

ASSEMBLY BILL NO. 194—ASSEMBLYMEN MONROE-MORENO;
JOINER, MILLER AND SPRINKLE

PREFILED FEBRUARY 13, 2017

Referred to Committee on Commerce and Labor

SUMMARY—Provides for the certification of behavioral healthcare peer recovery support specialists. (BDR 54-712)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: Yes.

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

AN ACT relating to professions; providing for the certification of behavioral healthcare peer recovery support specialists by the Board of Examiners for Alcohol, Drug and Gambling Counselors; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Board of Examiners for Alcohol, Drug and Gambling Counselors and authorizes the Board to license or certify persons engaged in the practice or clinical practice of counseling alcohol and drug abusers and problem gamblers. (Chapter 641C of NRS)

Sections 4-7 of this bill require the Board to issue a certificate as a behavioral healthcare peer recovery support specialist to authorize a person to give nonprofessional, nonclinical assistance for long-term recovery from substance use and other mental disorders by sharing appropriate portions of the person's own recovery. **Section 6** establishes the requirements for obtaining a certificate as a behavioral healthcare peer recovery support specialist which include the payment of a fee for the application, issuance or renewal of a certificate pursuant to **section 18**. **Section 7** authorizes a behavioral healthcare peer recovery support specialist to engage in the practice of providing behavioral healthcare peer recovery support specialist services only under supervision: (1) provided by the entity or organization for whom the behavioral healthcare peer recovery support specialist works; and (2) conducted by a documented and qualified staff member.



Sections 9-10, 11-13, 15-17 and 19-22 of this bill make conforming changes concerning behavioral healthcare peer recovery support specialists and the practice of providing behavioral healthcare peer recovery support specialist services.

Sections 1 and 2 of this bill provide that the provisions governing psychologists, behavior analysts, assistant behavior analysts, autism behavior interventionists, social workers and clinical social workers do not apply to a person who: (1) is a behavioral healthcare peer recovery support specialist; or (2) volunteers for a nonprofit agency or organization and, as part of his or her duties, engages in the practice of providing behavioral healthcare peer recovery support specialist services. **Section 10.5** of this bill provides that the provisions governing alcohol, drug and gambling counselors and behavioral healthcare peer recovery support specialists do not apply to a person who volunteers for a nonprofit agency or organization and, as part of his or her duties, engages in the practice of providing behavioral healthcare peer recovery support specialist services.

Section 8 of this bill provides that the practice of providing behavioral healthcare peer recovery support specialist services is a learned profession that affects public health, safety and welfare and is subject to regulation.

Section 14 of this bill requires each applicant for a certificate as a behavioral healthcare peer recovery support specialist to pass a written examination.

Section 23 of this bill prohibits a person who is not licensed or certified by the Board from engaging in the practice of providing behavioral healthcare peer recovery support specialist services.

Sections 24 and 25 of this bill require a behavioral healthcare peer recovery support specialist to report the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person and provide that a person is guilty of a misdemeanor for failing to do so.

Existing law authorizes peer support recovery organizations to provide peer supportive services relating to mental health, addiction or substance abuse to persons who are 18 years of age or older and who suffer from mental illness or addiction or identify themselves as at risk for mental illness or addiction. (NRS 449.01563) Under existing law such services do not require the person offering the supportive services to be licensed. (NRS 449.01566) **Section 28** of this bill removes the language which provides that a person offering peer support services does not need to be licensed. **Section 35.5** of this bill provides that a person engaging in the practice of providing behavioral healthcare peer recovery support specialist services on or before July 1, 2017, has 2 years from that date to meet the requirements for certification and obtain a certificate, as required by this bill.

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

Section 1. NRS 641.029 is hereby amended to read as follows:

641.029 The provisions of this chapter do not apply to:

1. A physician who is licensed to practice in this State;
2. A person who is licensed to practice dentistry in this State;
3. A person who is licensed as a marriage and family therapist or marriage and family therapist intern pursuant to chapter 641A of NRS;
4. A person who is licensed as a clinical professional counselor or clinical professional counselor intern pursuant to chapter 641A of NRS;



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

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

7. A person who is licensed as a clinical alcohol and drug abuse counselor, licensed or certified as an alcohol and drug abuse counselor or certified as an alcohol and drug abuse counselor intern, a clinical alcohol and drug abuse counselor intern, a problem gambling counselor, ~~or~~ a problem gambling counselor intern ~~or~~ *a behavioral healthcare peer recovery support specialist*, pursuant to chapter 641C of NRS; ~~or~~

8. Any member of the clergy ~~or~~ ; *or*

9. *A person who:*

(a) *Engages in volunteer services for a nonprofit agency or organization and does not receive compensation, other than a stipend, for such services; and*

(b) *As part of his or her duties in providing volunteer services, performs any of the activities described in subsections 1 and 2 of section 5 of this act,*

➔ if such a person does not commit an act described in NRS 641.440 or represent himself or herself as a psychologist.

