

ASSEMBLY BILL NO. 457—COMMITTEE  
ON COMMERCE AND LABOR

(ON BEHALF OF THE LEGISLATIVE COMMITTEE  
ON HEALTH CARE)

MARCH 27, 2017

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to certain professional  
licensing boards. (BDR 54-410)

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

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

AN ACT relating to professional licensing; requiring the Board of Psychological Examiners, the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, the Board of Examiners for Social Workers and the Board of Examiners for Alcohol, Drug and Gambling Counselors to report certain information to the Commission on Behavioral Health; requiring new members of those boards to complete an orientation; requiring those boards to adopt certain policies and regulations and enter into certain agreements; authorizing a person aggrieved by certain actions of those boards to appeal to the Commission; requiring the Commission to review all regulations adopted by those boards; prohibiting certain persons from serving on the Commission; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

- 1 Existing law establishes: (1) the Board of Psychological Examiners, which
- 2 regulates psychologists, behavior analysts and assistant behavior analysts; (2) the
- 3 Board of Examiners for Marriage and Family Therapists and Clinical Professional
- 4 Counselors, which regulates marriage and family therapists and clinical
- 5 professional counselors; (3) the Board of Examiners for Social Workers, which
- 6 regulates social workers; and (4) the Board of Examiners for Alcohol, Drug and



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Gambling Counselors, which regulates alcohol, drug and problem gambling counselors. (Chapters 641-641C of NRS) **Sections 2, 11, 18 and 25** of this bill require those boards to submit an annual report to the Commission on Behavioral Health concerning investigations, disciplinary actions and review of applications for the issuance or renewal of a license or certificate. **Sections 3, 12, 19 and 26** of this bill: (1) require each new member of those boards to complete an orientation within 60 days after appointment; and (2) require each board to establish policies concerning compensation and reviewing the performance of the staff of the board. **Sections 4, 13, 20 and 27** of this bill require the boards to enter into agreements with the Department of Health and Human Services or a division thereof when necessary to carry out or improve the performance of the boards' duties.

**Sections 5, 16, 21 and 28** of this bill require the same boards to adopt online application forms for the issuance or renewal of a license or certificate. **Sections 6, 14, 22, 29 and 34** of this bill: (1) authorize a person aggrieved by an order of any of those boards in refusing to issue or renew a license or certificate or imposing disciplinary action to appeal that order to the Commission on Behavioral Health; and (2) allow the Commission to review and modify or rescind such orders on its own motion. **Sections 7, 15, 23 and 30** of this bill require each of the boards to adopt regulations establishing: (1) standards concerning the locations at which licensees and holders of certificates provide services; (2) standards concerning the supervision of interns working at remote sites; and (3) a manner in which the qualifications for issuance or renewal of a license will be made available to the public. **Sections 7, 15, 23, 30 and 34** also require the Commission to review all regulations adopted by the boards before such regulations are submitted to the Legislative Commission for approval. **Section 32** of this bill prohibits a member of any of those boards from serving concurrently as a member of the Commission on Behavioral Health. **Section 35** of this bill requires each of the boards to submit a report to the Commission on Behavioral Health on or before January 1, 2018, concerning the costs of the board, the fees imposed by the board and the efforts of the board to recognize licenses, certificates and other credentials from jurisdictions outside this State and to carry out the provisions of this bill.

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

**Section 1.** Chapter 641 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

**Sec. 2.** *On or before February 1 of each year, the Board shall submit to the Commission on Behavioral Health a report which must include:*

*1. The number of complaints received, investigations initiated and investigations completed and the number and type of disciplinary actions imposed by the Board within the immediately preceding calendar year; and*

*2. The number of applications for the issuance or renewal of a license for which the Board conducted additional review beyond the standard review regularly conducted by the Board during the immediately preceding calendar year, the percentage of total applications received by the Board during the immediately*



1 *preceding calendar year for which the Board conducted such*  
2 *additional review and the reasons such additional review was*  
3 *conducted.*

4 **Sec. 3. The Board shall:**

5 *1. Require each new member of the Board to complete*  
6 *orientation within 60 days after his or her appointment to the*  
7 *Board. The orientation must include, without limitation,*  
8 *instruction concerning:*

