
ASSEMBLY BILL NO. 493—ASSEMBLYWOMAN MUNK

MARCH 29, 2019

Referred to Committee on Commerce and Labor

SUMMARY—Requires the certification of certain persons who provide services relating to behavioral health.
(BDR 54-665)

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 mental health; providing for the certification of basic skills trainers and providers of psychosocial rehabilitation by the Division of Public and Behavioral Health of the Department of Health and Human Services; 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 requires the Division of Public and Behavioral Health of the Department of Health and Human Services to perform certain duties relating to the oversight of mental health in this State. (NRS 433.331-433.354) **Section 11** of this bill defines the term “practice of providing basic skills training” to mean the practice of providing training designed to reduce cognitive and behavioral impairments for a person with a mental illness, intellectual disability, developmental disability or another cognitive or behavioral disorder, provide such a person with new life skills and social skills and allow such a person to engage in the highest possible level of adaptive functioning within his or her community and social environment. **Section 12** of this bill defines the term “practice of psychosocial rehabilitation” to mean the practice of providing services that support recovery from a mental illness or substance use disorder by providing opportunities for skill development, self-determination and social interaction. **Section 26** of this bill makes it a misdemeanor to engage in the practice of providing basic skills training or the practice of psychosocial rehabilitation without being certified by the



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Division. **Section 14** of this bill excludes certain professionals from the requirement to obtain such certification.

Section 15 of this bill requires the State Board of Health to adopt regulations that prescribe the requirements for certification as a basic skills trainer or a provider of psychosocial rehabilitation. **Section 18** of this bill requires the State Board to adopt regulations governing ethical standards, standards of practice, continuing education and discipline of basic skills trainers and providers of psychosocial rehabilitation. **Section 19** of this bill requires the State Board to prescribe a fee for the issuance or renewal of a certificate. **Sections 16, 17 and 20-25** of this bill generally provide for the certification and regulation of basic skills trainers and providers of psychosocial rehabilitation by the Division. **Sections 3-10, 13, 49, 50, 53, 54, 57 and 59-61** of this bill make conforming changes.

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 31-35** 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 compensation for long-term recovery from substance use and other mental disorders by sharing appropriate portions of the person's own recovery. **Sections 33 and 34** of this bill establish the requirements for obtaining a certificate as a behavioral healthcare peer recovery support specialist, which include completing certain training and the payment of a fee for the application, issuance or renewal of a certificate. **Section 35** of this bill authorizes a behavioral healthcare peer recovery support specialist to engage in the practice of providing behavioral healthcare peer recovery support specialist services only under supervision: (1) provided by the entity or organization for which the behavioral healthcare peer recovery support specialist works; and (2) conducted by a documented and qualified staff member. **Sections 36-39** of this bill make conforming changes. **Sections 40-46** of this bill generally provide for the certification and regulation of behavioral healthcare peer recovery support specialists by the Board. **Sections 47 and 48** of this bill make it a misdemeanor for a person who is not certified by the Board to engage in the practice of providing behavioral healthcare peer recovery support specialist services. (NRS 641C.950)

Sections 27-29 of this bill provide that the provisions governing audiologists, speech-language pathologists, hearing aid specialists, psychologists, social workers and clinical social workers do not apply to a basic skills trainer, provider of psychosocial rehabilitation or behavioral healthcare peer recovery support specialist. **Section 56** of this bill provides that provisions governing applied behavior analysis do not apply to a basic skills trainer or provider of psychosocial rehabilitation.

Sections 51, 52 and 55 of this bill require a basic skills trainer, provider of psychosocial rehabilitation or behavioral healthcare peer recovery support specialist to report the abuse, neglect, exploitation, isolation or abandonment of a child, 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 58** of this bill requires a person offering peer support services to be certified if they are engaging in the practice of providing behavioral healthcare peer recovery support specialist services. **Section 62** of this bill provides that a person engaging in the practice of



providing basic skills training, the practice of psychosocial rehabilitation or the practice of providing behavioral healthcare peer recovery support specialist services for compensation on or before July 1, 2019, has 2 years 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. Title 54 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 26, inclusive, of this act.

Sec. 2. *The practice of providing basic skills training and the practice of providing psychosocial rehabilitation are hereby declared to be professions affecting public health, safety and welfare and are subject to regulation to protect the public from the practice of providing basic skills training and the practice of providing psychosocial rehabilitation by unqualified persons and from unprofessional conduct by persons who are certified to engage in the practice of providing basic skills training and the practice of providing psychosocial rehabilitation.*

Sec. 3. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 4 to 13, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 4. *“Basic skills trainer” means a person who is certified pursuant to section 15 of this act to engage in the practice of providing basic skills training.*

Sec. 5. *“Board” means the State Board of Health.*

Sec. 6. *“Certificate” means a certificate issued to a basic skills trainer or a provider of psychosocial rehabilitation services.*

Sec. 7. *“Developmental disability” has the meaning ascribed to it in NRS 435.007.*

Sec. 8. *“Division” means the Division of Public and Behavioral Health of the Department of Health and Human Services.*

Sec. 9. *“Intellectual disability” has the meaning ascribed to it in NRS 433.099.*

Sec. 10. *“Mental illness” has the meaning ascribed to it in NRS 433.164.*

Sec. 11. 1. *“Practice of providing basic skills training” means the practice of providing training designed to reduce cognitive and behavioral impairments for a person with a mental illness, intellectual disability, developmental disability or another cognitive or behavioral disorder, provide such a person with new life skills and social skills and allow such a person to engage in*



1 *the highest possible level of adaptive functioning within his or her*
2 *community and social environment.*

3 2. *The term does not include:*

4 (a) *The diagnosis or treatment of a substance use disorder or*
5 *other mental disorder;*

6 (b) *The use of a psychological or psychometric assessment test*
7 *to determine intelligence, personality, aptitude or interests;*

8 (c) *Counseling or psychotherapy as practiced by a:*

9 (1) *Psychologist licensed pursuant to chapter 641 of NRS;*

10 (2) *Marriage and family therapist licensed pursuant to*
11 *chapter 641A of NRS;*

12 (3) *Clinical professional counselor licensed pursuant to*
13 *chapter 641A of NRS;*

14 (4) *Clinical social worker licensed pursuant to chapter*
15 *641B of NRS; or*

