

Amendment No. 600

Assembly Amendment to Assembly Bill No. 457	(BDR 54-410)
Proposed by: Assembly Committee on Commerce and Labor	
Amendment Box: Replaces Amendment No. 545.	
Amends: Summary: No Title: Yes Preamble: Add Joint Sponsorship: No Digest: Yes	

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

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) 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/JWP



Date: 4/23/2017

A.B. No. 457—Revises provisions relating to certain professional licensing boards.
(BDR 54-410)



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~~ ; authorizing those boards to 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; revising the qualifications of certain members of the Commission; prohibiting certain persons from serving on the Commission; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes: (1) the Board of Psychological Examiners, which regulates psychologists, behavior analysts and assistant behavior analysts; (2) the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, which regulates marriage and family therapists and clinical professional counselors; (3) the Board of Examiners for Social Workers, which regulates social workers; and (4) the Board of Examiners for Alcohol, Drug and 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 ~~and 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~~ authorize 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 ~~(1) 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)~~ interns 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 and make recommendations concerning all regulations adopted by the boards ~~before such regulations are submitted to the Legislative Commission for approval.~~ **Section 32** of this bill : (1) revises the qualifications of certain members of the Commission; and (2) 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.

WHEREAS, Licensing boards that issue licenses and certificates to behavioral health professionals have an obligation to protect the safety of the public, promote the provision of high-quality behavioral health care and facilitate the licensure and certification of behavioral health professionals; and

WHEREAS, To achieve these objectives, such boards must develop and implement fair and transparent policies and procedures for the licensing, certification and regulation of behavioral health professionals; and

WHEREAS, The implementation of such policies and procedures will increase the availability and accessibility of high-quality behavioral health services to the residents of this State; now, therefore,

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)~~, cases dismissed, cases settled and cases for which hearings were held within the immediately preceding calendar year; and

2. The number of applications for the issuance or renewal of a license received by the Board during the immediately preceding calendar year and the number of those applications 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. 3. 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 641.230 to 641.320, inclusive, and section 6 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. 4. The Board ~~shall~~ may 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. Assistance in processing applications for the issuance or renewal of licenses;

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. 5. The Board shall prescribe forms for applying for the issuance or renewal of a license. 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.

Sec. 6. 1. Not later than 30 days after the Board ~~issues an order refusing to issue or renew~~ denies an application for the issuance or renewal of a license or issues an order imposing disciplinary action against a licensee, the applicant or licensee aggrieved by the order may submit an appeal to the Commission on Behavioral Health. The Commission shall notify the Board not later than 10 days after receiving such an appeal.

2. The Commission shall, upon an appeal submitted pursuant to subsection 1, ~~for its own motion~~ investigate the refusal of the Board to issue or renew a license or any disciplinary action imposed by the Board. The action of the Board remains in effect until the Commission renders a decision pursuant to subsection 3.

3. After conducting ~~such~~ an investigation ~~+~~ pursuant to subsection 2, the Commission shall render a decision on the appeal. In rendering a decision, the Commission shall presume that the action of the Board was proper and shall not substitute its judgment for that of the Board concerning the weight of evidence on a question of fact. The Commission may order the Board to issue or renew the license or modify or ~~rescind~~ set aside the disciplinary action, as applicable ~~+~~ 3, only if the Commission finds that the action of the Board:

- (a) Violates constitutional or statutory provisions;
- (b) Exceeds the statutory authority of the agency;
- (c) Was made upon unlawful procedure;
- (d) Is affected by other error of law;
- (e) Is clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or
- (f) Is arbitrary or capricious or characterized by abuse of discretion.

4. 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~~ interns 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 to the Commission for review and approval before being submitted to the Legislative Commission for review pursuant to NRS 233B.0633 or 233B.067.~~ On the date that the Board must be submitted gives notice pursuant to NRS 233B.060 of its intent to adopt, amend or repeal a regulation, the Board shall submit the regulation to the Commission on Behavioral Health 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. The Commission shall review the regulation and make recommendations to the Board concerning the advisability of adopting, amending or repealing the regulation and any changes that the Commission deems advisable.

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 ~~+~~ 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 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.

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~~, cases dismissed, cases settled and cases for which hearings were held within the immediately preceding calendar year; and*

2. *The number of applications for the issuance or renewal of a license received by the Board during the immediately preceding calendar year and the number of those applications 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~~ may 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. Assistance in processing applications for the issuance or renewal of licenses;

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. 14. 1. Not later than 30 days after the Board ~~issues an order refusing to issue or renew~~ denies an application for the issuance or renewal of a license or issues an order imposing disciplinary action against a licensee, the applicant or licensee aggrieved by the order may submit an appeal to the Commission on Behavioral Health. The Commission shall notify the Board not later than 10 days after receiving such an appeal.