9 *(a) The purposes of the Board and the duties of its members;*

10 *(b) Applicable laws and regulations, including, without*  
11 *limitation, the provisions of NRS 641.230 to 641.320, inclusive,*  
12 *and section 6 of this act and the importance of complying with*  
13 *applicable laws and regulations in a timely manner; and*

14 *(c) Requirements concerning managing the finances of the*  
15 *Board.*

16 *2. Establish policies concerning compensation and reviewing*  
17 *the performance of the staff of the Board.*

18 **Sec. 4. The Board shall enter into an agreement with the**  
19 *Department of Health and Human Services or a division thereof to*  
20 *provide services when necessary to carry out or improve any*  
21 *function of the Board. Such services may include, without*  
22 *limitation:*

23 *1. Assistance in processing applications for the issuance or*  
24 *renewal of licenses;*

25 *2. Technical assistance;*

26 *3. Facilitating cooperation with other boards and licensing*  
27 *entities in this State or any other jurisdiction;*

28 *4. Recommendations to improve and standardize procedures*  
29 *used by the Board; and*

30 *5. Assistance in identifying resources for improving the*  
31 *operations of the Board.*

32 **Sec. 5. The Board shall prescribe forms for applying for the**  
33 *issuance or renewal of a license. The forms must:*

34 *1. Be available to be completed on the Internet website*  
35 *maintained by the Board;*

36 *2. Provide immediate, automatic feedback to the applicant*  
37 *concerning whether the applicant has submitted all required*  
38 *information; and*

39 *3. Automatically store the data submitted by the applicant*  
40 *upon completion of the application.*

41 **Sec. 6. 1. Not later than 30 days after the Board issues an**  
42 *order refusing to issue or renew a license or imposing disciplinary*  
43 *action against a licensee, the applicant or licensee aggrieved by*  
44 *the order may submit an appeal to the Commission on Behavioral*  
45 *Health.*



2. *The Commission shall, upon an appeal submitted pursuant to subsection 1 or its own motion, investigate the refusal of the Board to issue or renew a license or any disciplinary action imposed by the Board. After conducting such an investigation, the Commission may order the Board to issue or renew the license or modify or rescind the disciplinary action, as applicable.*

3. *An investigation conducted by the Commission pursuant to the provisions of this section is limited to the application for the issuance or renewal of a license and any information submitted in conjunction with the application or the record of the disciplinary proceeding created by the Board, as applicable. The Board shall provide those records to the Commission upon request. Unless the information is deemed a public record under the provisions of NRS 641.090 or 641.240 or other applicable law, the Commission shall keep the information confidential.*

Sec. 7. NRS 641.100 is hereby amended to read as follows:

641.100 1. *The Board shall adopt regulations prescribing:*

(a) *Uniform standards concerning the locations at which licensees provide services;*

(b) *Standards concerning the electronic supervision of interns working at remote sites; and*

(c) *A manner by which the qualifications for the issuance or renewal of a license under the provisions of this chapter will be made available to the public such that those qualifications are clearly defined and easily understood.*

2. The Board may make and promulgate *any other* rules and regulations not inconsistent with the provisions of this chapter governing its procedure, the examination and licensure of applicants, the granting, refusal, revocation or suspension of licenses, the practice of psychology and the practice of applied behavior analysis.

3. *Any regulation adopted by the Board must be submitted for review and approved by the Commission on Behavioral Health before being submitted to the Legislative Commission for review pursuant to NRS 233B.0633 or 233B.067.*

Sec. 8. NRS 641.160 is hereby amended to read as follows:

641.160 1. Each person desiring a license must:

(a) Make application to the Board upon a form, and in a manner, prescribed by the Board *H pursuant to section 5 of this act.* The application must be accompanied by the application fee prescribed by the Board and include all information required to complete the application.

(b) As part of the application and at his or her own expense:



(1) Arrange to have a complete set of fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Board; and

(2) Submit to the Board:

(I) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background, and to such other law enforcement agencies as the Board deems necessary for a report on the applicant's background; or

(II) Written verification, on a form prescribed by the Board, stating that the set of fingerprints of the applicant was taken and directly forwarded electronically or by other means to the Central Repository for Nevada Records of Criminal History and that the applicant provided written permission authorizing the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background, and to such other law enforcement agencies as the Board deems necessary for a report on the applicant's background.

