

Amendment No. 612

Assembly Amendment to Assembly Bill No. 194 (BDR 54-712)

Proposed by: Assembly Committee on Commerce and Labor**Amendment Box:** Replaces Amendment No. 551.**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of A.B. 194 (§§ 6, 17, 18).

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of *green bold underlining* is language proposed to be added in this amendment; (3) ~~red-strikethrough~~ is deleted language in the original bill; (4) ~~purple double-strikethrough~~ is language proposed to be deleted in this amendment; (5) *orange double underlining* is deleted language in the original bill proposed to be retained in this amendment.

ALA/WLK



Date: 4/24/2017

A.B. No. 194—Provides for the certification of behavioral healthcare peer recovery support specialists. (BDR 54-712)



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 ~~that~~ supervision ~~of certain licensed or certified professionals or in accordance with a plan of supervision approved by the Board~~; **(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 ~~9-13~~, 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, ~~and~~ 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 ~~and oral~~ 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 ~~behavioral healthcare~~ peer ~~recovery~~ 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~~ *or a behavioral healthcare peer recovery support specialist*, pursuant to chapter 641C of NRS;

8. Any member of the clergy;

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; ~~or~~

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. ~~or~~ *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, including without limitation, mentoring, coaching, educating or role modeling, with the intent of achieving long-term recovery from a substance use or other mental disorder by sharing appropriate portions of the provider's own recovery, 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 ~~any~~ a substance use disorder or other mental disorder; ~~including, without limitation, a substance use disorder, or~~

(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;

5. Submits evidence satisfactory to the Board that the person has completed at least 25 hours of work in each of the domains described in subsection 4, as they relate to the practice of providing behavioral healthcare peer recovery support specialist services, under the supervision of a person who provides

supervision of such work for the entity or organization for which the work is completed;

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

7. ~~If the person is in recovery from a mental disorder, including, without limitation, a substance use disorder, provides~~ Provides to the Board a statement and, if applicable, evidence satisfactory to the Board attesting that:

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

(b) The person remains in active recovery; and

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

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

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

10. ~~Provides evidence satisfactory to the Board that the person has experienced the process of recovering from a mental disorder, including, without limitation, a substance use disorder, and as a result is qualified to engage in the practice of providing behavioral healthcare peer recovery support specialist services;~~

~~11.~~ Passes the written ~~and oral examinations~~ examination prescribed by the Board pursuant to NRS 641C.290;

~~12.~~ 11. Pays the fees required pursuant to NRS 641C.470; and

~~13.~~ 12. Submits all information required to complete an application for a certificate.

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

2. A behavioral healthcare peer recovery support specialist may engage in the practice of providing behavioral healthcare peer recovery support specialist services only ~~if~~

(a) Under the supervision of: ~~of a~~

~~(1) Licensed clinical alcohol and drug abuse counselor;~~

~~(2) Licensed or certified alcohol and drug abuse counselor;~~

~~(3) Psychologist licensed pursuant to chapter 641 of NRS;~~

~~(4) Clinical professional counselor licensed pursuant to chapter 641A of NRS;~~

~~(5) Marriage and family therapist licensed pursuant to chapter 641A of NRS; or~~

~~(6) Social worker licensed pursuant to chapter 641B of NRS;~~

(b) Pursuant to a plan of supervision approved by the Board. The Board may approve a plan of supervision if:

~~(1) The plan is submitted to the Board by a nonprofit organization which the Board determines has a primary function of providing services described in section 5 of this act.~~

~~(2) The nonprofit organization attaches to the plan an affidavit signed by a representative of the nonprofit organization which states that supervision by a professional identified in paragraph (a) would cause an undue burden on the nonprofit organization.~~

~~(3) The nonprofit organization does not provide any services which would require licensure or certification as a professional identified in paragraph (a); and~~

~~(4) The plan provides for direct supervision by a person who has at least 5 years of paid or volunteer experience in providing services described in section 5 of this act.~~

