

## 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.

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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 mental health; authorizing the Committee on Co-Occurring Disorders to take certain actions regarding treatment for co-occurring disorders; requiring the Committee to recommend the adoption of 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 or biannual 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, making recommendations 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



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concerning the treatment of those suffering from co-occurring disorders. **Section 6** of this bill requires the Committee to recommend that the Division of Mental Health and Developmental Services of the Department of Health and Human Services 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 recommend that the Division adopt regulations to promote programs relating to co-occurring disorders. **Section 7** of this bill authorizes the Committee or its designated agent to review 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 review the finances and programs of the Division 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 2 hours of training annually or biannually, as applicable, relating to co-occurring disorders. (NRS 641.220, 641A.170, 641B.280, 641C.200)

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

3       2. Accept gifts and grants of money and property.

4       3. Make recommendations to increase the availability of and  
5       enhance the quality of the care and treatment of a person with co-  
6       occurring disorders provided through state agencies, hospitals and  
7       clinics.

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

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

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

18      **Sec. 6.** 1. The Committee shall recommend that the  
19      Division adopt regulations:

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

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

25      2. The Committee may recommend that the Division adopt  
26      regulations to promote programs relating to co-occurring  
27      disorders.

28      **Sec. 7.** The Committee or its designated agent may review  
29      any state facility providing services for persons with co-occurring  
30      disorders to determine if the facility is in compliance with the  
31      provisions of NRS 439.526, 439.527 and 439.528 and sections 2 to  
32      7, inclusive, of this act, and any regulations adopted pursuant to  
33      those provisions.

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

35      439.526 ~~[As used in this section and NRS 439.527 and~~  
36      ~~439.528, unless the context otherwise requires, "co-occurring"]~~ **"Co-**  
37      **occurring** disorders" means the existence of both mental health and  
38      substance abuse disorders in the same person.

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

40      439.527 1. There is hereby created the Committee on Co-  
41      Occurring Disorders. The Committee consists of:

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



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

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

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

6 2. The Governor shall appoint to the Committee:

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

10 (b) One member who is a physician licensed pursuant to chapter  
11 630 or 633 of NRS who is certified as an addictionologist by the  
12 American Society of Addiction Medicine;

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

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

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

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

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

22 (h) ~~[One member who is a representative]~~ *Four members who*  
23 *are representatives* of ~~[a]~~ state ~~[or]~~ *and* local criminal justice  
24 ~~[agency;]~~ *agencies, one of whom must be a representative of a*  
25 *department of juvenile justice services;*

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

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

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

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

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

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

41 3. The members of the Committee shall elect a Chairman and  
42 Vice Chairman by a majority vote. After the initial election, the  
43 Chairman and Vice Chairman shall hold office for a term of 1 year  
44 beginning on October 1 of each year. If a vacancy occurs in the



1 chairmanship, the members of the Committee shall elect a Chairman  
2 from among its members for the remainder of the unexpired term.

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

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

8 6. Each member of the Committee:

9 (a) Serves without compensation; and

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

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

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

26 9. ~~Eight~~ *Ten* members of the Committee constitute a quorum.  
27 The affirmative vote of a majority of the Committee members  
28 present is sufficient for any action of the Committee.

29 **Sec. 10.** NRS 439.528 is hereby amended to read as follows:

30 439.528 The Committee shall:

31 1. Study and review issues relating to persons with co-  
32 occurring disorders.

33 2. Develop a policy statement confirming the commitment of  
34 this State to treatment for persons with co-occurring disorders and  
35 the expectations of this State concerning such treatment.

36 3. Review and recommend strategies for improving the  
37 treatment provided to persons with co-occurring disorders,  
38 including, without limitation, reducing administrative barriers to  
39 such treatment and supporting the provision of coordinated and  
40 integrated services relating to mental health, substance abuse and  
41 criminal justice to persons with co-occurring disorders.

42 4. Develop recommendations concerning the licensing and  
43 certification of treatment programs for persons with co-occurring  
44 disorders, including, without limitation, the standards that should be  
45 required of such programs to increase their effectiveness.



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

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

7. Identify and recommend practices and procedures to improve the effectiveness and quality of care provided in both the public and private sector to persons with co-occurring disorders.

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

9. *Require 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, as defined in NRS 433.209, 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 pursuant to chapter 641C of NRS, the person professionally qualified in the field of psychiatric mental health and the alcohol and drug abuse counselor or clinical alcohol and drug abuse counselor shall communicate at least once a month about case planning and treatment regarding the person, unless the person refuses to grant permission for such communication.*

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

11. Submit on or before January 31 of each odd-numbered year a report to the Director of the Legislative Counsel Bureau for distribution to the regular session of the Legislature. The report must include, without limitation, a summary of the work of the Committee and recommendations for any necessary legislation 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        1. Shall formulate and operate a comprehensive state plan for  
2 alcohol and drug abuse programs which must include:

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

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

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

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

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

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

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

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

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



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

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

**Sec. 12.** 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 any facilities or programs on the basis of the standards established by the Division pursuant to this section, and publish a list of certified facilities and programs. Any 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 which may prescribe the fees for the certification of facilities or programs. A fee prescribed pursuant to this subsection must be calculated to produce the revenue estimated to cover the costs related to the



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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 2 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 2 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 2 hours of biannual*  
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.



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**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 2 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 2 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.



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 become 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.