2. The Board may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to sub-subparagraph (II) of subparagraph (2) of paragraph (b) of subsection 1, submit those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Board deems necessary; and

(b) Request from each agency to which the Board submits the fingerprints any information regarding the applicant's background as the Board deems necessary.

3. An application is not considered complete and received for purposes of evaluation pursuant to subsection 4 of NRS 641.170 until the Board receives a complete set of fingerprints or verification that the fingerprints have been forwarded electronically or by other means to the Central Repository for Nevada Records of Criminal History, and written authorization from the applicant pursuant to this section.

**Sec. 9.** NRS 641.312 is hereby amended to read as follows:

641.312 1. Any person who has been placed on probation or whose license has been limited, suspended or revoked, *and whose appeal pursuant to section 6 of this act has been denied*, is entitled to judicial review of the order.



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2. Every order which limits the practice of psychology or suspends or revokes a license is effective from the date the Board certifies the order until the date the order is modified or reversed by *an order of the Commission on Behavioral Health pursuant to section 6 of this act* or a final judgment of the court.

3. The district court shall give a petition for judicial review of the order priority over other civil matters which are not expressly given priority by law.

**Sec. 10.** Chapter 641A of NRS is hereby amended by adding thereto the provisions set forth as sections 11 to 14, inclusive, of this act.

**Sec. 11.** *On or before February 1 of each year, the Board shall submit to the Commission on Behavioral Health a report which must include:*

*1. The number of complaints received, investigations initiated and investigations completed and the number and type of disciplinary actions imposed by the Board within the immediately preceding calendar year; and*

*2. The number of applications for the issuance or renewal of a license for which the Board conducted additional review beyond the standard review regularly conducted by the Board during the immediately preceding calendar year, the percentage of total applications received by the Board during the immediately preceding calendar year for which the Board conducted such additional review and the reasons such additional review was conducted.*

**Sec. 12.** *The Board shall:*

*1. Require each new member of the Board to complete orientation within 60 days after his or her appointment to the Board. The orientation must include, without limitation, instruction concerning:*

*(a) The purposes of the Board and the duties of its members;*

*(b) Applicable laws and regulations, including, without limitation, the provisions of NRS 641A.310 to 641A.400, inclusive, and section 14 of this act and the importance of complying with applicable laws and regulations in a timely manner; and*

*(c) Requirements concerning managing the finances of the Board.*

*2. Establish policies concerning compensation and reviewing the performance of the staff of the Board.*

**Sec. 13.** *The Board shall enter into an agreement with the Department of Health and Human Services or a division thereof to provide services when necessary to carry out or improve any function of the Board. Such services may include, without limitation:*



1     1. Assistance in processing applications for the issuance or  
2     renewal of licenses;

3     2. Technical assistance;

4     3. Facilitating cooperation with other boards and licensing  
5     entities in this State or any other jurisdiction;

6     4. Recommendations to improve and standardize procedures  
7     used by the Board; and

8     5. Assistance in identifying resources for improving the  
9     operations of the Board.

10    **Sec. 14.** 1. Not later than 30 days after the Board issues an  
11    order refusing to issue or renew a license or imposing disciplinary  
12    action against a licensee, the applicant or licensee aggrieved by  
13    the order may submit an appeal to the Commission on Behavioral  
14    Health.

15    2. The Commission shall, upon an appeal submitted pursuant  
16    to subsection 1 or its own motion, investigate the refusal of the  
17    Board to issue or renew a license or any disciplinary action  
18    imposed by the Board. After conducting such an investigation, the  
19    Commission may order the Board to issue or renew the license or  
20    modify or rescind the disciplinary action, as applicable.

21    3. An investigation conducted by the Commission pursuant to  
22    the provisions of this section is limited to the application for the  
23    issuance or renewal of a license and any information submitted in  
24    conjunction with the application or the record of the disciplinary  
25    proceeding created by the Board, as applicable. The Board shall  
26    provide those records to the Commission upon request. Unless the  
27    information is deemed a public record under the provisions of  
28    NRS 641A.191 or 641A.320 or other applicable law, the  
29    Commission shall keep the information confidential.