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

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

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

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

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

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

7. 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. 11. NRS 641C.150 is hereby amended to read as follows:

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

2. The Board must consist of:

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

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

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

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

(1) A licensed clinical alcohol and drug abuse counselor, ~~or~~ a licensed or certified alcohol and drug abuse counselor, ~~or~~ a certified problem gambling counselor ~~or~~ 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, ~~or~~ a licensed or certified alcohol and drug abuse counselor, ~~or~~ a certified problem gambling counselor ~~or~~ 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~~;

(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 ~~and oral~~ 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.*

1 5. The Board shall:

2 (a) Examine applicants at least two times each year.

3 (b) Establish the time and place for the examinations.

4 (c) Provide such books and forms as may be necessary to conduct the
5 examinations.

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

8 ~~5.4~~ 6. The Board may employ other persons to conduct the examinations.

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

10 641C.300 The Board may issue a license or certificate without examination to
11 a person who holds a license or certificate as a clinical alcohol and drug abuse
12 counselor , ~~for~~ an alcohol and drug abuse counselor *or a behavioral healthcare*
13 *peer recovery support specialist* in another state, a territory or possession of the
14 United States or the District of Columbia if the requirements of that jurisdiction at
15 the time the license or certificate was issued are deemed by the Board to be
16 substantially equivalent to the requirements set forth in the provisions of this
17 chapter.

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

19 641C.310 1. The Board may hold hearings and conduct investigations
20 concerning any matter related to an application for a license or certificate. In the
21 hearings and investigations, the Board may require the presentation of evidence.

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

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

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

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

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

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

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

43 641C.460 1. A license or certificate that is not renewed on or before the
44 date on which it expires is delinquent. The Board shall, within 30 days after the
45 license or certificate becomes delinquent, send a notice to the licensed or certified
46 counselor , ~~for~~ certified intern *or behavioral healthcare peer recovery support*
47 *specialist* by certified mail, return receipt requested, to the address of the counselor
48 , ~~for~~ intern *or specialist* as indicated in the records of the Board.

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

1 fee for the renewal of the license or certificate, the fee for the renewal of a
2 delinquent license or certificate prescribed in NRS 641C.470.

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

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

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

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

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

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

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

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

16 641C.470 1. The Board shall charge and collect not more than the following
17 fees:

18		
19	For the initial application for a license or certificate, including a	
20	license or certificate by endorsement <u>but not including a</u>	
21	<u>certificate as a behavioral healthcare peer recovery support</u>	
22	<u>specialist</u>	\$150
23	<u>For the initial application for a certificate as a behavioral</u>	
24	<u>healthcare peer recovery support specialist</u>	75
25	For the issuance of a provisional license or certificate.....	125
26	For the issuance of an initial license or certificate, including a	
27	license or certificate by endorsement.....	60
28	For the renewal of a license or certificate as an alcohol and drug	
29	abuse counselor, a license as a clinical alcohol and drug abuse	
30	counselor ff or a certificate as a problem gambling counselor	
31	for a certificate as a behavioral healthcare peer recovery	
32	support specialist	300
33	<u>For the renewal of a certificate as a behavioral healthcare peer</u>	
34	<u>recovery support specialist</u>	150
35	For the renewal of a certificate as a clinical alcohol and drug abuse	
36	counselor intern, an alcohol and drug abuse counselor intern or	
37	a problem gambling counselor intern	75
38	For the renewal of a delinquent license or certificate.....	75
39	For the restoration of an expired license or certificate	150
40	For the restoration or reinstatement of a suspended or revoked	
41	license or certificate.....	300
42	For the issuance of a license or certificate without examination.....	150
43	For an examination	150
44	For the approval of a course of continuing education	150
45		

46 2. If an applicant submits an application for a license or certificate by
47 endorsement pursuant to NRS 641C.3305, 641C.355, 641C.395 or 641C.432, the
48 Board shall charge and collect not more than the fees specified in subsection 1 for
49 the initial application for and issuance of an initial license or certificate, as
50 applicable.