16 (5) *A person who, pursuant to the provisions of chapter*
17 *641C, is:*

18 (I) *Licensed or certified to engage in the practice of*
19 *counseling alcohol and drug abusers;*

20 (II) *Licensed to engage in the clinical practice of*
21 *counseling alcohol and drug abusers; or*

22 (III) *Certified to engage in the practice of counseling*
23 *problem gamblers; or*

24 (d) *The practice of providing behavioral healthcare peer*
25 *recovery support specialist services, as defined in section 32 of this*
26 *act;*

27 (e) *The practice of applied behavior analysis, as defined in*
28 *NRS 437.040; or*

29 (f) *The practice of psychosocial rehabilitation.*

30 **Sec. 12. 1. “Practice of psychosocial rehabilitation” means**
31 *the practice of providing services that support recovery from a*
32 *mental illness or substance use disorder by providing opportunities*
33 *for skill development, self-determination and social interaction.*

34 2. *The term does not include:*

35 (a) *The diagnosis or treatment of a substance use disorder or*
36 *other mental disorder;*

37 (b) *The use of a psychological or psychometric assessment test*
38 *to determine intelligence, personality, aptitude or interests;*

39 (c) *Counseling or psychotherapy as practiced by a:*

40 (1) *Psychologist licensed pursuant to chapter 641 of NRS;*

41 (2) *Marriage and family therapist licensed pursuant to*
42 *chapter 641A of NRS;*

43 (3) *Clinical professional counselor licensed pursuant to*
44 *chapter 641A of NRS;*



(4) *Clinical social worker licensed pursuant to chapter 641B of NRS; or*

(5) *A person who, pursuant to the provisions of chapter 641C of NRS, is:*

(I) *Licensed or certified to engage in the practice of counseling alcohol and drug abusers;*

(II) *Licensed to engage in the clinical practice of counseling alcohol and drug abusers; or*

(III) *Certified to engage in the practice of counseling problem gamblers; or*

(d) *The practice of providing behavioral healthcare peer recovery support specialist services, as defined in section 32 of this act;*

(e) *The practice of applied behavior analysis, as defined in NRS 437.040; or*

(f) *The practice of providing basic skills training.*

Sec. 13. *“Provider of psychosocial rehabilitation” means a person who is certified pursuant to section 15 of this act to engage in the practice of psychosocial rehabilitation.*

Sec. 14. *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;*

3. *A psychologist who is licensed pursuant to the provisions of chapter 641 of NRS or authorized to practice psychology in this State pursuant to the Psychology Interjurisdictional Compact enacted in NRS 641.227;*

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;*

6. *A person who is licensed as a clinical social worker pursuant to the provisions of chapter 641B of NRS; or*

7. *A person who is licensed, certified or registered to engage in the practice of applied behavior analysis pursuant to chapter 437 of NRS.*

Sec. 15. 1. *The Board shall adopt regulations that prescribe requirements for certification to engage in the practice of providing basic skills training and certification to engage in the practice of psychosocial rehabilitation. Such requirements must include, without limitation and for each type of certificate, requirements concerning:*



(a) The number of hours of paid or volunteer experience related to mental health issues;

(b) The level and type of education;

(c) Necessary competencies, which may include, without limitation, knowledge concerning basic living and self-care skills, social skills, communication skills, modification of problem behaviors, de-escalation techniques, critical thinking and problem-solving skills, training caregivers to provide routine mental health care in a home or community-based setting, organization and time-management skills, transitional living skills and interventions specific to particular populations or groups; and

(d) Training, which must include, without limitation, training concerning:

(1) Ethics;

(2) The scope of practice of a basic skills trainer or provider of psychosocial rehabilitation;

(3) Crisis intervention;

(4) Federal and state laws concerning the confidentiality of information concerning clients, including, without limitation, the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and the regulations adopted pursuant thereto;

(5) Practices for documenting interactions with clients; and

(6) Any other subject deemed necessary by the Board.

2. In addition to the requirements prescribed pursuant to subsection 1, the Board shall adopt regulations requiring each applicant for a certificate to earn a passing score on an examination administered by the Division or another entity approved by the Board which has expertise in the practice of providing basic skills training or the practice of psychosocial rehabilitation, as applicable, concerning knowledge necessary to effectively engage in the practice of providing basic skills training or the practice of psychosocial rehabilitation.

3. The Board shall issue a certificate or renew a certificate to an applicant who satisfies the requirements of this section and sections 2 to 26, inclusive, of this act and any regulations adopted pursuant thereto. A certificate as a basic skills trainer or a certificate as a provider of psychosocial rehabilitation is valid for 2 years and may be renewed.

Sec. 16. Each applicant for a certificate must submit to the Division:

1. An application on a form prescribed by the Division;

2. A complete set of fingerprints and written permission authorizing the Division 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 pursuant to section 19 of this act.

Sec. 17. 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a certificate shall include the social security number of the applicant in the application submitted to the Division.

(b) An applicant for the issuance, renewal, reinstatement or restoration of a certificate shall submit to the Division the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Division shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance, renewal, reinstatement or restoration of the certificate; or

(b) A separate form prescribed by the Division.

3. A certificate may not be issued, renewed, reinstated or restored by the Division if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Division, while engaged shall advise the applicant to notify the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 18. The Board shall adopt such regulations as are necessary to carry out the provisions of this chapter, including, without limitation, regulations that prescribe:

1. The ethical standards for certified basic skills trainers and certified providers of psychosocial rehabilitation;



2. *Standards for the practice of providing basic skills training and the practice of psychosocial rehabilitation, including, without limitation, any necessary supervision of a basic skills trainer or provider of psychosocial rehabilitation;*

3. *The requirements for continuing education for the renewal, restoration or reinstatement of a certificate, which must include, without limitation, a requirement that the holder of a certificate receive at least 2 hours of instruction on evidence-based suicide prevention and awareness;*

4. *The manner by which the qualifications for the issuance or renewal of a certificate under the provisions of this chapter will be made available to the public such that those qualifications are clearly defined and easily understood;*

5. *The grounds for initiating disciplinary action against the holder of a certificate; and*

6. *Disciplinary procedures for holders of certificates.*

Sec. 19. *All applications for a certificate or renewal thereof must be accompanied by a reasonable fee in an amount prescribed by the Board. All fees must be paid to the Division and must be deposited with the State Treasurer for credit to the appropriate account of the Division.*

Sec. 20. *1. If the Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a certificate, the Division shall deem the certificate issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Division receives a letter issued to the holder of the certificate by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the certificate has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

2. The Division shall reinstate a certificate that has been suspended by a district court pursuant to NRS 425.540 if the Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose certificate was suspended stating that the person whose certificate was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 21. *1. The Division may use any information included in a report of criminal history that is obtained pursuant to this section or section 16 of this act in determining whether:*

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



(b) Any ground for imposing any disciplinary action exists under the regulations adopted pursuant to section 18 of this act.