Sec. 2. NRS 641B.040 is hereby amended to read as follows:

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

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

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

3. A person who is licensed as a psychologist pursuant to chapter 641 of NRS;

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

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

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

7. A person who is licensed as a clinical alcohol and drug abuse counselor, licensed or certified as an alcohol and drug abuse counselor, or certified as a clinical alcohol and drug abuse counselor intern, an alcohol and drug abuse counselor intern, a problem gambling counselor, ~~or~~ a problem gambling counselor intern ~~or~~ *a behavioral healthcare peer recovery support specialist*, pursuant to chapter 641C of NRS;

8. Any member of the clergy;



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9. A county welfare director;

10. Any person who may engage in social work or clinical social work in his or her regular governmental employment but does not hold himself or herself out to the public as a social worker; ~~for~~

11. A student of social work and any other person preparing for the profession of social work under the supervision of a qualified social worker in a training institution or facility recognized by the Board, unless the student or other person has been issued a provisional license pursuant to paragraph (b) of subsection 1 of NRS 641B.275. Such a student must be designated by the title "student of social work" or "trainee in social work," or any other title which clearly indicates the student's training status ~~for~~; or

12. A person who:

(a) Engages in volunteer services for a nonprofit agency or organization and does not receive compensation, other than a stipend, for such services; and

(b) As part of his or her duties in providing volunteer services, performs any of the activities described in subsections 1 and 2 of section 5 of this act.

Sec. 3. Chapter 641C of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 7, inclusive, of this act.

Sec. 4. *"Behavioral healthcare peer recovery support specialist" means a person who is certified as a behavioral healthcare peer recovery support specialist pursuant to the provisions of this chapter.*

Sec. 5. 1. *"Practice of providing behavioral healthcare peer recovery support specialist services" means the practice of providing nonprofessional, nonclinical assistance to a person with a substance use or other mental disorder that has been diagnosed by:*

(a) A physician licensed pursuant to chapter 630 of NRS;

(b) An advanced practice registered nurse licensed pursuant to NRS 632.237;

(c) An osteopathic physician licensed pursuant to chapter 633 of NRS;

(d) A psychologist licensed pursuant to chapter 641 of NRS;

(e) A marriage and family therapist licensed pursuant to chapter 641A of NRS;

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

(g) A clinical social worker licensed pursuant to chapter 641B of NRS; or

(h) A person licensed pursuant to the provisions of this chapter.



2. The term includes, without limitation, the following nonprofessional, nonclinical activities that assist a person in achieving long-term recovery from a substance use disorder or other mental disorder:

- (a) Mentoring;
- (b) Coaching;
- (c) Educating;
- (d) Role modeling; or
- (e) Any other nonprofessional, nonclinical assistance that the Board may prescribe by regulation.

3. The term does not include:

- (a) The diagnosis or treatment of a substance use disorder or other mental disorder;
- (b) The use of a psychological or psychometric assessment test to determine intelligence, personality, aptitude or interests; or
- (c) Counseling or psychotherapy as practiced by a:
 - (1) Psychologist licensed pursuant to chapter 641 of NRS;
 - (2) Marriage and family therapist licensed pursuant to chapter 641A of NRS;
 - (3) Clinical professional counselor licensed pursuant to chapter 641A of NRS;
 - (4) Clinical social worker licensed pursuant to chapter 641B of NRS; or
 - (5) A person licensed pursuant to the provisions of this chapter.