51 3. If an applicant submits an application for a license or certificate by
52 endorsement pursuant to NRS 641C.3306, 641C.356, 641C.396 or 641C.433, as

1 applicable, the Board shall collect not more than one-half of the fee specified in
2 subsection 1 for the initial issuance of the license.

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

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

5 641C.530 1. The Board may use any information included in a report of
6 criminal history that is obtained pursuant to this section or NRS 641C.260 in
7 determining whether:

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

10 (b) Any ground for imposing any disciplinary action exists pursuant to NRS
11 641C.700.

12 2. Before renewing, restoring or reinstating the license or certificate of a
13 licensed counselor, certified counselor , ~~certified intern~~ *or behavioral
14 healthcare peer recovery support specialist*, the Board may, by regulation, require
15 the licensed counselor, certified counselor , ~~certified intern~~ *or behavioral
16 healthcare peer recovery support specialist* to submit to the Board a complete set
17 of fingerprints and written permission authorizing the Board to forward the
18 fingerprints to the Central Repository for Nevada Records of Criminal History for
19 submission to the Federal Bureau of Investigation for its report.

20 3. Except as otherwise provided in this subsection, in reviewing the
21 information included in a report of criminal history that is obtained pursuant to this
22 section or NRS 641C.260, the Board may consider any original charge filed against
23 an applicant, licensed counselor, certified counselor , ~~certified intern~~ *or
24 behavioral healthcare peer recovery support specialist* that alleges a particular
25 criminal act regardless of whether the person was convicted of, or entered a plea of
26 guilty or nolo contendere to, a lesser charge. The Board shall not consider a charge
27 filed against an applicant, licensed counselor, certified counselor , ~~certified intern~~ *or behavioral healthcare peer recovery support specialist* that alleges a
28 particular criminal act for which, in the absence of a plea of guilty or nolo
29 contendere to a lesser charge:

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

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

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

35 641C.700 The grounds for initiating disciplinary action pursuant to the
36 provisions of this chapter include:

37 1. Conviction of:

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

41 (b) An offense involving moral turpitude; or

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

45 2. Fraud or deception in:

46 (a) Applying for a license or certificate;

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

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

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

(e) The practice of counseling alcohol and drug abusers , ~~for~~ 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 , ~~for~~ certified intern *or behavioral healthcare peer recovery support specialist* to engage in the practice of counseling alcohol and drug abusers , ~~for~~ the clinical practice of counseling alcohol and drug abusers ~~or~~ *or the practice of providing behavioral healthcare peer recovery support specialist services, as applicable;*

6. Engaging in 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* with an expired, suspended or revoked license or certificate;

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

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

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

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

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

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

641C.720 1. The Board or any of its members who become aware of any ground for initiating disciplinary action against a person engaging in 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* in this State shall, and any other person who is so aware may, file a written complaint specifying the relevant facts with the Board. The complaint must specifically charge one or more of the grounds for initiating disciplinary action.

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

(a) Administer a public reprimand;

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

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

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

(e) Require him or her to participate in treatment or counseling 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;

(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; ~~or~~

(f) Engage in the practice of counseling problem gamblers *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 Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

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

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

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

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

(c) A coroner.

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

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

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

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

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

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

(j) 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 an older person and refers them to persons and agencies where their requests and needs can be met.

(k) Every social worker.

(l) Any person who owns or is employed by a funeral home or mortuary.
(m) Every person who operates or is employed by a peer support recovery organization, as defined in NRS 449.01563.

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

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

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older 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 older person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney, the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

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

(a) Aging and Disability Services Division;

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

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

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

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

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

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

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

(a) Report the abuse, neglect, exploitation, isolation or abandonment of the vulnerable person to a law enforcement agency; 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 vulnerable 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 vulnerable person involves an act or omission of a law

enforcement agency, the person shall make the report to a law enforcement agency other than the one alleged to have committed the act or omission.

