

Amendment No. 969

Senate Amendment to Senate Bill No. 501 First Reprint (BDR 40-1141)

Proposed by: Senate Committee on Finance

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

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 underlining* is newly added transitory language.

RBL



Date: 6/3/2013

S.B. No. 501—Makes various changes concerning substance abuse prevention and treatment. (BDR 40-1141)



SENATE BILL NO. 501—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE DEPARTMENT OF ADMINISTRATION)

MARCH 25, 2013

Referred to Committee on Health and Human Services

SUMMARY—~~[Makes various changes concerning substance abuse prevention and]~~ Revises provisions governing funding for certain facilities for the treatment of abuse of alcohol or drugs. (BDR 40-1141)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Executive Budget.

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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 substance abuse; ~~[transferring certain powers and duties from the Division of Mental Health and Developmental Services of the Department of Health and Human Services to the Health Division of the Department of Health and Human Services; requiring]~~ revising provisions governing funding for certain facilities for the treatment of abuse of alcohol or drugs; ~~[to be licensed;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a facility for the treatment of abuse of alcohol or drugs, to be eligible to receive state and federal money for its alcohol and drug abuse programs, must be licensed by the State Board of Health and certified by the Division of Mental Health and Developmental Services of the Department of Health and Human Services. (NRS 449.0302, 458.025) ~~[Section]~~ Sections 1 and 2 of this bill ~~[provides]~~ provide that a facility is eligible to receive such money if ~~[the facility]~~ the facility is licensed by the Health Division ~~[.]~~

~~Under existing law, the Division of Mental Health and Developmental Services is required to certify detoxification technicians, facilities and programs for the education and treatment of alcohol and drug abusers. (NRS 458.025) Section 8 of this bill requires treatment facilities to be licensed by the Health Division. Section 9 of this bill also requires the Health Division to certify detoxification technicians and any facility that is not required to be licensed. Section 23.3 amends section 9 to remove the reference to detoxification technicians effective when the Board of Examiners for Alcohol, Drug and Gambling Counselors begin certifying such technicians.~~

~~Under existing law, certain first time offenders who have been found guilty of driving under the influence of alcohol or a controlled substance must be evaluated at an evaluation center to determine whether the offender is an abuser of alcohol or other drugs. (NRS 484C.350) Under existing law, a juvenile court may also order such an evaluation of a child who commits certain crimes. Sections 16.5, 18.5 and 19 of this bill require such evaluations to be conducted at a licensed treatment facility.]~~ of the Department.

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

1 **Section 1.** Chapter 449 of NRS is hereby amended by adding thereto a new
2 section to read as follows:

3 *A facility for the treatment of abuse of alcohol or drugs is not eligible to*
4 *receive state and federal money for alcohol and drug abuse programs unless it is*
5 *licensed by the Health Division pursuant to NRS 449.080.*

6 **Sec. 2.** NRS 449.00455 is hereby amended to read as follows:

7 449.00455 “Facility for the treatment of abuse of alcohol or drugs” means any
8 public or private establishment which provides residential treatment, including
9 mental and physical restoration, of abusers of alcohol or drugs . ~~and which is~~
10 ~~certified by the Division of Mental Health and Developmental Services of the~~
11 ~~Department of Health and Human Services pursuant to subsection 4 of NRS~~
12 ~~458.025. It~~ *The term* does not include a medical facility or services offered by
13 volunteers or voluntary organizations.

14 **Sec. 3.** NRS 449.0301 is hereby amended to read as follows:

15 449.0301 The provisions of NRS 449.030 to 449.240, inclusive, *and section*
16 *1 of this act* do not apply to:

17 1. Any facility conducted by and for the adherents of any church or religious
18 denomination for the purpose of providing facilities for the care and treatment of
19 the sick who depend solely upon spiritual means through prayer for healing in the
20 practice of the religion of the church or denomination, except that such a facility
21 shall comply with all regulations relative to sanitation and safety applicable to other
22 facilities of a similar category.

23 2. Foster homes as defined in NRS 424.014.

24 3. Any medical facility or facility for the dependent operated and maintained
25 by the United States Government or an agency thereof.