30    4. An order of the Board suspending or revoking a license or  
31    imposing other disciplinary action against a licensee is final for  
32    purposes of judicial review upon the denial of an appeal pursuant  
33    to this section.

34    **Sec. 15.** NRS 641A.160 is hereby amended to read as follows:

35    641A.160 1. The Board shall adopt regulations not  
36    inconsistent with the provisions of this chapter governing its  
37    procedure, the examination and licensing of applicants, the granting,  
38    refusal, revocation or suspension of licenses, and the practice of  
39    marriage and family therapy and the practice of clinical professional  
40    counseling as those practices apply to this chapter.

41    2. The regulations adopted pursuant to subsection 1 must  
42    prescribe:

43    (a) Uniform standards concerning the locations at which  
44    licensees provide services;





1       (b) *Standards concerning the electronic supervision of interns*  
2 *working at remote sites; and*

3       (c) *A manner by which the qualifications for the issuance or*  
4 *renewal of a license under the provisions of this chapter will be*  
5 *made available to the public such that those qualifications are*  
6 *clearly defined and easily understood.*

7       3. *Any regulation adopted by the Board must be submitted for*  
8 *review and approved by the Commission on Behavioral Health*  
9 *before being submitted to the Legislative Commission for review*  
10 *pursuant to NRS 233B.0633 or 233B.067.*

11       **Sec. 16.** NRS 641A.210 is hereby amended to read as follows:

12       641A.210 1. Each person desiring a license must apply to the  
13 Board upon a form, and in a manner, prescribed by the Board. The  
14 application must be accompanied by the application fee prescribed  
15 by the Board and all information required to complete the  
16 application.

17       2. *The Board shall prescribe forms for applying for the*  
18 *issuance or renewal of a license. The forms must:*

19       (a) *Be available to be completed on the Internet website*  
20 *maintained by the Board;*

21       (b) *Provide immediate, automatic feedback to the applicant*  
22 *concerning whether the applicant has submitted all required*  
23 *information; and*

24       (c) *Automatically store the data submitted by the applicant*  
25 *upon completion of the application.*

26       **Sec. 17.** Chapter 641B of NRS is hereby amended by adding  
27 thereto the provisions set forth as sections 18 to 22, inclusive, of this  
28 act.

29       **Sec. 18.** *On or before February 1 of each year, the Board*  
30 *shall submit to the Commission on Behavioral Health a report*  
31 *which must include:*

32       1. *The number of complaints received, investigations initiated*  
33 *and investigations completed and the number and type of*  
34 *disciplinary actions imposed by the Board within the immediately*  
35 *preceding calendar year; and*

36       2. *The number of applications for the issuance or renewal of*  
37 *a license for which the Board conducted additional review beyond*  
38 *the standard review regularly conducted by the Board during the*  
39 *immediately preceding calendar year, the percentage of total*  
40 *applications received by the Board during the immediately*  
41 *preceding calendar year for which the Board conducted such*  
42 *additional review and the reasons such additional review was*  
43 *conducted.*

44       **Sec. 19.** *The Board shall:*





1     1. *Require each new member of the Board to complete*  
2 *orientation within 60 days after his or her appointment to the*  
3 *Board. The orientation must include, without limitation,*  
4 *instruction concerning:*

5     (a) *The purposes of the Board and the duties of its members;*

6     (b) *Applicable laws and regulations, including, without*  
7 *limitation, the provisions of NRS 641B.400 to 641B.450, inclusive,*  
8 *and section 22 of this act and the importance of complying with*  
9 *applicable laws and regulations in a timely manner; and*

10    (c) *Requirements concerning managing the finances of the*  
11 *Board.*

12    2. *Establish policies concerning compensation and reviewing*  
13 *the performance of the staff of the Board.*

14    **Sec. 20.** *The Board shall enter into an agreement with the*  
15 *Department of Health and Human Services or a division thereof to*  
16 *provide services when necessary to carry out or improve any*  
17 *function of the Board. Such services may include, without*  
18 *limitation:*

19     1. *Assistance in processing applications for the issuance or*  
20 *renewal of licenses;*