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

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

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

(c) A coroner.

(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. ~~NRS 449.0045 is hereby amended to read as follows:~~

~~449.0045. "Facility for the dependent" includes:~~

~~1. A facility for the treatment of abuse of alcohol or drugs;~~

~~2. A halfway house for recovering alcohol and drug abusers;~~

~~3. A facility for the care of adults during the day;~~

~~4. A residential facility for groups;~~

~~5. An agency to provide personal care services in the home;~~

~~6. A facility for transitional living for released offenders;~~

~~7. A home for individual residential care;~~

~~8. A *behavioral healthcare peer recovery* support [recovery] organization;
and~~

~~9. A community health worker pool.] (Deleted by amendment.)~~

Sec. 27. [NRS 449.01562 is hereby amended to read as follows:

~~449.01563. ["Peer"] "*Behavioral healthcare peer recovery* support [recovery]
organization" means a person or agency which, for compensation, provides
behavioral healthcare peer recovery support services 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.] (Deleted by amendment.)~~

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

449.01566. "~~Peer~~ [~~"Behavioral healthcare peer recovery~~] support services"
means supportive services relating to mental ~~health, addiction or~~ health, addiction or ~~disorders,~~
~~including, without limitation,~~ substance ~~abuse~~ use disorders which:

1. ~~Do not require the person offering the supportive services to be~~ certified or
licensed ~~+~~ 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. ~~2.~~ 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. [NRS 449.03015 is hereby amended to read as follows:

~~449.03015. A person who is licensed pursuant to this chapter as a facility for
the dependent or a medical facility and who employs persons to provide *behavioral*
healthcare peer recovery support services is not required to obtain an additional
license as a *behavioral healthcare peer recovery* support [recovery] organization.]
(Deleted by amendment.)~~

Sec. 30. [NRS 449.065 is hereby amended to read as follows:

~~449.065. 1. Except as otherwise provided in subsections 6 and 7 and NRS
449.067, each facility for intermediate care, facility for skilled nursing, *behavioral*
healthcare peer recovery support [recovery] organization, residential facility for
groups, home for individual residential care, agency to provide personal care
services in the home and agency to provide nursing in the home shall, when
applying for a license or renewing a license, file with the Administrator of the
Division of Public and Behavioral Health a surety bond:~~

~~(a) If the facility, agency, organization or home employs less than 7
employees, in the amount of \$5,000;~~

~~(b) If the facility, agency, organization or home employs at least 7 but not more
than 25 employees, in the amount of \$25,000; or~~

~~(c) If the facility, agency, organization or home employs more than 25
employees, in the amount of \$50,000.~~

~~2. A bond filed pursuant to this section must be executed by the facility,
agency, organization or home as principal and by a surety company as surety. The~~

1 bond must be payable to the Aging and Disability Services Division of the
2 Department of Health and Human Services and must be conditioned to provide
3 indemnification to an older patient who the Specialist for the Rights of Elderly
4 Persons determines has suffered property damage as a result of any act or failure to
5 act by the facility, agency, organization or home to protect the property of the older
6 patient.

7 ~~2. Except when a surety is released, the surety bond must cover the period of~~
8 ~~the initial license to operate or the period of the renewal, as appropriate.~~

9 ~~4. A surety on any bond filed pursuant to this section may be released after~~
10 ~~the surety gives 30 days' written notice to the Administrator of the Division of~~
11 ~~Public and Behavioral Health, but the release does not discharge or otherwise affect~~
12 ~~any claim filed by an older patient for property damaged as a result of any act or~~
13 ~~failure to act by the facility, agency, organization or home to protect the property of~~
14 ~~the older patient alleged to have occurred while the bond was in effect.~~