26 **Sec. 4.** NRS 449.160 is hereby amended to read as follows:

27 449.160 1. The Health Division may deny an application for a license or
28 may suspend or revoke any license issued under the provisions of NRS 449.030 to
29 449.240, inclusive, *and section 1 of this act* upon any of the following grounds:

30 (a) Violation by the applicant or the licensee of any of the provisions of NRS
31 439B.410 or 449.030 to 449.245, inclusive, *and section 1 of this act*, or of any
32 other law of this State or of the standards, rules and regulations adopted thereunder.

33 (b) Aiding, abetting or permitting the commission of any illegal act.

34 (c) Conduct inimical to the public health, morals, welfare and safety of the
35 people of the State of Nevada in the maintenance and operation of the premises for
36 which a license is issued.

37 (d) Conduct or practice detrimental to the health or safety of the occupants or
38 employees of the facility.

39 (e) Failure of the applicant to obtain written approval from the Director of the
40 Department of Health and Human Services as required by NRS 439A.100 or as
41 provided in any regulation adopted pursuant to this chapter, if such approval is
42 required.

43 (f) Failure to comply with the provisions of NRS 449.2486.

44 2. In addition to the provisions of subsection 1, the Health Division may
45 revoke a license to operate a facility for the dependent if, with respect to that
46 facility, the licensee that operates the facility, or an agent or employee of the
47 licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;
(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Health Division shall maintain a log of any complaints that it receives relating to activities for which the Health Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Health Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Health Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➤ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Health Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Health Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Health Division pursuant to subsection 2.

Sec. 5. NRS 449.163 is hereby amended to read as follows:

449.163 1. In addition to the payment of the amount required by NRS 449.0308, if a medical facility or facility for the dependent violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.030 to 449.240, inclusive, *and section 1 of this act*, or any condition, standard or regulation adopted by the Board, the Health Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;

(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;

(c) If the license of the facility limits the occupancy of the facility and the facility has exceeded the approved occupancy, require the facility, at its own expense, to move patients to another facility that is licensed;

(d) Impose an administrative penalty of not more than \$1,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(e) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:

(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If a violation by a medical facility or facility for the dependent relates to the health or safety of a patient, an administrative penalty imposed pursuant to paragraph (d) of subsection 1 must be in a total amount of not less than \$1,000 and not more than \$10,000 for each patient who was harmed or at risk of harm as a result of the violation.

3. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (d) of subsection 1, the Health Division may:

(a) Suspend the license of the facility until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

4. The Health Division may require any facility that violates any provision of NRS 439B.410 or 449.030 to 449.240, inclusive, *and section 1 of this act*, or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

5. Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 must be accounted for separately and used to administer and carry out the provisions of this chapter and to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards.

Sec. 6. NRS 449.220 is hereby amended to read as follows:

449.220 1. The Health Division may bring an action in the name of the State to enjoin any person, state or local government unit or agency thereof from operating or maintaining any facility within the meaning of NRS 449.030 to 449.240, inclusive *H, and section 1 of this act*:

(a) Without first obtaining a license therefor; or

(b) After his or her license has been revoked or suspended by the Health Division.

2. It is sufficient in such action to allege that the defendant did, on a certain date and in a certain place, operate and maintain such a facility without a license.

Sec. 7. NRS 449.240 is hereby amended to read as follows:

449.240 The district attorney of the county in which the facility is located shall, upon application by the Health Division, institute and conduct the prosecution of any action for violation of any provisions of NRS 449.030 to 449.245, inclusive *H, and section 1 of this act*.

Sec. 8. ~~NRS 453.580 is hereby amended to read as follows:~~

~~453.580 1. A court may establish an appropriate treatment program to which it may assign a person pursuant to subsection 4 of NRS 453.336, NRS 453.3363 or 458.200, or it may assign such a person to an appropriate facility for the treatment of abuse of alcohol or drugs which is [certified by the Division of Mental Health and Developmental Services of the Department.] licensed pursuant to NRS 449.080. The assignment must include the terms and conditions for successful completion of the program and provide for progress reports at intervals set by the court to ensure that the person is making satisfactory progress toward completion of the program.~~

~~2. A program to which a court assigns a person pursuant to subsection 1 must include:~~

~~(a) Information and encouragement for the participant to cease abusing alcohol or using controlled substances through educational, counseling and support sessions developed with the cooperation of various community, health, substance abuse, religious, social service and youth organizations;~~

~~(b) The opportunity for the participant to understand the medical, psychological and social implications of substance abuse; and~~

~~(c) Alternate courses within the program based on the different substances abused and the addictions of participants.~~

~~3. If the offense with which the person was charged involved the use or possession of a controlled substance, in addition to the program or as a part of the program, the court must also require frequent urinalysis to determine that the~~

1 person is not using a controlled substance. The court shall specify how frequent
2 such examinations must be and how many must be successfully completed,
3 independently of other requisites for successful completion of the program.

