

**Amendment No. 535**

Assembly Amendment to Assembly Bill No. 425 (BDR 54-1031)

**Proposed by:** Assembly Committee on Commerce and Labor

**Amends:** Summary: No Title: Yes 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. 425 (§ 2).

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.

EWR/RBL



Date: 4/23/2017

A.B. No. 425—Revises provisions governing alcohol, drug and problem gambling counselors. (BDR 54-1031)





## ASSEMBLY BILL NO. 425--ASSEMBLYMAN SPRINKLE

MARCH 27, 2017

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing alcohol, drug and problem gambling counselors. (BDR 54-1031)

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: No.

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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 counselors; authorizing certain holders of licenses and certificates issued by the Board of Examiners for Alcohol, Drug and Gambling Counselors to place those licenses and certificates on inactive status; authorizing the Board to impose administrative sanctions against a person who engages in certain activity without a license or certificate; authorizing certain certified alcohol and drug abuse counselors to supervise a certified alcohol and drug abuse counselor intern; revising the required training for a certified alcohol and drug abuse counselor intern; authorizing the Board to impose disciplinary action in certain circumstances; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides for the Board of Examiners for Alcohol, Drug and Gambling Counselors to: (1) license clinical alcohol and drug abuse counselors and alcohol and drug abuse counselors who have received a master's or doctoral degree in an approved field of social science; and (2) certify alcohol and drug abuse counselors who have received a bachelor's degree in an approved field of social science, problem gambling counselors, clinical alcohol and drug abuse counselor interns, alcohol and drug abuse counselor interns and problem gambling counselor interns. (NRS 641C.330, 641C.340, 641C.350, 641C.390, 641C.420, 641C.430, 641C.440) **Section 2** of this bill authorizes the holder of a license or certificate issued by the Board, other than a certificate as an intern, to place the license or certificate on inactive status if the license or certificate is in good standing and the holder of the license or certificate has met all requirements for the issuance or renewal of the license or certificate. **Section 2** prohibits a person whose license is inactive from engaging in any work or activity that requires a license or certificate issued by the Board in this State unless the license or certificate is returned to active status. Violation of this provision is a misdemeanor. (NRS 641C.950) **Section 6** of this bill authorizes the Board to impose disciplinary action against a person who: (1) violates this provision; or (2) engages in the practice of counseling problem gamblers with an expired, suspended or revoked certificate.

**Section 3** of this bill authorizes the Board to impose certain sanctions, including an administrative penalty, against a person who: (1) provides services for which a license or

certificate issued by the Board is required without such a license or certificate; or (2) falsely represents or implies that he or she has such a license or certificate.

Under existing law, only a licensed alcohol and drug abuse counselor is authorized to supervise a certified alcohol and drug abuse counselor intern. (NRS 641C.420) Sections 4 and 5 of this bill additionally authorize a certified alcohol and drug abuse counselor who has been certified for at least 3 years and meets any other requirements prescribed by the Board to supervise such an intern.

Existing law requires an applicant for a certificate as an alcohol and drug abuse counselor intern to have completed not less than 30 hours of training specific to alcohol and drug abuse, which must include at least 6 hours of instruction relating to confidentiality and 6 hours of instruction relating to ethics. (NRS 641C.420) Section 5 of this bill removes the requirement that an applicant must have completed not less than 30 hours of training specific to alcohol and drug abuse, but leaves in place the requirement that the applicant must have received at least 6 hours of instruction relating to confidentiality and 6 hours of instruction relating to ethics.

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

**Section 1.** Chapter 641C of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

**Sec. 2.** *1. The holder of a license or certificate issued by the Board, other than a certified intern, may apply to the Board to have his or her license or certificate placed on inactive status. The Board may grant the application if the license or certificate is in good standing and the holder of the license or certificate has met all requirements for the issuance or renewal of the license or certificate as of the date of the application.*

*2. If an application is granted pursuant to subsection 1, the holder of the license or certificate shall not engage in any work or activities that require a license or certificate issued by the Board in this State unless the license or certificate is first returned to active status.*

*3. The Board shall adopt regulations prescribing the:*

*(a) Procedure for submitting an application pursuant to this section;*  
*(b) Procedure and terms upon which a person whose license or certificate has been placed on inactive status may resume work or activities that require a license or certificate;*

*(c) Length of time that a license or certificate may remain on inactive status;*  
*and*

*(d) Fees for the renewal of the inactive status of a license or certificate.*

**Sec. 3.** *In addition to any criminal penalty that may be imposed for a violation of NRS 641C.900 or 641C.910, the Board, after notice and a hearing, may:*

*1. Issue an order against any person who has violated NRS 641C.900 or 641C.910, imposing an administrative penalty of not more than \$5,000 for each violation. Any administrative penalty collected pursuant to this subsection must be deposited in the State General Fund.*

*2. Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or certificate and otherwise demonstrates that he or she is no longer in violation of NRS 641C.900 or 641C.910, as applicable. An order to cease and desist must include a telephone number by which the person may contact the Board.*

33 *3. Issue a citation to the person. A citation issued pursuant to this*  
34 *subsection must be in writing, describe with particularity the nature of the*  
35 *violation and inform the person of the provisions of this section. Each activity in*  
36 *which the person is engaged constitutes a separate offense for which a separate*  
37 *citation may be issued. To appeal a citation, the person must submit a written*  
38 *request for a hearing to the Board not later than 30 days after the date of*  
39 *issuance of the citation.*