15 ~~5. A license is suspended by operation of law when the facility, agency,~~
16 ~~organization or home is no longer covered by a surety bond as required by this~~
17 ~~section or by a substitute for the surety bond pursuant to NRS 449.067. The~~
18 ~~Administrator of the Division of Public and Behavioral Health shall give the~~
19 ~~facility, agency, organization or home at least 20 days' written notice before the~~
20 ~~release of the surety or the substitute for the surety, to the effect that the license will~~
21 ~~be suspended by operation of law until another surety bond or substitute for the~~
22 ~~surety bond is filed in the same manner and amount as the bond or substitute being~~
23 ~~terminated.~~

24 ~~6. The Administrator of the Division of Public and Behavioral Health may~~
25 ~~exempt a **behavioral healthcare peer recovery** support [recovery] organization,~~
26 ~~residential facility for groups or a home for individual residential care from the~~
27 ~~requirement of filing a surety bond pursuant to this section if the Administrator~~
28 ~~determines that the requirement would result in undue hardship to the **behavioral**~~
29 ~~**healthcare peer recovery** support [recovery] organization, residential facility for~~
30 ~~groups or home for individual residential care.~~

31 ~~7. The requirement of filing a surety bond set forth in this section does not~~
32 ~~apply to a facility for intermediate care, facility for skilled nursing, **behavioral**~~
33 ~~**healthcare peer recovery** support [recovery] organization, residential facility for~~
34 ~~groups, home for individual residential care, agency to provide personal care~~
35 ~~services in the home or agency to provide nursing in the home that is operated and~~
36 ~~maintained by the State of Nevada or an agency thereof.~~

37 ~~8. As used in this section, "older patient" means a patient who is 60 years of~~
38 ~~age or older.] **(Deleted by amendment.)**~~

39 **Sec. 31. [NRS 449.067 is hereby amended to read as follows:**

40 ~~449.067 1. As a substitute for the surety bond required pursuant to NRS~~
41 ~~449.065, a facility for intermediate care, a facility for skilled nursing, a **behavioral**~~
42 ~~**healthcare peer recovery** support [recovery] organization, a residential facility for~~
43 ~~groups, a home for individual residential care, an agency to provide personal care~~
44 ~~services in the home and an agency to provide nursing in the home may deposit~~
45 ~~with any bank or trust company authorized to do business in this State, upon~~
46 ~~approval from the Administrator of the Division of Public and Behavioral Health:~~

47 ~~(a) An obligation of a bank, savings and loan association, thrift company or~~
48 ~~credit union licensed to do business in this State;~~

49 ~~(b) Bills, bonds, notes, debentures or other obligations of the United States or~~
50 ~~any agency or instrumentality thereof, or guaranteed by the United States; or~~

51 ~~(c) Any obligation of this State or any city, county, town, township, school~~
52 ~~district or other instrumentality of this State, or guaranteed by this State, in an~~

~~aggregate amount, based upon principal amount or market value, whichever is lower.~~

~~2. The obligations of a bank, savings and loan association, thrift company or credit union must be held to secure the same obligation as would the surety bond required by NRS 449.065. With the approval of the Administrator of the Division of Public and Behavioral Health, the depositor may substitute other suitable obligations for those deposited, which must be assigned to the Aging and Disability Services Division of the Department of Health and Human Services and are negotiable only upon approval by the Administrator of the Aging and Disability Services Division.~~

~~3. Any interest or dividends earned on the deposit accrue to the account of the depositor.~~

~~4. The deposit must be an amount at least equal to the surety bond required by NRS 449.065 and must state that the amount may not be withdrawn except by direct and sole order of the Administrator of the Aging and Disability Services Division.] (Deleted by amendment.)~~

Sec. 32. ~~NRS 449.089 is hereby amended to read as follows:~~

~~449.089 1. Each license issued pursuant to NRS 449.030 to 449.2428, inclusive, expires on December 31 following its issuance and is renewable for 1 year upon reapplication and payment of all fees required pursuant to NRS 449.050 unless the Division finds, after an investigation, that the facility has not:~~