4 ~~4. Before the court assigns a person to a program pursuant to this section, the~~
5 ~~person must agree to pay the cost of the program to which the person is assigned~~
6 ~~and the cost of any additional supervision required pursuant to subsection 3, to the~~
7 ~~extent of the financial resources of the person. If the person does not have the~~
8 ~~financial resources to pay all of the related costs, the court shall, to the extent~~
9 ~~practicable, arrange for the person to be assigned to a program at a facility that~~
10 ~~receives a sufficient amount of federal or state funding to offset the remainder of~~
11 ~~the costs.] (Deleted by amendment.)~~

12 **Sec. 9.** ~~[Chapter 458 of NRS is hereby amended by adding thereto a new~~
13 ~~section to read as follows:~~

14 ~~1. The Health Division shall certify or deny certification of detoxification~~
15 ~~technicians and any facility that is not required to be licensed pursuant to chapter~~
16 ~~449 of NRS on the basis of the standards established by the Health Division~~
17 ~~pursuant to this section, and publish a list of certified detoxification technicians,~~
18 ~~certified facilities and facilities licensed pursuant to chapter 449 of NRS. Any~~
19 ~~detoxification technician who is not certified and any facility that is not certified~~
20 ~~or licensed is ineligible to receive state and federal money for alcohol and drug~~
21 ~~abuse programs.~~

22 ~~2. The Health Division shall adopt regulations which:~~

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

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

30 ~~3. Except as otherwise provided in this subsection, upon request from a~~
31 ~~facility, the Health Division may certify the facility and its detoxification~~
32 ~~technicians and add them to the list described in subsection 1. The Health~~
33 ~~Division shall not add an unlicensed facility to the list if the facility is required to~~
34 ~~be licensed pursuant to the provisions of chapter 449 of NRS.] (Deleted by~~
35 ~~amendment.)~~

36 **Sec. 10.** ~~[NRS 458.010 is hereby amended to read as follows:~~

37 ~~458.010 As used in NRS 458.010 to 458.350, inclusive, and section 9 of this~~
38 ~~act, unless the context requires otherwise:~~

39 ~~1. "Administrator" means the Administrator of the Division.~~

40 ~~2. "Alcohol and drug abuse program" means a project concerned with~~
41 ~~education, prevention and treatment directed toward achieving the mental and~~
42 ~~physical restoration of alcohol and drug abusers.~~

43 ~~3. "Alcohol and drug abuser" means a person whose consumption of alcohol~~
44 ~~or other drugs, or any combination thereof, interferes with or adversely affects the~~
45 ~~ability of the person to function socially or economically.~~

46 ~~4. "Alcoholic" means any person who habitually uses alcoholic beverages to~~
47 ~~the extent that the person endangers the health, safety or welfare of himself or~~
48 ~~herself or any other person or group of persons.~~

49 ~~5. "Civil protective custody" means a custodial placement of a person to~~
50 ~~protect the health or safety of the person. Civil protective custody does not have~~
51 ~~any criminal implication.~~

52 ~~6. "Detoxification technician" means a person who is certified by the Health~~
53 ~~Division to provide screening for the safe withdrawal from alcohol and other drugs.~~

~~7. "Division" means the Division of Mental Health and Developmental Services of the Department of Health and Human Services.~~

~~8. "Facility" means a physical structure used for the education, prevention and treatment, including mental and physical restoration, of alcohol and drug abusers. The term includes, without limitation, a physical structure used by a facility for the treatment of abuse of alcohol or drugs licensed pursuant to NRS 449.080 and any physical structure used for the delivery of an alcohol and drug abuse program.~~

~~9. "Health Division" means the Health Division of the Department of Health and Human Services. (Deleted by amendment.)~~

Sec. 11. ~~NRS 458.010 is hereby amended to read as follows:~~

~~458.010 As used in NRS 458.010 to 458.250, inclusive, unless the context requires otherwise:~~

~~1. "Administrator" means the Administrator of the Division.~~

~~2. "Alcohol and drug abuse program" means a project concerned with education, prevention and treatment directed toward achieving the mental and physical restoration of alcohol and drug abusers.~~