2. Before renewing, restoring or reinstating a certificate, the Board may, by regulation, require the holder of the certificate to submit to the Board 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.

3. Except as otherwise provided in this subsection, in reviewing the information included in a report of criminal history that is obtained pursuant to this section or section 16 of this act, the Division may consider any original charge filed against an applicant, basic skills trainer or provider of psychosocial rehabilitation that alleges a particular criminal act regardless of whether the person was convicted of, or entered a plea of guilty or nolo contendere to, a lesser charge. The Division shall not consider a charge filed against an applicant, basic skills trainer or provider of psychosocial rehabilitation that alleges a particular criminal act for which, in the absence of a plea of guilty or nolo contendere to a lesser charge:

(a) The applicant, basic skills trainer or provider of psychosocial rehabilitation was found not guilty; or

(b) The charges against the applicant, basic skills trainer or provider of psychosocial rehabilitation were dismissed.

Sec. 22. The Division shall:

1. Enforce the provisions of this chapter.

2. Prepare and maintain a separate list of the names and addresses of:

(a) The applicants for a certificate;

(b) The certified basic skills trainers; and

(c) The certified providers of psychosocial rehabilitation.

Sec. 23. If the Division receives a report pursuant to subsection 5 of NRS 228.420, a hearing must be held pursuant to regulations adopted by the Board to consider the contents of the report. The Board shall adopt such regulations as are necessary to carry out the provisions of this section.

Sec. 24. 1. The Division shall, and any other person who is so aware may, upon becoming aware of any ground for initiating disciplinary action against a person engaging in the practice of providing basic skills training or the practice of psychosocial rehabilitation, file a written complaint specifying the relevant facts with the Division. The complaint must specifically charge one or more of the grounds for initiating disciplinary action.



2. If, after notice and a hearing, the Division determines that a basic skills trainer or a provider of psychosocial rehabilitation has violated a provision of this chapter or any regulation adopted pursuant thereto or engaged in any other conduct that constitutes grounds for disciplinary action under the regulations adopted pursuant to section 18 of this act, it may:

- (a) Administer a public reprimand;
- (b) Suspend the certificate and impose conditions for the removal of the suspension;
- (c) Revoke the certificate and prescribe the requirements for the reinstatement of the certificate;
- (d) Require the basic skills trainer or provider of psychosocial rehabilitation, as applicable, to participate in treatment or counseling and to pay the expenses of that treatment or counseling;
- (e) Require the basic skills trainer or provider of psychosocial rehabilitation, as applicable, to pay restitution to any person adversely affected by his or her acts or omissions;
- (f) Impose a fine of not more than \$5,000; or
- (g) Take any combination of the actions authorized by paragraphs (a) to (f), inclusive.

3. If a certificate is revoked or suspended pursuant to subsection 2, the holder of the certificate may apply to the Division for reinstatement of the revoked or suspended certificate. The Division may accept or reject the application and may require the successful completion of an examination as a condition of reinstatement of the certificate.

4. The Division shall not administer a private reprimand.

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

Sec. 25. 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Division, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential.

2. The complaint or other document filed by the Division to initiate disciplinary action and all documents and information considered by the Division when determining whether to impose discipline are public records.

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

Sec. 26. 1. A person shall not:



(a) Hold himself or herself out to a member of the general public as a basic skills trainer or provider of psychosocial rehabilitation;

(b) Use the title "basic skills trainer," "provider of basic skills training," "provider of psychosocial rehabilitation," or any similar title in connection with his or her work;

(c) Imply in any way that he or she is certified by the Division pursuant to this chapter or any regulations adopted pursuant thereto; or

(d) Engage in the practice of providing basic skills training or the practice of psychosocial rehabilitation;

↳ unless the person is certified by the Division as a basic skills trainer or provider of psychosocial rehabilitation, as applicable, pursuant to the provisions of this chapter.

2. If the Division believes that any person has violated or is about to violate any provision of this chapter or any regulations 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 any regulations adopted pursuant thereto.

3. A person who violates subsection 1 is guilty of a misdemeanor.

4. In addition to any criminal penalty that may be imposed for a violation of this section, the Division, after notice and a hearing, may:

(a) Issue an order against any person who has violated subsection 1, 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.

(b) Issue and serve on the person an order to cease and desist until the person obtains from the Division the proper certificate and otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must include a telephone number by which the person may contact the Division.

(c) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this section. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written



request for a hearing to the Division not later than 30 days after the date of issuance of the citation.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 27. NRS 637B.080 is hereby amended to read as follows:

637B.080 The provisions of this chapter do not apply to any person who:

1. Holds a current credential issued by the Department of Education pursuant to chapter 391 of NRS and any regulations adopted pursuant thereto and engages in the practice of audiology or speech-language pathology within the scope of that credential;

2. Is employed by the Federal Government and engages in the practice of audiology or speech-language pathology within the scope of that employment;

3. Is a student enrolled in a program or school approved by the Board, is pursuing a degree in audiology or speech-language pathology and is clearly designated to the public as a student; or

4. Holds a current license issued pursuant to chapters 630 to 637, inclusive, or 640 to 641C, inclusive, of NRS ~~§~~ *or sections 2 to 26, inclusive, of this act,*

↪ and who does not engage in the private practice of audiology or speech-language pathology in this State.