Sec. 6. The Board shall issue a certificate as a behavioral healthcare peer recovery support specialist to a person who:

- 1. Is not less than 21 years of age;
- 2. Is a citizen of the United States or is lawfully entitled to remain and work in the United States;
- 3. Has a high school diploma or a general equivalency diploma or an equivalent document;
- 4. Submits evidence satisfactory to the Board that the person has completed a training program approved by the Board which consisted of at least 46 hours of training, including, without limitation:

(a) Ten hours of training in each of the following domains, as they relate to the practice of providing behavioral healthcare peer recovery support specialist services:

- (1) Advocacy;
- (2) Mentoring and education; and
- (3) Recovery and wellness support; and

(b) Sixteen hours of training in the domain of confidentiality and ethical responsibility, as it relates to the practice of providing behavioral healthcare peer recovery support specialist services;



1 5. Submits evidence satisfactory to the Board that the person
2 has completed at least 25 hours of work in each of the domains
3 described in subsection 4, as they relate to the practice of
4 providing behavioral healthcare peer recovery support specialist
5 services, under the supervision of a person who provides
6 supervision of such work for the entity or organization for which
7 the work is completed;

8 6. Submits, on a form prescribed by the Board, evidence
9 satisfactory to the Board that the person has completed at least
10 500 hours of paid or volunteer work in the domains described in
11 subsection 4, as they relate to the practice of providing behavioral
12 healthcare peer recovery support specialist services and the form
13 is signed by a person who provides supervision or management for
14 the entity or organization for which the work is completed,
15 attesting that the applicant has completed the paid or volunteer
16 work required by this subsection;

17 7. Provides to the Board a statement and, if applicable,
18 evidence satisfactory to the Board attesting that:

19 (a) The person has experienced the process of recovering from
20 a substance use disorder or other mental disorder and, as a result,
21 is qualified to engage in the practice of providing behavioral
22 healthcare peer recovery support specialist services;

23 (b) The person remains in active recovery; and

24 (c) The disorder is stable or in sustained remission;

25 8. Has not been convicted of, or entered a plea of guilty,
26 guilty but mentally ill or nolo contendere to, a crime involving
27 violence or a sexual offense as that term is defined in
28 NRS 179.245;

29 9. If the person has been convicted of, or entered a plea of
30 guilty, guilty but mentally ill or nolo contendere to, a crime other
31 than a crime described in subsection 8, has been released from
32 parole, probation or custody for at least 12 months before applying
33 for certification;

34 10. Passes the written examination prescribed by the Board
35 pursuant to NRS 641C.290;

36 11. Pays the fees required pursuant to NRS 641C.470; and

37 12. Submits all information required to complete an
38 application for a certificate.

39 Sec. 7. 1. A certificate as a behavioral healthcare peer
40 recovery support specialist is valid for 2 years and may be
41 renewed. The Board may waive any requirement for the renewal
42 of a certificate upon good cause shown by the holder of the
43 certificate.



2. *A behavioral healthcare peer recovery support specialist may engage in the practice of providing behavioral healthcare peer recovery support specialist services only under supervision:*

(a) *Provided by the entity or organization for which the behavioral healthcare peer recovery support specialist works; and*

(b) *Conducted by a documented and qualified staff member who:*

(1) *Provides supervision pursuant to his or her job description; and*

(2) *Works for the entity or organization for which the behavioral healthcare peer recovery support specialist works.*

Sec. 8. NRS 641C.010 is hereby amended to read as follows:

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

Sec. 9. NRS 641C.020 is hereby amended to read as follows:

641C.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 641C.030 to 641C.110, inclusive, *and sections 4 and 5 of this act* have the meanings ascribed to them in those sections.

Sec. 10. NRS 641C.040 is hereby amended to read as follows:

641C.040 "Certificate" means a certificate issued to a person who is certified as an alcohol and drug abuse counselor, a clinical alcohol and drug abuse counselor intern, an alcohol and drug abuse counselor intern, a problem gambling counselor , ~~or~~ a problem gambling counselor intern ~~or~~ *or a behavioral healthcare peer recovery support specialist.*

Sec. 10.5. NRS 641C.130 is hereby amended to read as follows:

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



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

3 2. A nurse who is licensed pursuant to the provisions of chapter
4 632 of NRS and is authorized by the State Board of Nursing to
5 engage in the practice of counseling alcohol and drug abusers or the
6 practice of counseling problem gamblers;

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

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

11 5. A marriage and family therapist or marriage and family
12 therapist intern who is licensed pursuant to the provisions of chapter
13 641A of NRS and is authorized by the Board of Examiners for
14 Marriage and Family Therapists and Clinical Professional
15 Counselors to engage in the practice of counseling alcohol and drug
16 abusers or the practice of counseling problem gamblers; ~~to~~

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

22 7. *A person who:*

23 (a) *Engages in volunteer services for a nonprofit agency or*
24 *organization and does not receive compensation, other than a*
25 *stipend, for such services; and*

26 (b) *As part of his or her duties in providing volunteer services,*
27 *performs any of the activities described in subsections 1 and 2 of*
28 *section 5 of this act.*

29 **Sec. 11.** NRS 641C.150 is hereby amended to read as follows:

30 641C.150 1. The Board of Examiners for Alcohol, Drug and
31 Gambling Counselors, consisting of seven members appointed by
32 the Governor, is hereby created.