~~3. "Alcohol and drug abuser" means a person whose consumption of alcohol or other drugs, or any combination thereof, interferes with or adversely affects the ability of the person to function socially or economically.~~

~~4. "Alcoholic" means any person who habitually uses alcoholic beverages to the extent that the person endangers the health, safety or welfare of himself or herself or any other person or group of persons.~~

~~5. "Civil protective custody" means a custodial placement of a person to protect the health or safety of the person. Civil protective custody does not have any criminal implication.~~

~~6. "Division" means the Division of Mental Health and Developmental Services of the Department of Health and Human Services.~~

~~7. "Facility" means a physical structure used for the education, prevention and treatment, including mental and physical restoration, of alcohol and drug abusers. The term includes, without limitation, a physical structure used by a facility for the treatment of abuse of alcohol or drugs licensed pursuant to NRS 449.080 and any physical structure used for the delivery of an alcohol and drug abuse program. (Deleted by amendment.)~~

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.~~

~~2. 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.~~

~~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.}~~ **(Deleted by amendment.)**

Sec. 13. [NRS 458.026 is hereby amended to read as follows:

~~458.026 1. An applicant for the issuance or renewal of his or her certification as a detoxification technician must submit to the **Health** Division 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 **Health** Division 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 certification; or~~

~~(b) A separate form prescribed by the **Health** Division.~~

~~3. The certification of a person as a detoxification technician may not be issued or renewed by the **Health** Division if the applicant:~~

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

~~(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant 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 the applicant 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 Administrator of the **Health** Division 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.}~~ **(Deleted by amendment.)**

Sec. 14. [NRS 458.027 is hereby amended to read as follows:

~~458.027 1. If the **Health** Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional,~~

1 occupational and recreational licenses, certificates and permits issued to a person
2 who has been certified as a detoxification technician, the ~~Health Division shall~~
3 ~~deem the certification to be suspended at the end of the 20th day after the date on~~
4 ~~which the court order was issued unless the Health Division receives a letter issued~~
5 ~~by the district attorney or other public agency pursuant to NRS 425.550 to the~~
6 ~~person who has been certified stating that the person has complied with the~~
7 ~~subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.~~

8 ~~2. The Health Division shall reinstate the certification of a person as a~~
9 ~~detoxification technician that has been suspended by a district court pursuant to~~
10 ~~NRS 425.540 if the Health Division receives a letter issued by the district attorney~~
11 ~~or other public agency pursuant to NRS 425.550 to the person whose certification~~
12 ~~was suspended stating that the person whose certification was suspended has~~
13 ~~complied with the subpoena or warrant or has satisfied the arrearage pursuant to~~
14 ~~NRS 425.560.] (Deleted by amendment.)~~

15 Sec. 15. [NRS 458.031 is hereby amended to read as follows:

16 ~~458.031. [The]~~

17 ~~1. Except as otherwise provided in this section, the Division shall administer~~
18 ~~the provisions of NRS 458.010 to 458.350, inclusive, and section 9 of this act as~~
19 ~~the sole agency of the State of Nevada for that purpose.~~

20 ~~2. The Health Division shall administer the provisions of NRS 458.026,~~
21 ~~458.027 and 458.028 and section 9 of this act.] (Deleted by amendment.)~~

22 Sec. 16. [NRS 62A.340 is hereby amended to read as follows:

23 ~~62A.340. "Treatment facility" means a facility for the treatment of abuse of~~
24 ~~alcohol or drugs [that is certified by the Health Division of the Department of~~
25 ~~Health and Human Services.] , as defined in NRS 449.00455, which is licensed~~
26 ~~pursuant to NRS 449.080.] (Deleted by amendment.)~~

27 Sec. 16.5. [NRS 62E.620 is hereby amended to read as follows:

28 ~~62E.620. 1. The juvenile court shall order a delinquent child to undergo an~~
29 ~~evaluation to determine whether the child is an abuser of alcohol or other drugs if~~
30 ~~the child committed:~~

31 ~~(a) An unlawful act in violation of NRS 484C.110, 484C.120, 484C.130 or~~
32 ~~484C.130;~~

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

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

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

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

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

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

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

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

52 ~~(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.] a treatment facility.~~

~~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 the child's 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 484C.110, 484C.120, 484C.130, 484C.430, 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.] a treatment facility.~~

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

~~9. Except as otherwise provided in section 6 of chapter 435, Statutes of Nevada 2007, 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 484C.110, 484C.120, 484C.130 or 484C.430 must be included in the driver's record of that child for 7 years after the date of the offense.] (Deleted by amendment.)~~

1 **Sec. 17.** NRS 484C.100 is hereby amended to read as follows:

2 484C.100 “Treatment facility” means a facility for the treatment of abuse of
3 alcohol or drugs ~~[-which is certified by the Health Division of the Department of~~
4 ~~Health and Human Services-], as defined in NRS 449.00455, which is licensed~~
5 ~~pursuant to NRS 449.080.~~

6 **Sec. 18.** (Deleted by amendment.)