Sec. 28. 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 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;



8. A person who is licensed as a behavior analyst or an assistant behavior analyst, certified as a state certified behavior interventionist or registered as a registered behavior technician pursuant to chapter 437 of NRS, while engaged in the practice of applied behavior analysis as defined in NRS 437.040; ~~or~~

9. *A person who is certified as a basic skills trainer or a provider of psychosocial rehabilitation pursuant to sections 2 to 26, inclusive, of this act while engaged in the practice of providing basic skills training, as defined in section 11 of this act, or the practice of psychosocial rehabilitation, as defined in section 12 of this act, as applicable; or*

10. Any member of the clergy,

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

Sec. 29. 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 or authorized to practice psychology in this State pursuant to the Psychology Interjurisdictional Compact enacted in NRS 641.227;

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



1 social worker in a training institution or facility recognized by the
2 Board, unless the student or other person has been issued a
3 provisional license pursuant to paragraph (b) of subsection 1 of NRS
4 641B.275. Such a student must be designated by the title "student of
5 social work" or "trainee in social work," or any other title which
6 clearly indicates the student's training status **H**; or

7 *12. A person who is certified as a basic skills trainer or a*
8 *provider of psychosocial rehabilitation pursuant to sections 2 to*
9 *26, inclusive, of this act while engaged in the practice of providing*
10 *basic skills training, as defined in section 11 of this act, or the*
11 *practice of psychosocial rehabilitation, as defined in section 12 of*
12 *this act, as applicable.*

13 **Sec. 30.** Chapter 641C of NRS is hereby amended by adding
14 thereto the provisions set forth as sections 31 to 35, inclusive, of this
15 act.

16 **Sec. 31.** *"Behavioral healthcare peer recovery support*
17 *specialist" means a person who is in active recovery from a*
18 *substance use disorder or another mental disorder and certified*
19 *pursuant to section 33 of this act to engage in the practice of*
20 *providing behavioral healthcare peer recovery support specialist*
21 *services.*

22 **Sec. 32.** *1. "Practice of providing behavioral healthcare*
23 *peer recovery support specialist services" means the practice of*
24 *providing nonprofessional, nonclinical assistance for*
25 *compensation to a person with a substance use disorder or other*
26 *mental disorder that has been diagnosed by:*

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

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

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

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

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

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

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

39 *(h) A person who, pursuant to the provisions of this chapter,*
40 *is:*

41 *(1) Licensed or certified to engage in the practice of*
42 *counseling alcohol and drug abusers;*

43 *(2) Licensed to engage in the clinical practice of counseling*
44 *alcohol and drug abusers; or*



(3) *Certified to engage in the practice of counseling problem gamblers.*

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

(a) *Mentoring;*

(b) *Coaching;*

(c) *Educating;*

(d) *Role modeling; or*

(e) *Any other nonprofessional, nonclinical assistance that the Board may prescribe by regulation.*

3. *The term does not include:*

(a) *The diagnosis or treatment of a substance use disorder or other mental disorder;*

(b) *The use of a psychological or psychometric assessment test to determine intelligence, personality, aptitude or interests;*

(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 who, pursuant to the provisions of this chapter, is:*

(I) *Licensed or certified to engage in the practice of counseling alcohol and drug abusers;*

(II) *Licensed to engage in the clinical practice of counseling alcohol and drug abusers; or*

(III) *Certified to engage in the practice of counseling problem gamblers;*

(d) *The practice of providing basic skills training as defined in section 11 of this act; or*

(e) *The practice of providing psychosocial rehabilitation as defined in section 12 of this act.*

Sec. 33. *The Board shall issue a certificate to engage in the practice of providing behavioral healthcare peer recovery support specialist services to a person who:*

1. *Is not less than 18 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 the training required pursuant to section 34 of this act;

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 the domains described in subsection 4;

7. Submits evidence satisfactory to the Board that the applicant has achieved a passing score on the Peer Recovery examination prescribed by the International Certification and Reciprocity Consortium or its successor organization or, if that examination ceases to exist, a similar examination prescribed by regulation of the Board;

8. Submits a signed statement agreeing to comply with the ethical standards prescribed by the Board pursuant to NRS 641C.200;

9. 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

(c) The substance use disorder or other mental disorder is stable or in sustained remission;

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

11. Submits all information required to complete an application for a certificate.

Sec. 34. The Board shall adopt regulations requiring an applicant for a certificate as a behavioral healthcare peer recovery support specialist to complete, in addition to the training required by subsection 4 of section 33 of this act, training concerning:



1 1. *The scope of practice of a behavioral healthcare peer*
2 *recovery support specialist;*

3 2. *Crisis intervention;*

4 3. *Federal and state laws concerning the confidentiality of*
5 *information concerning clients, including, without limitation, the*
6 *Health Insurance Portability and Accountability Act of 1996,*
7 *Public Law 104-191, and the regulations adopted pursuant*
8 *thereto;*

9 4. *Practices for documenting interactions with clients; and*

10 5. *Any other subject deemed necessary by the Board.*

11 **Sec. 35.** 1. *A certificate as a behavioral healthcare peer*
12 *recovery support specialist is valid for 2 years and may be*
13 *renewed.*

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

17 (a) *Provided by the entity or organization that employs the*
18 *behavioral healthcare peer recovery support specialist; and*

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

21 (1) *Provides supervision as part of his or her regular duties*
22 *of the job; and*

23 (2) *Works for the same entity or organization as the*
24 *behavioral healthcare peer recovery support specialist.*

25 **Sec. 36.** NRS 641C.010 is hereby amended to read as follows:

26 641C.010 The practice of counseling alcohol and drug abusers,
27 the clinical practice of counseling alcohol and drug abusers , ~~and~~
28 the practice of counseling problem gamblers *and the practice of*
29 *providing behavioral healthcare peer recovery support specialist*
30 *services* are hereby declared to be learned professions affecting
31 public health, safety and welfare and are subject to regulation to
32 protect the public from the practice of counseling alcohol and drug
33 abusers, the clinical practice of counseling alcohol and drug abusers
34 , ~~and~~ the practice of counseling problem gamblers *and the practice*
35 *of providing behavioral healthcare peer recovery support specialist*
36 *services* by unqualified persons and from unprofessional conduct by
37 persons who are licensed or certified to engage in the practice of
38 counseling alcohol and drug abusers, licensed to engage in the
39 clinical practice of counseling alcohol and drug abusers , ~~or~~
40 certified to engage in the practice of counseling problem gamblers
41 ~~or~~ *or certified to engage in the practice of providing behavioral*
42 *healthcare peer recovery support specialist services.*

43 **Sec. 37.** NRS 641C.020 is hereby amended to read as follows:

44 641C.020 As used in this chapter, unless the context otherwise
45 requires, the words and terms defined in NRS 641C.030 to



641C.110, inclusive, *and sections 31 and 32 of this act* have the meanings ascribed to them in those sections.