33 2. The Board must consist of:

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

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

39 (c) Two members who are licensed pursuant to chapter 630,
40 632, 641, 641A or 641B of NRS and certified as problem gambling
41 counselors pursuant to the provisions of this chapter.

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

44 (1) A licensed clinical alcohol and drug abuse counselor ,
45 ~~to~~ a licensed or certified alcohol and drug abuse counselor , ~~to~~ a



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certified problem gambling counselor ~~††~~ *or a certified behavioral healthcare peer recovery support specialist*; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a licensed clinical alcohol and drug abuse counselor , ~~††~~ a licensed or certified alcohol and drug abuse counselor , ~~††~~ a certified problem gambling counselor ~~††~~ *or a certified behavioral healthcare peer recovery support specialist*.

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

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

(b) A resident of this State.

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

Sec. 12. 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 behavioral healthcare peer recovery support specialists*; and

(b) The requirements for continuing education for the renewal, restoration or reinstatement of a license or certificate.

2. The Board may adopt regulations that prescribe:

(a) The contents of a written and oral 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. 13. NRS 641C.210 is hereby amended to read as follows:

641C.210 The Executive Director of the Board or his or her designee shall prepare and maintain:

1. A separate list of the names and addresses of:

(a) The applicants for a license;

(b) The applicants for a certificate;

(c) The licensed counselors;



- (d) The certified counselors; ~~and~~
- (e) The certified interns ~~and~~; and
- (f) The behavioral healthcare peer recovery support specialists.*
2. A record of each examination conducted by the Board.
3. An inventory of:
 - (a) The property of the Board; and
 - (b) The property of this State that is in the possession of the Board.

Sec. 14. NRS 641C.290 is hereby amended to read as follows:

641C.290 1. Except as otherwise provided in NRS 641C.300, 641C.3305 and 641C.3306, each applicant for a license as a clinical alcohol and drug abuse counselor must pass a written and oral examination concerning his or her knowledge of the clinical practice of counseling alcohol and drug abusers, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.

2. Except as otherwise provided in NRS 641C.300, 641C.355, 641C.356, 641C.395 and 641C.396, each applicant for a license or certificate as an alcohol and drug abuse counselor must pass a written and oral examination concerning his or her knowledge of the practice of counseling alcohol and drug abusers, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.

3. Except as otherwise provided in NRS 641C.432 and 641C.433, each applicant for a certificate as a problem gambling counselor must pass a written and oral examination concerning his or her knowledge of the practice of counseling problem gamblers, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.

4. *Except as otherwise provided in NRS 641C.300, each applicant for a certificate as a behavioral healthcare peer recovery support specialist must pass a written examination concerning his or her knowledge of the practice of providing behavioral healthcare peer recovery support specialist services, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.*

5. The Board shall:

- (a) Examine applicants at least two times each year.
- (b) Establish the time and place for the examinations.
- (c) Provide such books and forms as may be necessary to conduct the examinations.

(d) Except as otherwise provided in NRS 622.090, establish, by regulation, the requirements for passing the examination.



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~~5-1~~ 6. The Board may employ other persons to conduct the examinations.

Sec. 15. NRS 641C.300 is hereby amended to read as follows:

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

Sec. 16. NRS 641C.310 is hereby amended to read as follows:

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

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

(a) Is not of good moral character as it relates to the practice of counseling alcohol and drug abusers , ~~for~~ the clinical practice of counseling alcohol and drug abusers ~~for~~ *or the practice of providing behavioral healthcare peer recovery support specialist services;*

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

(c) Has been disciplined in another state, a possession or territory of the United States or the District of Columbia in connection with the practice of counseling alcohol and drug abusers , ~~for~~ the clinical practice of counseling alcohol and drug abusers ~~for~~ *or the practice of providing behavioral healthcare peer recovery support specialist services;*