~~(a) Satisfactorily complied with the provisions of NRS 449.030 to 449.2428, inclusive, or the standards and regulations adopted by the Board;~~

~~(b) Obtained the approval of the Director of the Department of Health and Human Services before undertaking a project, if such approval is required by NRS 439A.100; or~~

~~(c) Conformed to all applicable local zoning regulations.~~

~~2. Each reapplication for an agency to provide personal care services in the home, an agency to provide nursing in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a hospital described in 42 U.S.C. § 1395ww(d)(1)(B)(iv) which accepts payment through Medicare, a residential facility for groups, a program of hospice care, a home for individual residential care, a facility for the care of adults during the day, a facility for hospice care, a nursing pool, a **behavioral healthcare** peer **recovery** support [recovery] organization, the distinct part of a hospital which meets the requirements of a skilled nursing facility or nursing facility pursuant to 42 C.F.R. § 483.5(b)(2), a hospital that provides swing bed services as described in 42 C.F.R. § 482.66 or, if residential services are provided to children, a medical facility or facility for the treatment of abuse of alcohol or drugs must include, without limitation, a statement that the facility, hospital, agency, program, pool, organization or home is in compliance with the provisions of NRS 449.119 to 449.125, inclusive, and 449.174.~~

~~3. Each reapplication for an agency to provide personal care services in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a facility for the care of adults during the day, a **behavioral healthcare** peer **recovery** support [recovery] organization, a residential facility for groups or a home for individual residential care must include, without limitation, a statement that the holder of the license to operate, and the administrator or other person in charge and employees of, the facility, agency, pool, organization or home are in compliance with the provisions of NRS 449.093.] (Deleted by amendment.)~~

Sec. 33. ~~NRS 449.119 is hereby amended to read as follows:~~

~~449.119 As used in NRS 449.119 to 449.125, inclusive, "facility, hospital, agency, program or home" means an agency to provide personal care services in the home, an agency to provide nursing in the home, a community health worker pool,~~

1 a facility for intermediate care, a facility for skilled nursing, a hospital described in
2 42 U.S.C. § 1395ww(d)(1)(B)(iv) which accepts payment through Medicare, a
3 ~~behavioral healthcare peer recovery support [recovery] organization, a residential~~
4 ~~facility for groups, a program of hospice care, a home for individual residential~~
5 ~~care, a facility for the care of adults during the day, a facility for hospice care, a~~
6 ~~nursing pool, the distinct part of a hospital which meets the requirements of a~~
7 ~~skilled nursing facility or nursing facility pursuant to 42 C.F.R. § 482.5(b)(2), a~~
8 ~~hospital that provides swing bed services as described in 42 C.F.R. § 482.66 or, if~~
9 ~~residential services are provided to children, a medical facility or facility for the~~
10 ~~treatment of abuse of alcohol or drugs.] (Deleted by amendment.)~~

11 **Sec. 34.** ~~NRS 449.174 is hereby amended to read as follows:~~

12 ~~449.174 1. In addition to the grounds listed in NRS 449.160, the Division~~
13 ~~may deny a license to operate a facility, hospital, agency, program or home to an~~
14 ~~applicant or may suspend or revoke the license of a licensee to operate such a~~
15 ~~facility, hospital, agency, program or home if:~~