21     2. *Technical assistance;*

22     3. *Facilitating cooperation with other boards and licensing*  
23 *entities in this State or any other jurisdiction;*

24     4. *Recommendations to improve and standardize procedures*  
25 *used by the Board; and*

26     5. *Assistance in identifying resources for improving the*  
27 *operations of the Board.*

28    **Sec. 21.** *The Board shall prescribe forms for applying for the*  
29 *issuance or renewal of a license. The forms must:*

30     1. *Be available to be completed on the Internet website*  
31 *maintained by the Board;*

32     2. *Provide immediate, automatic feedback to the applicant*  
33 *concerning whether the applicant has submitted all required*  
34 *information; and*

35     3. *Automatically store the data submitted by the applicant*  
36 *upon completion of the application.*

37    **Sec. 22.** 1. *Not later than 30 days after the Board issues an*  
38 *order refusing to issue or renew a license or imposing disciplinary*  
39 *action against a licensee, the applicant or licensee aggrieved by*  
40 *the order may submit an appeal to the Commission on Behavioral*  
41 *Health.*

42     2. *The Commission shall, upon an appeal submitted pursuant*  
43 *to subsection 1 or its own motion, investigate the refusal of the*  
44 *Board to issue or renew a license or any disciplinary action*  
45 *imposed by the Board. After conducting such an investigation, the*



*Commission may order the Board to issue or renew the license or modify or rescind the disciplinary action, as applicable.*

*3. An investigation conducted by the Commission pursuant to the provisions of this section is limited to the application for the issuance or renewal of a license and any information submitted in conjunction with the application or the record of the disciplinary proceeding created by the Board, as applicable. The Board shall provide those records to the Commission upon request. Unless the information is deemed a public record under the provisions of NRS 641B.170 or 641B.430 or other applicable law, the Commission shall keep the information confidential.*

*4. An order of the Board suspending or revoking a license or imposing other disciplinary action against a licensee is final for purposes of judicial review upon the denial of an appeal pursuant to this section.*

**Sec. 23.** NRS 641B.160 is hereby amended to read as follows:

641B.160 *1.* The Board shall adopt:

~~1-1~~ *(a)* Such regulations as are necessary or desirable to enable it to carry out the provisions of this chapter; ~~and~~

~~2-1~~ *(b)* Regulations establishing reasonable standards for the psychiatric training and experience necessary for a clinical social worker to be authorized to make the certifications described in NRS 433A.170, 433A.195 and 433A.200 ~~1-1~~;

*(c) Regulations prescribing uniform standards concerning the locations at which licensees provide services;*

*(d) Regulations prescribing standards concerning the electronic supervision of interns working at remote sites; and*

*(e) Regulations prescribing the manner by which the qualifications for the issuance or renewal of a license under the provisions of this chapter will be made available to the public such that those qualifications are clearly defined and easily understood.*

*2. Any regulation adopted by the Board must be submitted for review and approved by the Commission on Behavioral Health before being submitted to the Legislative Commission for review pursuant to NRS 233B.0633 or 233B.067.*

**Sec. 24.** Chapter 641C of NRS is hereby amended by adding thereto the provisions set forth as sections 25 to 29, inclusive, of this act.

**Sec. 25.** *On or before February 1 of each year, the Board shall submit to the Commission on Behavioral Health a report which must include:*

*1. The number of complaints received, investigations initiated and investigations completed and the number and type of disciplinary actions imposed by the Board within the immediately preceding calendar year; and*



2. *The number of applications for the issuance or renewal of a license or certificate for which the Board conducted additional review beyond the standard review regularly conducted by the Board during the immediately preceding calendar year, the percentage of total applications received by the Board during the immediately preceding calendar year for which the Board conducted such additional review and the reasons such additional review was conducted.*

**Sec. 26.** *The Board shall:*

1. *Require each new member of the Board to complete orientation within 60 days after his or her appointment to the Board. The orientation must include, without limitation, instruction concerning:*

(a) *The purposes of the Board and the duties of its members;*

(b) *Applicable laws and regulations, including, without limitation, the provisions of NRS 641C.700 to 641C.760, inclusive, and section 29 of this act and the importance of complying with applicable laws and regulations in a timely manner; and*