(d) Has committed an act in another state, a possession or territory of the United States or the District of Columbia in connection with the practice of counseling alcohol and drug abusers , ~~for~~ the clinical practice of counseling alcohol and drug abusers *or the practice of providing behavioral healthcare peer recovery support specialist services* that would be a violation of the provisions of this chapter if the act were committed in this State; or

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

Sec. 17. NRS 641C.460 is hereby amended to read as follows:

641C.460 1. A license or certificate that is not renewed on or before the date on which it expires is delinquent. The Board shall, within 30 days after the license or certificate becomes delinquent, send a notice to the licensed or certified counselor , ~~for~~ certified



intern *or behavioral healthcare peer recovery support specialist* by certified mail, return receipt requested, to the address of the counselor , ~~for~~ intern *or specialist* as indicated in the records of the Board.

2. A licensed or certified counselor , ~~for~~ certified intern *or behavioral healthcare peer recovery support specialist* may renew a delinquent license or certificate within 60 days after the license or certificate becomes delinquent by complying with the requirements of NRS 641C.450 and paying, in addition to the fee for the renewal of the license or certificate, the fee for the renewal of a delinquent license or certificate prescribed in NRS 641C.470.

3. A license or certificate expires 60 days after it becomes delinquent if it is not renewed within that period.

4. Except as otherwise provided in NRS 641C.530, a license or certificate that has expired may be restored if the applicant:

(a) Submits to the Board an application to restore the license or certificate;

(b) Pays the renewal fees for the period during which the license or certificate was expired and the fee for the restoration of a license or certificate prescribed in NRS 641C.470;

(c) Passes the oral and written examinations prescribed by the Board;

(d) Submits to the Board evidence of completion of the continuing education required by the Board; and

(e) Submits all information required to complete the application.

Sec. 18. NRS 641C.470 is hereby amended to read as follows:

641C.470 1. The Board shall charge and collect not more than the following fees:

For the initial application for a license or certificate,
including a license or certificate by endorsement
*but not including a certificate as a behavioral
healthcare peer recovery support specialist*..... \$150

*For the initial application for a certificate as a
behavioral healthcare peer recovery support
specialist*..... 75

For the issuance of a provisional license or certificate..... 125

For the issuance of an initial license or certificate,
including a license or certificate by endorsement 60

For the renewal of a license or certificate as an alcohol
and drug abuse counselor, a license as a clinical
alcohol and drug abuse counselor or a certificate as
a problem gambling counselor 300

*For the renewal of a certificate as a behavioral
healthcare peer recovery support specialist*..... 150



1	For the renewal of a certificate as a clinical alcohol and	
2	drug abuse counselor intern, an alcohol and drug	
3	abuse counselor intern or a problem gambling	
4	counselor intern.....	\$75
5	For the renewal of a delinquent license or certificate.....	75
6	For the restoration of an expired license or certificate	150
7	For the restoration or reinstatement of a suspended or	
8	revoked license or certificate.....	300
9	For the issuance of a license or certificate without	
10	examination	150
11	For an examination	150
12	For the approval of a course of continuing education	150

13
14 2. If an applicant submits an application for a license or
15 certificate by endorsement pursuant to NRS 641C.3305, 641C.355,
16 641C.395 or 641C.432, the Board shall charge and collect not more
17 than the fees specified in subsection 1 for the initial application for
18 and issuance of an initial license or certificate, as applicable.

19 3. If an applicant submits an application for a license or
20 certificate by endorsement pursuant to NRS 641C.3306, 641C.356,
21 641C.396 or 641C.433, as applicable, the Board shall collect not
22 more than one-half of the fee specified in subsection 1 for the initial
23 issuance of the license.

24 4. The fees charged and collected pursuant to this section are
25 not refundable.

26 **Sec. 19.** NRS 641C.530 is hereby amended to read as follows:

27 641C.530 1. The Board may use any information included in
28 a report of criminal history that is obtained pursuant to this section
29 or NRS 641C.260 in determining whether:

30 (a) To issue, renew, restore, suspend, revoke or reinstate a
31 license or certificate pursuant to this chapter; or

32 (b) Any ground for imposing any disciplinary action exists
33 pursuant to NRS 641C.700.

34 2. Before renewing, restoring or reinstating the license or
35 certificate of a licensed counselor, certified counselor , ~~for~~ certified
36 intern ~~or~~ *or behavioral healthcare peer recovery support specialist*,
37 the Board may, by regulation, require the licensed counselor,
38 certified counselor , ~~for~~ certified intern *or behavioral healthcare*
39 *peer recovery support specialist* to submit to the Board a complete
40 set of fingerprints and written permission authorizing the Board to
41 forward the fingerprints to the Central Repository for Nevada
42 Records of Criminal History for submission to the Federal Bureau
43 of Investigation for its report.