Sec. 38. NRS 641C.040 is hereby amended to read as follows:

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

Sec. 39. 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.~~ *person described in subparagraph (1).*

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. 40. 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~~ *certified behavioral healthcare peer
recovery support specialists;*

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

(c) Uniform standards concerning the locations at which interns
provide services;

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

(e) The manner by which the qualifications for the issuance or
renewal of a license or certificate 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 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~~ *or certified behavioral healthcare
peer recovery support specialist;* and

(c) Disciplinary procedures for certified problem gambling
counselors , ~~and~~ certified problem gambling counselor interns ~~and~~
*and certified behavioral healthcare peer recovery support
specialists,* including the suspension, revocation and reinstatement
of a certificate as a problem gambling counselor , ~~or~~ problem
gambling counselor intern ~~and~~ *or behavioral healthcare peer
recovery support specialist.*

3. Any regulations adopted by the Board pursuant to this
section must be consistent with the provisions of chapter 622A of
NRS.

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. 41. 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 certified 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. 42. NRS 641C.310 is hereby amended to read as follows:
641C.310 1. The Board may hold hearings and conduct investigations concerning any matter related to an application for a license or certificate. In the hearings and investigations, the Board may require the presentation of evidence.

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

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

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

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

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

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

Sec. 43. NRS 641C.460 is hereby amended to read as follows:
641C.460 1. A license or certificate that is not renewed on or before the date on which it expires is delinquent. The Board shall, within 30 days after the license or certificate becomes delinquent, send a notice to the licensed or certified counselor , ~~{or}~~ certified intern *or certified behavioral healthcare peer recovery support specialist* by certified mail, return receipt requested, to the address of the counselor , ~~{or}~~ intern *or specialist* as indicated in the records of the Board.



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

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

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

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

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

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

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

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

Sec. 44. NRS 641C.530 is hereby amended to read as follows:

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

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

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

2. Before renewing, restoring or reinstating the license or certificate of a licensed counselor, certified counselor , ~~or~~ certified intern ~~or~~ *or certified behavioral healthcare peer recovery support specialist*, the Board may, by regulation, require the licensed counselor, certified counselor , ~~or~~ certified intern *or certified behavioral healthcare peer recovery support specialist* to submit to the Board 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.

3. Except as otherwise provided in this subsection, in reviewing the information included in a report of criminal history that is obtained pursuant to this section or NRS 641C.260, the Board may consider any original charge filed against an applicant, licensed counselor, certified counselor , ~~or~~ certified intern *or certified behavioral healthcare peer recovery support specialist* that alleges



a particular criminal act regardless of whether the person was convicted of, or entered a plea of guilty or nolo contendere to, a lesser charge. The Board shall not consider a charge filed against an applicant, licensed counselor, certified counselor , ~~{or}~~ certified intern *or certified behavioral healthcare peer recovery support specialist* that alleges a particular criminal act for which, in the absence of a plea of guilty or nolo contendere to a lesser charge:

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

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

Sec. 45. NRS 641C.700 is hereby amended to read as follows:

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

1. Conviction of:

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

(b) An offense involving moral turpitude; or

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

2. Fraud or deception in:

(a) Applying for a license or certificate;

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

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

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

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

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

4. Professional incompetence;

5. The habitual use of alcohol or any other drug that impairs the ability of a licensed or certified counselor , ~~{or}~~ certified intern *or certified behavioral healthcare peer recovery support specialist* to engage in the practice of counseling alcohol and drug abusers , ~~{or}~~ the clinical practice of counseling alcohol and drug abusers ~~{;}~~



1 *or the practice of providing behavioral healthcare peer recovery*
2 *support specialist services;*

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

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

11 8. The operation of a medical facility, as defined in NRS
12 449.0151, at any time during which:

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

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

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

18 **Sec. 46.** NRS 641C.720 is hereby amended to read as follows:

19 641C.720 1. The Board or any of its members who become
20 aware of any ground for initiating disciplinary action against a
21 person engaging in the practice of counseling alcohol and drug
22 abusers , ~~for~~ the clinical practice of counseling alcohol and drug
23 abusers *or the practice of providing behavioral healthcare peer*
24 *recovery support specialist services* in this State shall, and any other
25 person who is so aware may, file a written complaint specifying the
26 relevant facts with the Board. The complaint must specifically
27 charge one or more of the grounds for initiating disciplinary action.

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

33 (a) Administer a public reprimand;

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

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

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

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

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



1 (g) Impose a fine of not more than \$5,000; or
2 (h) Take any combination of the actions authorized by
3 paragraphs (a) to (g), inclusive.

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

13 4. The Board shall not administer a private reprimand.

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

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

19 **Sec. 47.** NRS 641C.900 is hereby amended to read as follows:

20 641C.900 A person shall not engage in the practice of
21 counseling alcohol and drug abusers, the clinical practice of
22 counseling alcohol and drug abusers, ~~{or}~~ the practice of counseling
23 problem gamblers *or the practice of providing behavioral*
24 *healthcare peer recovery support specialist services* unless the
25 person is a licensed counselor, certified counselor, ~~{or}~~ certified
26 intern ~~{or}~~ *or certified behavioral healthcare peer recovery support*
27 *specialist*.

28 **Sec. 48.** NRS 641C.910 is hereby amended to read as follows:

29 641C.910 1. A person shall not:

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

36 (b) Use the title "clinical alcohol and drug abuse counselor,"
37 "clinical alcohol and drug abuse counselor intern," "alcohol and
38 drug abuse counselor," "alcohol and drug abuse counselor intern,"
39 "drug abuse counselor," "substance abuse counselor," "problem
40 gambling counselor," "problem gambling counselor intern,"
41 "gambling counselor" ~~{or}~~ *," behavioral healthcare peer recovery*
42 *support specialist," "provider of behavioral healthcare peer*
43 *recovery support specialist services"* or any similar title in
44 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; ~~for~~

(f) Engage in the practice of counseling problem gamblers ~~for~~;
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. 49. NRS 644A.880 is hereby amended to read as follows:

644A.880 1. If the Board determines that a complaint filed with the Board concerns a matter within the jurisdiction of another licensing board, the Board shall refer the complaint to the other licensing board within 5 days after making the determination.