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. The action of the Board remains in effect until the Commission renders a decision pursuant to subsection 3.

3. After conducting ~~such~~ an investigation ~~if~~ pursuant to subsection 2, the Commission shall render a decision on the appeal. In rendering a decision, the Commission shall presume that the action of the Board was proper and shall not substitute its judgment for that of the Board concerning the weight of evidence on a question of fact. The Commission may order the Board to issue or renew the license or modify or ~~rescind~~ set aside the disciplinary action, as applicable ~~if~~

~~3~~, only if the Commission finds that the action of the Board:

(a) Violates constitutional or statutory provisions;

(b) Exceeds the statutory authority of the agency;

(c) Was made upon unlawful procedure;

(d) Is affected by other error of law;

(e) Is clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or

(f) Is arbitrary or capricious or characterized by abuse of discretion.

4. 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 641A.191 or

641A.320 or other applicable law, the Commission shall keep the information confidential.

~~44~~ 5. 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. 15. NRS 641A.160 is hereby amended to read as follows:

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

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

(a) Uniform standards concerning the locations at which ~~licensees~~ interns 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.

3. ~~Any regulation adopted by the Board must be submitted to the Commission on Behavioral Health 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.~~ On the date that the Board gives notice pursuant to NRS 233B.060 of its intent to adopt, amend or repeal a regulation, the Board shall submit the regulation to the Commission on Behavioral Health for review. The Commission shall review the regulation and make recommendations to the Board concerning the advisability of adopting, amending or repealing the regulation and any changes that the Commission deems advisable.

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

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

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

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

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

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

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

Sec. 18. 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, cases dismissed, cases settled and cases for which hearings were held within the immediately preceding calendar year; and

2. The number of applications for the issuance or renewal of a license received by the Board during the immediately preceding calendar year and the number of those applications 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. 19. 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 641B.400 to 641B.450, inclusive, and section 22 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. 20. The Board ~~shall~~ may 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. Assistance in processing applications for the issuance or renewal of licenses;

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. 21. The Board shall prescribe forms for applying for the issuance or renewal of a license. 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.

Sec. 22. 1. Not later than 30 days after the Board ~~issues an order refusing to issue or renew~~ denies an application for the issuance or renewal of a license or issues an order imposing disciplinary action against a licensee, the applicant or licensee aggrieved by the order may submit an appeal to the Commission on Behavioral Health. The Commission shall notify the Board not later than 10 days after receiving such an appeal.

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. The action of the Board remains in effect until the Commission renders a decision pursuant to subsection 3.

3. After conducting ~~such~~ an investigation ~~if~~ pursuant to subsection 2, the Commission shall render a decision on the appeal. In rendering a decision, the Commission shall presume that the action of the Board was proper and shall not substitute its judgment for that of the Board concerning the weight of evidence on

a question of fact. The Commission may order the Board to issue or renew the license or modify or ~~repeal~~ set aside the disciplinary action, as applicable ~~+~~

~~3-1~~ , only if the Commission finds that the action of the Board:

(a) Violates constitutional or statutory provisions;

(b) Exceeds the statutory authority of the agency;

(c) Was made upon unlawful procedure;

(d) Is affected by other error of law;

(e) Is clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or

(f) Is arbitrary or capricious or characterized by abuse of discretion.

4. 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.

~~4-1~~ 5. 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 ~~+~~;

(c) Regulations prescribing uniform standards concerning the locations at which ~~licensees~~ interns 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~~ On the date that the Board ~~must be submitted~~ gives notice pursuant to NRS 233B.060 of its intent to adopt, amend or repeal a regulation, the Board shall submit the regulation to the Commission on Behavioral Health 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.~~ The Commission shall review the regulation and make recommendations to the Board concerning the advisability of adopting, amending or repealing the regulation and any changes that the Commission deems advisable.

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, ~~cases dismissed, cases settled and cases for which hearings were held~~ within the immediately preceding calendar year; and

2. The number of applications for the issuance or renewal of a license or certificate received by the Board during the immediately preceding calendar year and the number of those applications 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~~ may 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.

Sec. 29. 1. Not later than 30 days after the Board ~~issues an order refusing to issue or renew~~ denies an application for the issuance or renewal of a license or certificate or issues an order imposing disciplinary action against a licensee or the holder of a certificate, the applicant, licensee or holder of a certificate aggrieved by the order may submit an appeal to the Commission on Behavioral Health. The Commission shall notify the Board not later than 10 days after receiving such an appeal.