44 3. Except as otherwise provided in this subsection, in
45 reviewing the information included in a report of criminal history



that is obtained pursuant to this section or NRS 641C.260, the Board may consider any original charge filed against an applicant, licensed counselor, certified counselor, ~~or~~ certified intern *or behavioral healthcare peer recovery support specialist* that alleges a particular criminal act regardless of whether the person was convicted of, or entered a plea of guilty or nolo contendere to, a lesser charge. The Board shall not consider a charge filed against an applicant, licensed counselor, certified counselor, ~~or~~ certified intern *or behavioral healthcare peer recovery support specialist* that alleges a particular criminal act for which, in the absence of a plea of guilty or nolo contendere to a lesser charge:

(a) The applicant, licensed counselor, certified counselor, ~~or~~ certified intern *or behavioral healthcare peer recovery support specialist* was found not guilty; or

(b) The charges against the applicant, licensed counselor, certified counselor, ~~or~~ certified intern *or behavioral healthcare peer recovery support specialist* were dismissed.

Sec. 20. NRS 641C.700 is hereby amended to read as follows:

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

1. Conviction of:

(a) A felony relating to the practice of counseling alcohol and drug abusers, the clinical practice of counseling alcohol and drug abusers, ~~or~~ the practice of counseling problem gamblers ~~or~~ *or the practice of providing behavioral healthcare peer recovery support specialist services;*

(b) An offense involving moral turpitude; or

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

2. Fraud or deception in:

(a) Applying for a license or certificate;

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

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

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

(e) The practice of counseling alcohol and drug abusers, ~~or~~ the clinical practice of counseling alcohol and drug abusers ~~or~~ *or the practice of providing behavioral healthcare peer recovery support specialist services;*

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

4. Professional incompetence;

5. The habitual use of alcohol or any other drug that impairs the ability of a licensed or certified counselor, ~~or~~ certified intern



1 *or behavioral healthcare peer recovery support specialist* to engage
2 in the practice of counseling alcohol and drug abusers , ~~for~~ the
3 clinical practice of counseling alcohol and drug abusers ~~for~~ *or the*
4 *practice of providing behavioral healthcare peer recovery support*
5 *specialist services, as applicable;*

6 6. Engaging in the practice of counseling alcohol and drug
7 abusers , ~~for~~ the clinical practice of counseling alcohol and drug
8 abusers *or the practice of providing behavioral healthcare peer*
9 *recovery support specialist services* with an expired, suspended or
10 revoked license or certificate;

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

13 8. The operation of a medical facility, as defined in NRS
14 449.0151, at any time during which:

15 (a) The license of the facility is suspended or revoked; or

16 (b) An act or omission occurs which results in the suspension or
17 revocation of the license pursuant to NRS 449.160.

18 ➤ This subsection applies to an owner or other principal responsible
19 for the operation of the facility.

20 **Sec. 21.** NRS 641C.720 is hereby amended to read as follows:

21 641C.720 1. The Board or any of its members who become
22 aware of any ground for initiating disciplinary action against a
23 person engaging in the practice of counseling alcohol and drug
24 abusers , ~~for~~ the clinical practice of counseling alcohol and drug
25 abusers *or the practice of providing behavioral healthcare peer*
26 *recovery support specialist services* in this State shall, and any other
27 person who is so aware may, file a written complaint specifying the
28 relevant facts with the Board. The complaint must specifically
29 charge one or more of the grounds for initiating disciplinary action.

30 2. If, after notice and a hearing as required by law, the Board
31 determines that a licensed or certified counselor , ~~for~~ certified
32 intern *or behavioral healthcare peer recovery support specialist* has
33 violated a provision of this chapter or any regulation adopted
34 pursuant to this chapter, it may:

35 (a) Administer a public reprimand;

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

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

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

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



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

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

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

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

4. The Board shall not administer a private reprimand.

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

6. The Board shall retain all complaints filed with the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 22. NRS 641C.900 is hereby amended to read as follows:

641C.900 A person shall not engage in the practice of counseling alcohol and drug abusers, the clinical practice of counseling alcohol and drug abusers, ~~or~~ the practice of counseling problem gamblers *or the practice of providing behavioral healthcare peer recovery support specialist services* unless the person is a licensed counselor, certified counselor, ~~or~~ certified intern *or behavioral healthcare peer recovery support specialist*.

