply with the requirements for continuing education adopted by the Board.

**Sec. 17.** NRS 641C.200 is hereby amended to read as follows:

641C.200 1. The Board shall adopt such regulations as are necessary to carry out the provisions of this chapter, including, without limitation, regulations that prescribe:

(a) The ethical standards for licensed and certified counselors and certified interns; and

(b) The requirements for continuing education for the renewal, restoration or reinstatement of a license or certificate ~~[§]~~, *which must include, without limitation, at least 6 hours of annual training relating to co-occurring disorders, as defined in NRS 439.526*.

2. The Board may adopt regulations that prescribe:

(a) The contents of a written examination concerning the practice of counseling problem gamblers;

(b) The grounds for initiating disciplinary action against a certified problem gambling counselor or certified problem gambling counselor intern; and

(c) Disciplinary procedures for certified problem gambling counselors and certified problem gambling counselor interns, including the suspension, revocation and reinstatement of a certificate as a problem gambling counselor or problem gambling counselor intern.

3. Any regulations adopted by the Board pursuant to this section must be consistent with the provisions of chapter 622A of NRS.

**Sec. 18.** As soon as practicable on or after July 1, 2009:

1. The Majority Leader of the Senate shall appoint to the Committee on Co-Occurring Disorders pursuant to paragraph (a) of subsection 1 of NRS 439.527, as amended by section 9 of this act, one member of the Senate whose term expires on October 1, 2011.



\* S B 2 6 0 \*

2. The Speaker of the Assembly shall appoint to the Committee on Co-Occurring Disorders pursuant to paragraph (b) of subsection 1 of NRS 439.527, as amended by section 9 of this act, one member of the Assembly whose term expires on October 1, 2012.

3. The Governor shall appoint to the Committee on Co-Occurring Disorders pursuant to paragraph (h) of subsection 2 of NRS 439.527, as amended by section 9 of this act, three members whose terms expire on October 1, 2013.

**Sec. 19.** 1. This section and sections 1 to 11, inclusive, and 13 to 18, inclusive, of this act becomes effective on July 1, 2009.

2. Section 11 of this act expires by limitation on the date the regulation adopted by the Board of Examiners for Alcohol, Drug and Gambling Counselors for the certification of a person as a detoxification technician pursuant to NRS 641C.500 becomes effective, unless a later date is otherwise specified in the regulation.

3. Section 12 of this act becomes effective on the date the regulation adopted by the Board of Examiners for Alcohol, Drug and Gambling Counselors for the certification of a person as a detoxification technician pursuant to NRS 641C.500 becomes effective, unless a later date is otherwise specified in the regulation.