16 ~~(a) The applicant or licensee has been convicted of:~~

- 17 ~~(1) Murder, voluntary manslaughter or mayhem;~~
18 ~~(2) Assault or battery with intent to kill or to commit sexual assault or~~
19 ~~mayhem;~~
20 ~~(3) Sexual assault, statutory sexual seduction, incest, lewdness or indecent~~
21 ~~exposure, or any other sexually related crime that is punished as a felony;~~
22 ~~(4) Prostitution, solicitation, lewdness or indecent exposure, or any other~~
23 ~~sexually related crime that is punished as a misdemeanor, within the immediately~~
24 ~~preceeding 7 years;~~
25 ~~(5) A crime involving domestic violence that is punished as a felony;~~
26 ~~(6) A crime involving domestic violence that is punished as a~~
27 ~~misdemeanor, within the immediately preceeding 7 years;~~
28 ~~(7) Abuse or neglect of a child or contributory delinquency;~~
29 ~~(8) A violation of any federal or state law regulating the possession,~~
30 ~~distribution or use of any controlled substance or any dangerous drug as defined in~~
31 ~~chapter 454 of NRS, within the immediately preceeding 7 years;~~
32 ~~(9) Abuse, neglect, exploitation, isolation or abandonment of older persons~~
33 ~~or vulnerable persons, including, without limitation, a violation of any provision of~~
34 ~~NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that~~
35 ~~prohibits the same or similar conduct;~~
36 ~~(10) A violation of any provision of law relating to the State Plan for~~
37 ~~Medicaid or a law of any other jurisdiction that prohibits the same or similar~~
38 ~~conduct, within the immediately preceeding 7 years;~~
39 ~~(11) A violation of any provision of NRS 422.450 to 422.590, inclusive;~~
40 ~~(12) A criminal offense under the laws governing Medicaid or Medicare,~~
41 ~~within the immediately preceeding 7 years;~~
42 ~~(13) Any offense involving fraud, theft, embezzlement, burglary, robbery,~~
43 ~~fraudulent conversion or misappropriation of property, within the immediately~~
44 ~~preceeding 7 years;~~
45 ~~(14) Any other felony involving the use or threatened use of force or~~
46 ~~violence against the victim or the use of a firearm or other deadly weapon; or~~

47 ~~(15) An attempt or conspiracy to commit any of the offenses listed in this~~
48 ~~paragraph, within the immediately preceeding 7 years;~~

49 ~~(b) The licensee has, in violation of NRS 449.125, continued to employ a~~
50 ~~person who has been convicted of a crime listed in paragraph (a); or~~

51 ~~(c) The applicant or licensee has had a substantiated report of child abuse or~~
52 ~~neglect made against him or her and if the facility, hospital, agency, program or~~
53 ~~home provides residential services to children.~~

~~2. In addition to the grounds listed in NRS 449.160, the Division may suspend or revoke the license of a licensee to operate an agency to provide personal care services in the home, an agency to provide nursing in the home, a community health worker pool or a **behavioral healthcare peer recovery support [recovery]** organization if the licensee has, in violation of NRS 449.125, continued to employ a person who has been convicted of a crime listed in paragraph (a) of subsection 1.~~

~~2. As used in this section:~~

~~(a) "Domestic violence" means an act described in NRS 33.018.~~

~~(b) "Facility, hospital, agency, program or home" has the meaning ascribed to it in NRS 449.119.~~

~~(c) "Medicaid" has the meaning ascribed to it in NRS 439B.120.~~

~~(d) "Medicare" has the meaning ascribed to it in NRS 439B.130.] (Deleted by amendment.)~~

~~Sec. 35. [NRS 449.194 is hereby amended to read as follows:~~

~~449.194 Any person who is employed by an agency to provide personal care services in the home, a community health worker pool or a **behavioral healthcare peer recovery support [recovery]** organization who:~~

~~1. Has successfully completed a course in cardiopulmonary resuscitation according to the guidelines of the American National Red Cross or American Heart Association;~~

~~2. Has successfully completed the training requirements of a course in basic emergency care of a person in cardiac arrest conducted in accordance with the standards of the American Heart Association; or~~

~~3. Has successfully completed the training requirements of a course in the use and administration of first aid, including cardiopulmonary resuscitation;~~

~~and who in good faith renders emergency care or assistance in accordance with the person's training, in the course of his or her regular employment or profession, to an elderly person or a person with a disability, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering that care.] (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.~~