Sec. 23. NRS 641C.910 is hereby amended to read as follows:

641C.910 1. A person shall not:

(a) Hold himself or herself out to a member of the general public as a clinical alcohol and drug abuse counselor, a clinical alcohol and drug abuse counselor intern, an alcohol and drug abuse counselor, an alcohol and drug abuse counselor intern, a problem gambling counselor, ~~or~~ a problem gambling counselor intern *or a behavioral healthcare peer recovery support specialist*;

(b) Use the title "clinical alcohol and drug abuse counselor," "clinical alcohol and drug abuse counselor intern," "alcohol and drug abuse counselor," "alcohol and drug abuse counselor intern," "drug abuse counselor," "substance abuse counselor," "problem gambling counselor," "problem gambling counselor intern," "gambling counselor" ~~or~~, *"behavioral healthcare peer recovery support specialist"* or any similar title in connection with his or her work;



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(c) Imply in any way that he or she is licensed or certified by the Board;

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

(e) Engage in the clinical practice of counseling alcohol and drug abusers; ~~to~~

(f) Engage in the practice of counseling problem gamblers ~~H~~ ;
or

(g) Engage in the practice of providing behavioral healthcare peer recovery support specialist services,

↪ unless the person is licensed or certified by the Board pursuant to the provisions of this chapter.

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

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

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

Sec. 24. NRS 200.5093 is hereby amended to read as follows:

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

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

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

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

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

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

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



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

4 3. Each agency, after reducing a report to writing, shall forward
5 a copy of the report to the Aging and Disability Services Division of
6 the Department of Health and Human Services and the Unit for the
7 Investigation and Prosecution of Crimes.

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

10 (a) Every physician, dentist, dental hygienist, chiropractor,
11 optometrist, podiatric physician, medical examiner, resident, intern,
12 professional or practical nurse, physician assistant licensed pursuant
13 to chapter 630 or 633 of NRS, perfusionist, psychiatrist,
14 psychologist, marriage and family therapist, clinical professional
15 counselor, clinical alcohol and drug abuse counselor, alcohol and
16 drug abuse counselor, *behavioral healthcare peer recovery support*
17 *specialist*, music therapist, athletic trainer, driver of an ambulance,
18 paramedic, licensed dietitian or other person providing medical
19 services licensed or certified to practice in this State, who examines,
20 attends or treats an older person who appears to have been abused,
21 neglected, exploited, isolated or abandoned.

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

28 (c) A coroner.

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

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

33 (f) Every person who operates, who is employed by or who
34 contracts to provide services for an intermediary service
35 organization as defined in NRS 449.4304.

36 (g) Any employee of the Department of Health and Human
37 Services.

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

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

43 (j) Any person who maintains, is employed by or serves as a
44 volunteer for an agency or service which advises persons regarding
45 the abuse, neglect, exploitation, isolation or abandonment of an



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1 older person and refers them to persons and agencies where their
2 requests and needs can be met.

3 (k) Every social worker.

4 (l) Any person who owns or is employed by a funeral home or
5 mortuary.

6 (m) Every person who operates or is employed by a peer support
7 recovery organization, as defined in NRS 449.01563.

8 (n) Every person who operates or is employed by a community
9 health worker pool, as defined in NRS 449.0028, or with whom a
10 community health worker pool contracts to provide the services of a
11 community health worker, as defined in NRS 449.0027.

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

13 6. If a person who is required to make a report pursuant to
14 subsection 1 knows or has reasonable cause to believe that an older
15 person has died as a result of abuse, neglect, isolation or
16 abandonment, the person shall, as soon as reasonably practicable,
17 report this belief to the appropriate medical examiner or coroner,
18 who shall investigate the cause of death of the older person and
19 submit to the appropriate local law enforcement agencies, the
20 appropriate prosecuting attorney, the Aging and Disability Services
21 Division of the Department of Health and Human Services and the
22 Unit for the Investigation and Prosecution of Crimes his or her
23 written findings. The written findings must include the information
24 required pursuant to the provisions of NRS 200.5094, when
25 possible.