2. The Board may refer a complaint pursuant to subsection 1 orally, electronically or in writing.

3. The provisions of subsection 1 apply to any complaint filed with the Board, including, without limitation:

(a) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated by the Board or by another licensing board; and

(b) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated solely by another licensing board.

4. The provisions of this section do not prevent the Board from acting upon a complaint which concerns a matter within the jurisdiction of the Board regardless of whether the Board refers the complaint pursuant to subsection 1.

5. The Board or an officer or employee of the Board is immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions of this section.



6. As used in this section, "licensing board" means ~~the~~:

(a) A board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C, 643, 644A or 654 of NRS ~~the~~; and

(b) *The Division of Public and Behavioral Health of the Department of Health and Human Services for the purposes of sections 2 to 26, inclusive, of this act.*

Sec. 50. NRS 654.185 is hereby amended to read as follows:

654.185 1. If the Board determines that a complaint filed with the Board concerns a matter within the jurisdiction of another licensing board, the Board shall refer the complaint to the other licensing board within 5 days after making the determination.

2. The Board may refer a complaint pursuant to subsection 1 orally, electronically or in writing.

3. The provisions of subsection 1 apply to any complaint filed with the Board, including, without limitation:

(a) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated by the Board or by another licensing board; and

(b) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated solely by another licensing board.

4. The provisions of this section do not prevent the Board from acting upon a complaint which concerns a matter within the jurisdiction of the Board regardless of whether the Board refers the complaint pursuant to subsection 1.

5. The Board or an officer or employee of the Board is immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions in this section.

6. As used in this section, "licensing board" means ~~the~~:

(a) A board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C, 643, 644A or 654 of NRS ~~the~~; and

(b) *The Division of Public and Behavioral Health of the Department of Health and Human Services for the purposes of the provisions of sections 2 to 26, inclusive, of this act.*

Sec. 51. 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, *basic skills trainer, behavioral healthcare peer recovery support specialist, provider of psychosocial rehabilitation*, 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,



1 exploitation, isolation or abandonment of an older person by a
2 member of the staff of the hospital.

3 (c) A coroner.

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

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

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

11 (g) Any employee of the Department of Health and Human
12 Services, except the State Long-Term Care Ombudsman appointed
13 pursuant to NRS 427A.125 and any of his or her advocates or
14 volunteers where prohibited from making such a report pursuant to
15 45 C.F.R. § 1321.11.

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

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

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

26 (k) Every social worker.

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

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

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

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

36 6. If a person who is required to make a report pursuant to
37 subsection 1 knows or has reasonable cause to believe that an older
38 person has died as a result of abuse, neglect, isolation or
39 abandonment, the person shall, as soon as reasonably practicable,
40 report this belief to the appropriate medical examiner or coroner,
41 who shall investigate the cause of death of the older person and
42 submit to the appropriate local law enforcement agencies, the
43 appropriate prosecuting attorney, the Aging and Disability Services
44 Division of the Department of Health and Human Services and the
45 Unit for the Investigation and Prosecution of Crimes his or her



1 written findings. The written findings must include the information
2 required pursuant to the provisions of NRS 200.5094, when
3 possible.

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

11 (a) Aging and Disability Services Division;

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

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

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

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

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

27 **Sec. 52.** NRS 200.50935 is hereby amended to read as
28 follows:

29 200.50935 1. Any person who is described in subsection 3
30 and who, in a professional or occupational capacity, knows or has
31 reasonable cause to believe that a vulnerable person has been
32 abused, neglected, exploited, isolated or abandoned shall:

33 (a) Report the abuse, neglect, exploitation, isolation or
34 abandonment of the vulnerable person to a law enforcement agency;
35 and

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

40 2. If a person who is required to make a report pursuant to
41 subsection 1 knows or has reasonable cause to believe that the
42 abuse, neglect, exploitation, isolation or abandonment of the
43 vulnerable person involves an act or omission of a law enforcement
44 agency, the person shall make the report to a law enforcement



1 agency other than the one alleged to have committed the act or
2 omission.

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

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

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

24 (c) A coroner.

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

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

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

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

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

38 (i) Every social worker.

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

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

42 5. If a person who is required to make a report pursuant to
43 subsection 1 knows or has reasonable cause to believe that a
44 vulnerable person has died as a result of abuse, neglect, isolation or
45 abandonment, the person shall, as soon as reasonably practicable,



1 report this belief to the appropriate medical examiner or coroner,
2 who shall investigate the cause of death of the vulnerable person and
3 submit to the appropriate local law enforcement agencies and the
4 appropriate prosecuting attorney his or her written findings. The
5 written findings must include the information required pursuant to
6 the provisions of NRS 200.5094, when possible.

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

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

12 **Sec. 53.** NRS 200.5095 is hereby amended to read as follows:

13 200.5095 1. Reports made pursuant to NRS 200.5093,
14 200.50935 and 200.5094, and records and investigations relating to
15 those reports, are confidential.

16 2. A person, law enforcement agency or public or private
17 agency, institution or facility who willfully releases data or
18 information concerning the reports and investigation of the abuse,
19 neglect, exploitation, isolation or abandonment of older persons or
20 vulnerable persons, except:

21 (a) Pursuant to a criminal prosecution;

22 (b) Pursuant to NRS 200.50982; or

23 (c) To persons or agencies enumerated in subsection 3,

24 ➔ is guilty of a misdemeanor.

25 3. Except as otherwise provided in subsection 2 and NRS
26 200.50982, data or information concerning the reports and
27 investigations of the abuse, neglect, exploitation, isolation or
28 abandonment of an older person or a vulnerable person is available
29 only to:

30 (a) A physician who is providing care to an older person or a
31 vulnerable person who may have been abused, neglected, exploited,
32 isolated or abandoned;

33 (b) An agency responsible for or authorized to undertake the
34 care, treatment and supervision of the older person or vulnerable
35 person;

36 (c) A district attorney or other law enforcement official who
37 requires the information in connection with an investigation of the
38 abuse, neglect, exploitation, isolation or abandonment of the older
39 person or vulnerable person;

40 (d) A court which has determined, in camera, that public
41 disclosure of such information is necessary for the determination of
42 an issue before it;

43 (e) A person engaged in bona fide research, but the identity of
44 the subjects of the report must remain confidential;



(f) A grand jury upon its determination that access to such records is necessary in the conduct of its official business;

(g) Any comparable authorized person or agency in another jurisdiction;

(h) A legal guardian of the older person or vulnerable person, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected, and the legal guardian of the older person or vulnerable person is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment;

(i) If the older person or vulnerable person is deceased, the executor or administrator of his or her estate, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected, and the executor or administrator is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment; or

(j) The older person or vulnerable person named in the report as allegedly being abused, neglected, exploited, isolated or abandoned, if that person is not legally incompetent.