(c) *Requirements concerning managing the finances of the Board.*

2. *Establish policies concerning compensation and reviewing the performance of the staff of the Board.*

**Sec. 27.** *The Board shall enter into an agreement with the Department of Health and Human Service or a division thereof to provide services when necessary to carry out or improve any function of the Board. Such services may include, without limitation:*

1. *Assistance in processing applications for the issuance or renewal of licenses and certificates;*

2. *Technical assistance;*

3. *Facilitating cooperation with other boards and licensing entities in this State or any other jurisdiction;*

4. *Recommendations to improve and standardize procedures used by the Board; and*

5. *Assistance in identifying resources for improving the operations of the Board.*

**Sec. 28.** *The Board shall prescribe forms for applying for the issuance or renewal of a license or certificate. The forms must:*

1. *Be available to be completed on the Internet website maintained by the Board;*

2. *Provide immediate, automatic feedback to the applicant concerning whether the applicant has submitted all required information; and*

3. *Automatically store the data submitted by the applicant upon completion of the application.*



1     **Sec. 29. 1. Not later than 30 days after the Board issues an**  
2 *order refusing to issue or renew a license or certificate or*  
3 *imposing disciplinary action against a licensee or the holder of a*  
4 *certificate, the applicant, licensee or holder of a certificate*  
5 *aggrieved by the order may submit an appeal to the Commission*  
6 *on Behavioral Health.*

7     **2. The Commission shall, upon an appeal submitted pursuant**  
8 *to subsection 1 or its own motion, investigate the refusal of the*  
9 *Board to issue or renew a license or certificate or any disciplinary*  
10 *action imposed by the Board. After conducting such an*  
11 *investigation, the Commission may order the Board to issue or*  
12 *renew the license or certificate or modify or rescind the*  
13 *disciplinary action, as applicable.*

14     **3. An investigation conducted by the Commission pursuant to**  
15 *the provisions of this section is limited to the application for the*  
16 *issuance or renewal of a license or certificate and any information*  
17 *submitted in conjunction with the application or the record of the*  
18 *disciplinary proceeding created by the Board, as applicable. The*  
19 *Board shall provide those records to the Commission upon*  
20 *request. Unless the information is deemed a public record under*  
21 *the provisions of NRS 641C.720 or 641C.760 or other applicable*  
22 *law, the Commission shall keep the information confidential.*

23     **4. An order of the Board suspending or revoking a license or**  
24 *certificate or imposing other disciplinary action against a licensee*  
25 *or the holder of a certificate is final for purposes of judicial review*  
26 *upon the denial of an appeal pursuant to this section.*

27     **Sec. 30. NRS 641C.200 is hereby amended to read as follows:**

28     **641C.200 1. The Board shall adopt such regulations as are**  
29 *necessary to carry out the provisions of this chapter, including,*  
30 *without limitation, regulations that prescribe:*

31     **(a) The ethical standards for licensed and certified counselors**  
32 *and certified interns; ~~and~~*

33     **(b) The requirements for continuing education for the renewal,**  
34 *restoration or reinstatement of a license or certificate ~~H~~;*

35     **(c) Uniform standards concerning the locations at which**  
36 *licensees and holders of certificates provide services;*

37     **(d) Standards concerning the electronic supervision of interns**  
38 *working at remote sites; and*

39     **(e) The manner by which the qualifications for the issuance or**  
40 *renewal of a license or certificate under the provisions of this*  
41 *chapter will be made available to the public such that those*  
42 *qualifications are clearly defined and easily understood.*

43     **2. The Board may adopt regulations that prescribe:**

44     **(a) The contents of a written and oral examination concerning**  
45 *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~~ :

(a) *Consistent* with the provisions of chapter 622A of NRS ~~H~~ ;  
and

(b) *Submitted for review and approved by the Commission on Behavioral Health before being submitted to the Legislative Commission for review pursuant to NRS 233B.0633 or 233B.067.*

**Sec. 31.** NRS 641C.260 is hereby amended to read as follows:

641C.260 Each applicant for a license or certificate must submit to the Board:

1. An application on a form ~~provided~~ *prescribed* by the Board ~~H~~ *pursuant to section 28 of this act;*

2. A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

3. The application fee prescribed in NRS 641C.470.

**Sec. 32.** NRS 232.361 is hereby amended to read as follows:

232.361 1. There is hereby created in the Department a Commission on Behavioral Health consisting of 10 members appointed by the Governor, at least 3 of whom have training or experience in dealing with intellectual disabilities.