26 7. A division, office or department which receives a report
27 pursuant to this section shall cause the investigation of the report to
28 commence within 3 working days. A copy of the final report of the
29 investigation conducted by a division, office or department, other
30 than the Aging and Disability Services Division of the Department
31 of Health and Human Services, must be forwarded within 30 days
32 after the completion of the report to the:

33 (a) Aging and Disability Services Division;

34 (b) Repository for Information Concerning Crimes Against
35 Older Persons created by NRS 179A.450; and

36 (c) Unit for the Investigation and Prosecution of Crimes.

37 8. If the investigation of a report results in the belief that an
38 older person is abused, neglected, exploited, isolated or abandoned,
39 the Aging and Disability Services Division of the Department of
40 Health and Human Services or the county's office for protective
41 services may provide protective services to the older person if the
42 older person is able and willing to accept them.

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



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1 10. As used in this section, "Unit for the Investigation and
2 Prosecution of Crimes" means the Unit for the Investigation and
3 Prosecution of Crimes Against Older Persons in the Office of the
4 Attorney General created pursuant to NRS 228.265.

5 **Sec. 25.** NRS 200.50935 is hereby amended to read as
6 follows:

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

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

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

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

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

27 (a) Every physician, dentist, dental hygienist, chiropractor,
28 optometrist, podiatric physician, medical examiner, resident, intern,
29 professional or practical nurse, perfusionist, physician assistant
30 licensed pursuant to chapter 630 or 633 of NRS, psychiatrist,
31 psychologist, marriage and family therapist, clinical professional
32 counselor, clinical alcohol and drug abuse counselor, alcohol and
33 drug abuse counselor, *behavioral healthcare peer recovery support*
34 *specialist*, music therapist, athletic trainer, driver of an ambulance,
35 paramedic, licensed dietitian or other person providing medical
36 services licensed or certified to practice in this State, who examines,
37 attends or treats a vulnerable person who appears to have been
38 abused, neglected, exploited, isolated or abandoned.

39 (b) Any personnel of a hospital or similar institution engaged in
40 the admission, examination, care or treatment of persons or an
41 administrator, manager or other person in charge of a hospital or
42 similar institution upon notification of the suspected abuse, neglect,
43 exploitation, isolation or abandonment of a vulnerable person by a
44 member of the staff of the hospital.

45 (c) A coroner.



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

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

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

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

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

(i) Every social worker.

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

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

5. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a vulnerable person has died as a result of abuse, neglect, isolation or abandonment, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the vulnerable person and submit to the appropriate local law enforcement agencies and the appropriate prosecuting attorney his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

6. A law enforcement agency which receives a report pursuant to this section shall immediately initiate an investigation of the report.

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

Sec. 26. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

Sec. 28. NRS 449.01566 is hereby amended to read as follows:

449.01566 "Peer support services" means supportive services relating to mental health, addiction or substance abuse which:

1. Do not require the person offering the supportive services to be *certified or* licensed ~~H~~ *unless the person:*

(a) Is engaging in the practice of providing behavioral healthcare peer recovery support specialist services, as defined in section 5 of this act; and

(b) Is not exempt from the provisions of chapter 641C of NRS pursuant to NRS 641C.130.



2. Are offered to a person in need of such services.
3. May include, without limitation:
 - (a) Helping to stabilize such a person;
 - (b) Helping such a person with recovery;
 - (c) Helping such a person to access community-based behavioral health care;
 - (d) Assisting such a person during a crisis situation or an intervention;
 - (e) Providing assistance with preventive care;
 - (f) Providing strategies and education relating to the whole health needs of such a person; and
 - (g) Providing encouragement, peer mentoring and training in self-advocacy and self-direction to such a person.

Sec. 29. (Deleted by amendment.)

Sec. 30. (Deleted by amendment.)

Sec. 31. (Deleted by amendment.)

Sec. 32. (Deleted by amendment.)

Sec. 33. (Deleted by amendment.)

Sec. 34. (Deleted by amendment.)

Sec. 35. (Deleted by amendment.)

Sec. 35.5. 1. Notwithstanding any provision of this act or chapter 641C of NRS to the contrary, any person who engages in the practice of providing behavioral healthcare peer recovery support specialist services for an entity or organization on a paid basis on or before July 1, 2017, must meet the requirements for certification and obtain a certificate as required by section 6 of this act and NRS 641C.900, as amended by section 22 of this act, not later than July 1, 2019.

2. As used in this section, “practice of providing behavioral healthcare peer recovery support specialist services” has the meaning ascribed to it in section 5 of this act.

Sec. 36. This act becomes effective on July 1, 2017.