4. If the person who is reported to have abused, neglected, exploited, isolated or abandoned an older person or a vulnerable person is the holder of a license or certificate issued pursuant to chapters 449, 630 to ~~641B,~~ **641C**, inclusive, or 654 of NRS ~~4~~ **or sections 2 to 26, inclusive, of this act**, the information contained in the report must be submitted to the board that issued the license.

5. If data or information concerning the reports and investigations of the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person is made available pursuant to paragraph (b) or (j) of subsection 3 or subsection 4, the name and any other identifying information of the person who made the report must be redacted before the data or information is made available.

Sec. 54. 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, 3.2203, 41.071, 49.095, 49.293, 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,



1 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044,
2 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625,
3 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691,
4 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772,
5 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925,
6 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131,
7 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625,
8 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450,
9 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105,
10 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210,
11 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030,
12 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560,
13 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910,
14 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685,
15 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 287.0438,
16 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503,
17 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510,
18 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379,
19 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205,
20 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247,
21 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180,
22 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008, 379.1495,
23 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259,
24 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035,
25 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315,
26 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698,
27 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535,
28 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484,
29 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350,
30 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175,
31 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902,
32 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170,
33 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735,
34 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140,
35 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050,
36 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993,
37 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940,
38 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363,
39 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452,
40 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964,
41 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710,
42 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341,
43 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327,
44 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047,
45 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368,



1 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055,
2 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087,
3 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730,
4 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190,
5 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170,
6 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870,
7 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092,
8 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375,
9 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033,
10 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115,
11 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450,
12 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122,
13 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270,
14 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077,
15 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010,
16 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190,
17 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420,
18 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320,
19 704B.325, 706.1725, 706A.230, 710.159, 711.600, **and section 25**
20 **of this act**, sections 35, 38 and 41 of chapter 478, Statutes of
21 Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013
22 and unless otherwise declared by law to be confidential, all public
23 books and public records of a governmental entity must be open at
24 all times during office hours to inspection by any person, and may
25 be fully copied or an abstract or memorandum may be prepared
26 from those public books and public records. Any such copies,
27 abstracts or memoranda may be used to supply the general public
28 with copies, abstracts or memoranda of the records or may be used
29 in any other way to the advantage of the governmental entity or of
30 the general public. This section does not supersede or in any manner
31 affect the federal laws governing copyrights or enlarge, diminish or
32 affect in any other manner the rights of a person in any written book
33 or record which is copyrighted pursuant to federal law.

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

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

44 4. A person may request a copy of a public record in any
45 medium in which the public record is readily available. An officer,



1 employee or agent of a governmental entity who has legal custody
2 or control of a public record:

3 (a) Shall not refuse to provide a copy of that public record in a
4 readily available medium because the officer, employee or agent has
5 already prepared or would prefer to provide the copy in a different
6 medium.

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

11 **Sec. 55.** NRS 432B.220 is hereby amended to read as follows:

12 432B.220 1. Any person who is described in subsection 4
13 and who, in his or her professional or occupational capacity, knows
14 or has reasonable cause to believe that a child has been abused or
15 neglected shall:

16 (a) Except as otherwise provided in subsection 2, report the
17 abuse or neglect of the child to an agency which provides child
18 welfare services or to a law enforcement agency; and

19 (b) Make such a report as soon as reasonably practicable but not
20 later than 24 hours after the person knows or has reasonable cause to
21 believe that the child has been abused or neglected.

22 2. If a person who is required to make a report pursuant to
23 subsection 1 knows or has reasonable cause to believe that the abuse
24 or neglect of the child involves an act or omission of:

25 (a) A person directly responsible or serving as a volunteer for or
26 an employee of a public or private home, institution or facility
27 where the child is receiving child care outside of the home for a
28 portion of the day, the person shall make the report to a law
29 enforcement agency.

30 (b) An agency which provides child welfare services or a law
31 enforcement agency, the person shall make the report to an agency
32 other than the one alleged to have committed the act or omission,
33 and the investigation of the abuse or neglect of the child must be
34 made by an agency other than the one alleged to have committed the
35 act or omission.

36 3. Any person who is described in paragraph (a) of subsection
37 4 who delivers or provides medical services to a newborn infant and
38 who, in his or her professional or occupational capacity, knows or
39 has reasonable cause to believe that the newborn infant has been
40 affected by a fetal alcohol spectrum disorder or prenatal substance
41 abuse or has withdrawal symptoms resulting from prenatal drug
42 exposure shall, as soon as reasonably practicable but not later than
43 24 hours after the person knows or has reasonable cause to believe
44 that the newborn infant is so affected or has such symptoms, notify
45 an agency which provides child welfare services of the condition of



1 the infant and refer each person who is responsible for the welfare
2 of the infant to an agency which provides child welfare services for
3 appropriate counseling, training or other services. A notification and
4 referral to an agency which provides child welfare services pursuant
5 to this subsection shall not be construed to require prosecution for
6 any illegal action.

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

9 (a) A person providing services licensed or certified in this State
10 pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632,
11 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C,
12 640D, 640E, 641, 641A, 641B or 641C of NRS ~~§~~ *or sections 2 to*
13 *26, inclusive, of this act.*

14 (b) Any personnel of a medical facility licensed pursuant to
15 chapter 449 of NRS who are engaged in the admission, examination,
16 care or treatment of persons or an administrator, manager or other
17 person in charge of such a medical facility upon notification of
18 suspected abuse or neglect of a child by a member of the staff of the
19 medical facility.

20 (c) A coroner.

21 (d) A member of the clergy, practitioner of Christian Science or
22 religious healer, unless the person has acquired the knowledge of the
23 abuse or neglect from the offender during a confession.

24 (e) A person employed by a public school or private school and
25 any person who serves as a volunteer at such a school.

26 (f) Any person who maintains or is employed by a facility or
27 establishment that provides care for children, children's camp or
28 other public or private facility, institution or agency furnishing care
29 to a child.