7 **Sec. 18.5.** ~~NRS 484C.250 is hereby amended to read as follows:~~

8 ~~484C.250 1. If an offender is found guilty of a violation of NRS 484C.110~~
9 ~~that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484C.400 and if~~
10 ~~the concentration of alcohol in the offender’s blood or breath at the time of the~~
11 ~~offense was 0.18 or more, or if an offender is found guilty of a violation of NRS~~
12 ~~484C.110 or 484C.120 that is punishable pursuant to paragraph (b) of subsection 1~~
13 ~~of NRS 484C.400, the court shall, before sentencing the offender, require an~~
14 ~~evaluation of the offender pursuant to subsection 3, 4, 5 or 6 to determine whether~~
15 ~~the offender is an abuser of alcohol or other drugs.~~

16 ~~2. If an offender is convicted of a violation of NRS 484C.110 or 484C.120~~
17 ~~that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484C.400 and if~~
18 ~~the offender is under 21 years of age at the time of the violation, the court shall,~~
19 ~~before sentencing the offender, require an evaluation of the offender pursuant to~~
20 ~~subsection 3, 4, 5 or 6 to determine whether the offender is an abuser of alcohol or~~
21 ~~other drugs.~~

22 ~~3. Except as otherwise provided in subsection 4, 5 or 6, the evaluation of an~~
23 ~~offender pursuant to this section must be conducted at [an evaluation center] a~~
24 ~~treatment facility by:~~

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

28 ~~(b) A physician who is certified to make that evaluation by the Board of~~
29 ~~Medical Examiners;~~

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

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

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

45 ~~6. The evaluation of an offender who resides in this State may, upon approval~~
46 ~~of the court, be conducted in another state by a physician or other person who is~~
47 ~~authorized by the appropriate governmental agency in that state to conduct such an~~
48 ~~evaluation if the location of the physician or other person in the other state is closer~~
49 ~~to the residence of the offender than the nearest location in this State at which an~~
50 ~~evaluation may be conducted. The offender shall ensure that the results of the~~
51 ~~evaluation and the recommendation concerning the length and type of treatment for~~
52 ~~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] A treatment facility or a person who conducts an evaluation in this State outside [an evaluation center] a treatment facility shall not charge an offender more than \$100 for the evaluation.] (Deleted by amendment.)~~

Sec. 19. ~~[NRS 484C.370 is hereby amended to read as follows:~~

~~484C.370 The provisions of NRS 484C.340, 484C.350 or 484C.360 do not prohibit a court from:~~

~~1. Requiring an evaluation pursuant to NRS 484C.350 to be conducted [by an evaluation center that is administered by a private company if the company meets the standards of the State Board of Health pursuant to NRS 484C.310; or] at a treatment facility; or~~

~~2. Ordering the offender to attend a program of treatment that is administered by a private company.] (Deleted by amendment.)~~

Sec. 20. ~~[NRS 608.156 is hereby amended to read as follows:~~

~~608.156 1. If an employer provides health benefits for his or her employees, the employer shall provide benefits for the expenses for the treatment of abuse of alcohol and drugs. The annual benefits provided by the employer must consist of:~~

~~(a) Treatment for withdrawal from the physiological effects of alcohol or drugs, with a maximum benefit of \$1,500 per calendar year.~~

~~(b) Treatment for a patient admitted to a facility, with a maximum benefit of \$9,000 per calendar year.~~

~~(c) Counseling for a person, group or family who is not admitted to a facility, with a maximum benefit of \$2,500 per calendar year.~~

~~2. The maximum amount which may be paid in the lifetime of the insured for any combination of the treatments listed in subsection 1 is \$39,000.~~

~~3. These benefits must be paid in the same manner as benefits for any other illness covered by the employer are paid.~~