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 certificate or any disciplinary action imposed by the Board. The action of the Board remains in effect until the Commission renders a decision pursuant to subsection 3.

1 3. After conducting ~~such~~ an investigation ~~it~~ pursuant to subsection 2, the
2 Commission shall render a decision on the appeal. In rendering a decision, the
3 Commission shall presume that the action of the Board was proper and shall not
4 substitute its judgment for that of the Board concerning the weight of evidence on
5 a question of fact. The Commission may order the Board to issue or renew the
6 license or certificate or modify or ~~repeal~~ set aside the disciplinary action, as
7 applicable ~~it~~.

8 ~~3.1~~ only if the Commission finds that the action of the Board:

- 9 (a) Violates constitutional or statutory provisions;
10 (b) Exceeds the statutory authority of the agency;
11 (c) Was made upon unlawful procedure;
12 (d) Is affected by other error of law;
13 (e) Is clearly erroneous in view of the reliable, probative and substantial
14 evidence on the whole record; or
15 (f) Is arbitrary or capricious or characterized by abuse of discretion.

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

24 ~~4.1~~ 5. An order of the Board suspending or revoking a license or certificate
25 or imposing other disciplinary action against a licensee or the holder of a
26 certificate is final for purposes of judicial review upon the denial of an appeal
27 pursuant to this section.

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

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

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

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

36 (c) Uniform standards concerning the locations at which ~~licensees and~~
37 ~~holders of certificates~~ interns provide services;

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

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

44 2. The Board may adopt regulations that prescribe:

45 (a) The contents of a written and oral examination concerning the practice of
46 counseling problem gamblers;

47 (b) The grounds for initiating disciplinary action against a certified problem
48 gambling counselor or certified problem gambling counselor intern; and

49 (c) Disciplinary procedures for certified problem gambling counselors and
50 certified problem gambling counselor interns, including the suspension, revocation
51 and reinstatement of a certificate as a problem gambling counselor or problem
52 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 ~~+~~ *+* 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.~~

4. On the date that the Board gives notice pursuant to NRS 233B.060 of its intent to adopt, amend or repeal a regulation, the Board shall submit the regulation to the Commission on Behavioral Health for review. The Commission shall review the regulation and make recommendations to the Board concerning the advisability of adopting, amending or repealing the regulation and any changes that the Commission deems advisable.

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 ~~+~~ *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 clinical social worker licensed to practice in this State 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 or clinical professional counselor licensed ~~to practice in this State, from a list of three candidates submitted by the Nevada Association for Marriage and Family Therapy.~~ *pursuant to chapter 641A of NRS;*

(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~~ *is licensed or certified* pursuant to chapter ~~458~~ *641C* of NRS, ~~from a list of three candidates submitted by the Division of Public and Behavioral Health of the Department,~~ *who is not an intern;*

(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, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 211.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327,

625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and sections 6, 14, 22 and 29 of this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different 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 ~~+~~;

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

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

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

2. On or before June 30, 2018, the Commission shall review the reports submitted to subsection 1 and require 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 or the Board of Examiners for Alcohol, Drug and Gambling Counselors, as applicable, to take any action necessary to comply with existing law or improve the processes used by the board.

Sec. 35.5. Not later than March 1, 2018, each person who is serving on January 1, 2018, as 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, shall complete the orientation required for a new member of the Board of which he or she is a member pursuant to section 3, 12, 19 or 26 of this act, respectively.

Sec. 36. 1. The term of any member of the Commission on Behavioral Health who is serving on the Commission pursuant to paragraph (d) or (g) of subsection 2 of NRS 232.361 on October 1, 2017, who does not meet the qualifications prescribed by paragraph (d) or (g) of subsection 2, as applicable,

1 of NRS 232.361, as amended by section 32 of this act, expires on that date. The
2 Governor shall appoint a person who meets the qualifications prescribed by
3 paragraph (d) or (g) of subsection 2, as applicable, of NRS 232.361, as
4 amended by section 32 of this act, to serve the remainder of that term.

5 2. The term of any member of the Commission on Behavioral Health who is
6 serving on the Commission in violation of subsection 5 of NRS 232.361, as
7 amended by section 32 of this act, on October 1, ~~2018,~~ 2017, expires on that date.
8 The Governor shall appoint a person similarly qualified to serve the remainder of
9 that term.

10 **Sec. 37.** 1. This section and sections 1 to 31, inclusive, 33, 34, ~~and~~ 35
11 and 35.5 of this act become effective upon passage and approval for the purpose of
12 adopting regulations and performing any other administrative tasks that are
13 necessary to carry out the provisions of this act and on January 1, 2018, for all other
14 purposes.

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