40 *4. Impose any combination of the penalties set forth in subsections 1, 2 and*  
41 *3.*

42 **Sec. 4.** NRS 641C.390 is hereby amended to read as follows:

43 641C.390 1. The Board shall issue a certificate as an alcohol and drug abuse  
44 counselor to a person who:

- 45 (a) Is not less than 21 years of age;  
46 (b) Is a citizen of the United States or is lawfully entitled to remain and work in  
47 the United States;  
48 (c) Except as otherwise provided in subsection 2, has received a bachelor's  
49 degree from an accredited college or university in a field of social science approved  
50 by the Board;  
51 (d) Has completed 4,000 hours of supervised counseling of alcohol and drug  
52 abusers;  
53 (e) Passes the written and oral examinations prescribed by the Board pursuant  
54 to NRS 641C.290;  
55 (f) Pays the fees required pursuant to NRS 641C.470; and  
56 (g) Submits all information required to complete an application for a  
57 certificate.

58 2. The Board may waive the educational requirement set forth in paragraph  
59 (c) of subsection 1 if an applicant for a certificate has contracted with or receives a  
60 grant from the Federal Government to provide services as an alcohol and drug  
61 abuse counselor to persons who are authorized to receive those services pursuant to  
62 25 U.S.C. §§ ~~14501~~ 5301 et seq. or 25 U.S.C. §§ 1601 et seq. An alcohol and drug  
63 abuse counselor certified pursuant to this section for whom the educational  
64 requirement set forth in paragraph (c) of subsection 1 is waived may provide  
65 services as an alcohol and drug abuse counselor only to those persons who are  
66 authorized to receive those services pursuant to 25 U.S.C. §§ ~~14501~~ 5301 et seq. or  
67 25 U.S.C. §§ 1601 et seq.

68 3. A certificate as an alcohol and drug abuse counselor is valid for 2 years and  
69 may be renewed.

70 4. A certified alcohol and drug abuse counselor may:

- 71 (a) Engage in the practice of counseling alcohol and drug abusers; ~~and~~  
72 (b) Diagnose or classify a person as an alcoholic or abuser of drugs ~~and~~; and  
73 *(c) If the certified alcohol and drug abuse counselor has been certified for at*  
74 *least 3 years and meets any other requirements prescribed by regulation of the*  
75 *Board for the supervision of interns, supervise certified alcohol and drug abuse*  
76 *counselor interns.*

77 **Sec. 5.** NRS 641C.420 is hereby amended to read as follows:

78 641C.420 1. The Board shall issue a certificate as an alcohol and drug abuse  
79 counselor intern to a person who:

- 80 (a) Is not less than 21 years of age;  
81 (b) Is a citizen of the United States or is lawfully entitled to remain and work in  
82 the United States;  
83 (c) Pays the fees required pursuant to NRS 641C.470;  
84 (d) Submits proof to the Board that the person:

(1) Is enrolled in a program in which he or she has completed at least 60 hours of credit toward the completion of a bachelor's degree in a field of social science approved by the Board;

(2) Is enrolled in a program from which he or she will receive a master's degree or doctoral degree in a field of social science approved by the Board; or

(3) Has received an associate's degree, bachelor's degree, master's degree or doctoral degree that included at least 18 hours of credit specifically related to the practice of counseling alcohol and drug abusers in a field of social science approved by the Board;

(e) Has ~~completed not less than 30 hours of training specific to alcohol and drug abuse which must~~

~~(1) Include~~ received at least 6 hours of ~~instructions~~ instruction relating to confidentiality and 6 hours of instruction relating to ethics; and

~~(2) Be approved by the Board; and;~~

(f) Submits all information required to complete an application for a certificate.

2. A certificate as an alcohol and drug abuse counselor intern is valid for 6 months 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.

3. A certified alcohol and drug abuse counselor intern may, under the supervision of a licensed alcohol and drug abuse counselor, ~~or~~ licensed clinical alcohol and drug abuse counselor ~~or certified alcohol and drug abuse counselor~~ who meets the requirements of paragraph (c) of subsection 4 of NRS 641C.390:

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

(b) Diagnose or classify a person as an alcoholic or drug abuser.

**Sec. 6.** NRS 641C.700 is hereby amended to read as follows:

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

1. Conviction of:

(a) A felony relating to the practice of counseling alcohol and drug abusers, the clinical practice of counseling alcohol and drug abusers or the practice of counseling problem gamblers;

(b) An offense involving moral turpitude; or

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

2. Fraud or deception in:

(a) Applying for a license or certificate;

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

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

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

(e) The practice of counseling alcohol and drug abusers or the clinical practice of counseling alcohol and drug abusers;

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

4. Professional incompetence;

5. The habitual use of alcohol or any other drug that impairs the ability of a licensed or certified counselor or certified intern to engage in the practice of counseling alcohol and drug abusers or the clinical practice of counseling alcohol and drug abusers;

6. Engaging in the practice of counseling alcohol and drug abusers, the practice of counseling problem gamblers or the clinical practice of counseling

1 alcohol and drug abusers with an *inactive*, expired, suspended or revoked license or  
2 certificate;

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

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

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

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

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

12 **Sec. 7.** This act becomes effective on July 1, 2017.