~~4. The employee is entitled to these benefits if treatment is received in any:~~

~~(a) Facility for the treatment of abuse of alcohol or drugs which is [certified by the Health Division of the Department of Health and Human Services.] licensed pursuant to NRS 449.080.~~

~~(b) Hospital or other medical facility or facility for the dependent which is licensed by the Health Division of the Department of Health and Human Services, accredited by The Joint Commission and provides a program for the treatment of abuse of alcohol or drugs as part of its accredited activities.] (Deleted by amendment.)~~

Sec. 21. NRS 654.190 is hereby amended to read as follows:

654.190 1. The Board may, after notice and an opportunity for a hearing as required by law, impose an administrative fine of not more than \$10,000 for each violation on, recover reasonable investigative fees and costs incurred from, suspend, revoke, deny the issuance or renewal of or place conditions on the license of, and place on probation or impose any combination of the foregoing on any nursing facility administrator or administrator of a residential facility for groups who:

(a) Is convicted of a felony relating to the practice of administering a nursing facility or residential facility or of any offense involving moral turpitude.

(b) Has obtained his or her license by the use of fraud or deceit.

(c) Violates any of the provisions of this chapter.

(d) Aids or abets any person in the violation of any of the provisions of NRS 449.030 to 449.240, inclusive, *and section 1 of this act* as those provisions pertain to a facility for skilled nursing, facility for intermediate care or residential facility for groups.

(e) Violates any regulation of the Board prescribing additional standards of conduct for nursing facility administrators or administrators of residential facilities for groups, including, without limitation, a code of ethics.

(f) Engages in conduct that violates the trust of a patient or resident or exploits the relationship between the nursing facility administrator or administrator of a residential facility for groups and the patient or resident for the financial or other gain of the licensee.

2. If a licensee requests a hearing pursuant to subsection 1, the Board shall give the licensee written notice of a hearing pursuant to NRS 233B.121 and 241.034. A licensee may waive, in writing, his or her right to attend the hearing.

3. The Board may compel the attendance of witnesses or the production of documents or objects by subpoena. The Board may adopt regulations that set forth a procedure pursuant to which the Chair of the Board may issue subpoenas on behalf of the Board. Any person who is subpoenaed pursuant to this subsection may request the Board to modify the terms of the subpoena or grant additional time for compliance.

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

5. The expiration of a license by operation of law or by order or decision of the Board or a court, or the voluntary surrender of a license, does not deprive the Board of jurisdiction to proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

Sec. 22. ~~[NRS 689A.046 is hereby amended to read as follows:~~

~~689A.046 1. The benefits provided by a policy for health insurance for treatment of the abuse of alcohol or drugs must consist of:~~

~~(a) Treatment for withdrawal from the physiological effect of alcohol or drugs, with a minimum benefit of \$1,500 per calendar year.~~

~~(b) Treatment for a patient admitted to a facility, with a minimum benefit of \$9,000 per calendar year.~~

~~(c) Counseling for a person, group or family who is not admitted to a facility, with a minimum benefit of \$2,500 per calendar year.~~

~~2. These benefits must be paid in the same manner as benefits for any other illness covered by a similar policy are paid.~~

~~3. The insured person is entitled to these benefits if treatment is received in any:~~

~~(a) Facility for the treatment of abuse of alcohol or drugs which is [certified by the Health Division of the Department of Health and Human Services.] licensed pursuant to NRS 449.080.~~

~~(b) Hospital or other medical facility or facility for the dependent which is licensed by the Health Division of the Department of Health and Human Services, accredited by the Joint Commission on Accreditation of Healthcare Organizations and provides a program for the treatment of abuse of alcohol or drugs as part of its accredited activities.] (Deleted by amendment.)~~

Sec. 23. ~~[NRS 689C.167 is hereby amended to read as follows:~~

~~689C.167 1. The benefits provided by a group policy for health insurance, as required by NRS 689C.166, for the treatment of abuse of alcohol or drugs must consist of:~~

~~(a) Treatment for withdrawal from the physiological effects of alcohol or drugs, with a minimum benefit of \$1,500 per calendar year.~~

~~(b) Treatment for a patient admitted to a facility, with a minimum benefit of \$9,000 per calendar year.~~

~~(c) Counseling for a person, group or family who is not admitted to a facility, with a minimum benefit of \$2,500 per calendar year.~~