2. The Governor shall appoint:

(a) A psychiatrist licensed to practice medicine in this State, from a list of three candidates submitted by the Nevada Psychiatric Association;

(b) A psychologist licensed to practice in this State and experienced in clinical practice, from a list of four candidates submitted by the Nevada Psychological Association, two of whom must be from northern Nevada and two of whom must be from southern Nevada;

(c) A physician, other than a psychiatrist, licensed to practice medicine in this State and who has experience in dealing with intellectual disabilities, from a list of three candidates submitted by the Nevada State Medical Association;



(d) A social worker who has a master's degree and has experience in dealing with mental illness or intellectual disabilities, or both;

(e) A registered nurse licensed to practice in this State who has experience in dealing with mental illness or intellectual disabilities, or both, from a list of three candidates submitted by the Nevada Nurses Association;

(f) A marriage and family therapist licensed to practice in this State, from a list of three candidates submitted by the Nevada Association for Marriage and Family Therapy;

(g) A person who has knowledge and experience in the prevention of alcohol and drug abuse and the treatment and recovery of alcohol and drug abusers through a program or service provided pursuant to chapter 458 of NRS, from a list of three candidates submitted by the Division of Public and Behavioral Health of the Department;

(h) A current or former recipient of mental health services provided by the State or any agency thereof;

(i) A representative of the general public who has a special interest in the field of mental health; and

(j) A representative of the general public who has a special interest in the field of intellectual disabilities.

3. The Governor shall appoint the Chair of the Commission from among its members.

4. After the initial terms, each member shall serve a term of 4 years. If a vacancy occurs during a member's term, the Governor shall appoint a person qualified under this section to replace that member for the remainder of the unexpired term.

***5. A person may not serve concurrently as a member of the Commission and a member of the Board of Psychological Examiners, the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, the Board of Examiners for Social Workers or the Board of Examiners for Alcohol, Drug and Gambling Counselors.***

**Sec. 33.** NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817,



1 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015,  
2 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,  
3 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160,  
4 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651,  
5 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040,  
6 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350,  
7 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270,  
8 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300,  
9 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140,  
10 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020,  
11 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130,  
12 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195,  
13 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438,  
14 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558,  
15 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,  
16 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420,  
17 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100,  
18 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610,  
19 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008,  
20 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259,  
21 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147,  
22 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460,  
23 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885,  
24 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749,  
25 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872,  
26 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430,  
27 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170,  
28 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665,  
29 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720,  
30 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866,  
31 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240,  
32 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170,  
33 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070,  
34 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655,  
35 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070,  
36 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315,  
37 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110,  
38 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230,  
39 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336,  
40 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301,  
41 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085,  
42 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,  
43 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190,  
44 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524,  
45 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082,





1 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135,  
2 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945,  
3 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110,  
4 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310,  
5 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243,  
6 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690,  
7 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873,  
8 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115,  
9 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190,  
10 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615,  
11 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230,  
12 710.159, 711.600, *and sections 6, 14, 22 and 29 of this act*, sections  
13 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2  
14 of chapter 391, Statutes of Nevada 2013 and unless otherwise  
15 declared by law to be confidential, all public books and public  
16 records of a governmental entity must be open at all times during  
17 office hours to inspection by any person, and may be fully copied or  
18 an abstract or memorandum may be prepared from those public  
19 books and public records. Any such copies, abstracts or memoranda  
20 may be used to supply the general public with copies, abstracts or  
21 memoranda of the records or may be used in any other way to the  
22 advantage of the governmental entity or of the general public. This  
23 section does not supersede or in any manner affect the federal laws  
24 governing copyrights or enlarge, diminish or affect in any other  
25 manner the rights of a person in any written book or record which is  
26 copyrighted pursuant to federal law.

27 2. A governmental entity may not reject a book or record  
28 which is copyrighted solely because it is copyrighted.