~~2. These benefits must be paid in the same manner as benefits for any other illness covered by a similar policy are paid.~~

~~3. The insured person is entitled to these benefits if treatment is received in any:~~

~~(a) Facility for the treatment of abuse of alcohol or drugs which is [certified by the Health Division of the Department of Health and Human Services.] **licensed pursuant to NRS 449.080.**~~

~~(b) Hospital or other medical facility or facility for the dependent which is licensed by the Health Division of the Department of Health and Human Services, is accredited by the Joint Commission on Accreditation of Healthcare Organizations and provides a program for the treatment of abuse of alcohol or drugs as part of its accredited activities.] **(Deleted by amendment.)**~~

Sec. 23.3. [Section 9 of this act is hereby amended to read as follows:

~~Sec. 9. Chapter 458 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. The Health Division shall certify or deny certification of [detoxification technicians or] any facility that is not required to be licensed pursuant to chapter 449 of NRS on the basis of the standards established by the Health Division pursuant to this section and publish a list of [certified detoxification technicians,] certified facilities and facilities licensed pursuant to chapter 449 of NRS. Any [detoxification technician who is not certified and any] facility that is not certified or licensed is ineligible to receive state and federal money for alcohol and drug abuse programs.~~

~~2. The Health Division shall adopt regulations which:~~

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

~~(b) May] may prescribe the fees for the certification of [detoxification technicians and] facilities. A fee prescribed pursuant to this [paragraph] subsection 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 Health Division of issuing the certificate.~~

~~3. Except as otherwise provided in this subsection, upon request from a facility, the Health Division may certify the facility [and its detoxification technicians] and add [them] **the facility** to the list described in subsection 1. The Health Division shall not add an unlicensed facility to the list if the facility is required to be licensed pursuant to the provisions of chapter 449 of NRS.] **(Deleted by amendment.)**~~

Sec. 23.7. [NRS 62A.110, 484C.050 and 484C.310 are hereby repealed.] **(Deleted by amendment.)**

Sec. 24. [A detoxification technician or facility certified by the Division of Mental Health and Developmental Services of the Department of Health and Human Services pursuant to NRS 458.025 before October 1, 2013, and which is otherwise qualified for such certification on that date shall be deemed to be certified by the Health Division of the Department of Health and Human Services pursuant to section 9 of this act.] **(Deleted by amendment.)**

Sec. 25. [1. Any administrative regulation adopted by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity remain in force until amended by the officer, agency or other entity to which the responsibility for the adoption of the regulation has been transferred.

~~2. Any contract or other agreement entered into by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity are binding upon the officer, agency or other entity to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer, agency or other entity to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.~~

~~3. Any action taken by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity remains in effect as if taken by the officer, agency or other entity to which the responsibility for the enforcement of such actions has been transferred.] (Deleted by amendment.)~~

Sec. 26. ~~1]. This section and sections 1 to 10, inclusive, 12 to 23, inclusive, 23.7, 24 and 25 of this act become effective:~~

~~(a) Upon passage and approval for the purpose of adopting regulations and performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and~~

~~(b) On October 1, 2013, for all other purposes.~~

~~2. Sections 11 and 23.2 of this act become 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.~~

~~3. Sections 9, 10, 12 and 13 of this act and the amendatory provisions of section 15 of this act expire 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.~~

~~4. Section 14 of this act expires by limitation:~~

~~(a) 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; or~~

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

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

~~(2) Are in arrears in the payment for the support of one or more children; are repealed by the Congress of the United States.] (Deleted by amendment.)~~

†

TEXT OF REPEALED SECTIONS

~~62A.110 “Evaluation center” defined. “Evaluation center” means a facility which is approved by the Health Division of the Department of Health and Human Services to provide an evaluation of an offender to a court to determine if the~~

~~offender is an abuser of alcohol or another drug. The term includes a facility operated by a court or other governmental agency.~~

~~484C.050 "Evaluation center" defined. "Evaluation center" means a facility which is approved by the Health Division of the Department of Health and Human Services to provide an evaluation of an offender to a court to determine if the offender is an abuser of alcohol or another drug. The term includes a facility operated by a court or other governmental agency.~~

~~484C.310 Standards for approval of evaluation center.~~

~~The State Board of Health shall adopt by regulation the standards to be used for approving the operation of a facility as an evaluation center for the purposes of NRS 484C.310 to 484C.360, inclusive.]~~