29 3. A governmental entity that has legal custody or control of a  
30 public book or record shall not deny a request made pursuant to  
31 subsection 1 to inspect or copy or receive a copy of a public book or  
32 record on the basis that the requested public book or record contains  
33 information that is confidential if the governmental entity can  
34 redact, delete, conceal or separate the confidential information from  
35 the information included in the public book or record that is not  
36 otherwise confidential.

37 4. A person may request a copy of a public record in any  
38 medium in which the public record is readily available. An officer,  
39 employee or agent of a governmental entity who has legal custody  
40 or control of a public record:

41 (a) Shall not refuse to provide a copy of that public record in a  
42 readily available medium because the officer, employee or agent has  
43 already prepared or would prefer to provide the copy in a different  
44 medium.



(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

**Sec. 34.** NRS 433.314 is hereby amended to read as follows:

433.314 The Commission shall:

1. Establish policies to ensure adequate development and administration of services for persons with mental illness, persons with intellectual disabilities and persons with related conditions, persons with substance use disorders or persons with co-occurring disorders, including services to prevent mental illness, intellectual disabilities and related conditions, substance use disorders and co-occurring disorders, and services provided without admission to a facility or institution;

2. Set policies for the care and treatment of persons with mental illness, persons with intellectual disabilities and persons with related conditions, persons with substance use disorders or persons with co-occurring disorders provided by all state agencies;

3. Review the programs and finances of the Division; ~~and~~

4. Report at the beginning of each year to the Governor and at the beginning of each odd-numbered year to the Legislature on the quality of the care and treatment provided for persons with mental illness, persons with intellectual disabilities and persons with related conditions, persons with substance use disorders or persons with co-occurring disorders in this State and on any progress made toward improving the quality of that care and treatment ~~and~~;

*5. Hear appeals, conduct investigations and issue orders pursuant to sections 6, 14, 22 and 29 of this act; and*

*6. Review and approve or reject regulations submitted to the Commission for review pursuant to NRS 641.100, 641A.160, 641B.160 and 641C.200.*

**Sec. 35.** 1. On or before January 1, 2018, the Board of Psychological Examiners, the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, the Board of Examiners for Clinical Social Workers and the Board of Examiners for Alcohol, Drug and Gambling Counselors, respectively, shall each:

(a) Conduct an analysis of the necessity of the costs of the Board, whether the fees charged by the Board are necessary and sufficient to pay those costs, the Board's compliance with applicable law and the need for revision of the regulations of the Board. The analysis must include, without limitation, an analysis of the Board's:

(1) Recognition of licenses, certificates and other credentials from jurisdictions outside this State, including, without limitation,



1 the number of licenses by endorsement it has issued during the 3-  
2 year period ending on December 1, 2017; and

3 (2) Efforts to comply with the amendatory provisions of this  
4 act.

5 (b) Submit to the Commission on Behavioral Health a report  
6 containing the results of the analysis conducted pursuant to  
7 paragraph (a).

8 2. On or before June 30, 2018, the Commission shall review  
9 the reports submitted to subsection 1 and require the Board of  
10 Psychological Examiners, the Board of Examiners for Marriage and  
11 Family Therapists and Clinical Professional Counselors, the Board  
12 of Examiners for Clinical Social Workers or the Board of Examiners  
13 for Alcohol, Drug and Gambling Counselors, as applicable, to take  
14 any action necessary to comply with existing law or improve the  
15 processes used by the board.

16 **Sec. 36.** The term of any member of the Commission on  
17 Behavioral Health who is serving on the Commission in violation of  
18 NRS 232.361, as amended by section 32 of this act, on October 1,  
19 2018, expires on that date. The Governor shall appoint a person  
20 similarly qualified to serve the remainder of that term.

21 **Sec. 37.** 1. This section and sections 1 to 31, inclusive, 33,  
22 34 and 35 of this act become effective upon passage and approval  
23 for the purpose of adopting regulations and performing any other  
24 administrative tasks that are necessary to carry out the provisions of  
25 this act and on January 1, 2018, for all other purposes.

26 2. Sections 32 and 36 of this act become effective on  
27 October 1, 2017.