30 (g) Any person licensed pursuant to chapter 424 of NRS to
31 conduct a foster home.

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

34 (i) Except as otherwise provided in NRS 432B.225, an attorney.

35 (j) Any person who maintains, is employed by or serves as a
36 volunteer for an agency or service which advises persons regarding
37 abuse or neglect of a child and refers them to persons and agencies
38 where their requests and needs can be met.

39 (k) Any person who is employed by or serves as a volunteer for
40 a youth shelter. As used in this paragraph, "youth shelter" has the
41 meaning ascribed to it in NRS 244.427.

42 (l) Any adult person who is employed by an entity that provides
43 organized activities for children, including, without limitation, a
44 person who is employed by a school district or public school.

45 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 a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to an agency which provides child welfare services or a law enforcement agency. If such a report is made to a law enforcement agency, the law enforcement agency shall notify an agency which provides child welfare services and the appropriate medical examiner or coroner of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection shall investigate the report and submit his or her written findings to the appropriate agency which provides child welfare services, the appropriate district attorney and a law enforcement agency. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

7. The agency, board, bureau, commission, department, division or political subdivision of the State responsible for the licensure, certification or endorsement of a person who is described in subsection 4 and who is required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State shall, at the time of initial licensure, certification or endorsement:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is licensed, certified or endorsed in this State.

8. The employer of a person who is described in subsection 4 and who is not required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State must, upon initial employment of the person:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and



(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is employed by the employer.

9. Before a person may serve as a volunteer at a public school or private school, the school must:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section and NRS 392.303;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section and NRS 392.303; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person serves as a volunteer at the school.

10. As used in this section:

(a) "Private school" has the meaning ascribed to it in NRS 394.103.

(b) "Public school" has the meaning ascribed to it in NRS 385.007.

Sec. 56. NRS 437.060 is hereby amended to read as follows:
437.060 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 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 to engage in social work pursuant to chapter 641B of NRS;

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

8. 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, pursuant to chapter 641C of NRS;

9. Any member of the clergy;

10. A family member of a recipient of applied behavior analysis services who performs activities as directed by a behavior analyst or assistant behavior analyst; ~~for~~



* A B 4 9 3 *

11. A person who provides applied behavior analysis services to a pupil in a public school in a manner consistent with the training and experience of the person ~~H~~; or

12. A person who is certified as a basic skills trainer or a provider of psychosocial rehabilitation pursuant to sections 2 to 26, inclusive, of this act while engaged in the practice of providing basic skills training, as defined in section 11 of this act, or the practice of psychosocial rehabilitation, as defined in section 12 of this act, as applicable,

↳ if such a person does not commit an act described in NRS 437.510 or represent himself or herself as a behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered behavior technician.

Sec. 57. NRS 439B.225 is hereby amended to read as follows:

439B.225 1. As used in this section, "licensing board" means any division or board empowered to adopt standards for the issuance or renewal of licenses, permits or certificates of registration pursuant to NRS 433.601 to 433.621, inclusive, 435.3305 to 435.339, inclusive, chapter 449, 625A, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640D, 641, 641A, 641B, 641C, 652 or 654 of NRS ~~H~~ or *sections 2 to 26, inclusive, of this act.*

2. The Committee shall review each regulation that a licensing board proposes or adopts that relates to standards for the issuance or renewal of licenses, permits or certificates of registration issued to a person or facility regulated by the board, giving consideration to:

(a) Any oral or written comment made or submitted to it by members of the public or by persons or facilities affected by the regulation;

(b) The effect of the regulation on the cost of health care in this State;

(c) The effect of the regulation on the number of licensed, permitted or registered persons and facilities available to provide services in this State; and

(d) Any other related factor the Committee deems appropriate.

3. After reviewing a proposed regulation, the Committee shall notify the agency of the opinion of the Committee regarding the advisability of adopting or revising the proposed regulation.

4. The Committee shall recommend to the Legislature as a result of its review of regulations pursuant to this section any appropriate legislation.

Sec. 58. NRS 449.01566 is hereby amended to read as follows:

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



1 1. Do not require the person offering the supportive services to
2 be licensed ~~H~~ *or certified unless the person is engaging in the*
3 *practice of providing behavioral healthcare peer recovery support*
4 *specialist services, as defined in section 32 of this act.*

5 2. Are offered to a person in need of such services.

6 3. May include, without limitation:

7 (a) Helping to stabilize such a person;

8 (b) Helping such a person with recovery;

9 (c) Helping such a person to access community-based
10 behavioral health care;

11 (d) Assisting such a person during a crisis situation or an
12 intervention;

13 (e) Providing assistance with preventive care;

14 (f) Providing strategies and education relating to the whole
15 health needs of such a person; and

16 (g) Providing encouragement, peer mentoring and training in
17 self-advocacy and self-direction to such a person.

18 **Sec. 59.** NRS 458.010 is hereby amended to read as follows:

19 458.010 As used in this chapter, unless the context requires
20 otherwise:

21 1. "Administrator" means the Administrator of the Division.

22 2. "Alcohol and drug abuse program" means a project
23 concerned with education, prevention and treatment directed toward
24 achieving the mental and physical restoration of alcohol and drug
25 abusers.

26 3. "Alcohol and drug abuser" means a person whose
27 consumption of alcohol or other drugs, or any combination thereof,
28 interferes with or adversely affects the ability of the person to
29 function socially or economically.

30 4. "Alcoholic" means any person who habitually uses alcoholic
31 beverages to the extent that the person endangers the health, safety
32 or welfare of himself or herself or any other person or group of
33 persons.

34 5. "Civil protective custody" means a custodial placement of a
35 person to protect the health or safety of the person. Civil protective
36 custody does not have any criminal implication.

37 6. "Detoxification technician" means a person who is certified
38 by the Division to provide screening for the safe withdrawal from
39 alcohol and other drugs.

40 7. "Division" means the Division of Public and Behavioral
41 Health of the Department of Health and Human Services.

42 8. "Facility" means a physical structure used for the education,
43 prevention and treatment, including mental and physical restoration,
44 of alcohol and drug abusers.



9. "Treatment provider" means a public or private agency, residential treatment center, facility for the treatment of abuse of alcohol or drugs, voluntary organization which is certified by the Division or a practitioner licensed or certified pursuant to chapter 641, 641A, 641B or 641C of NRS ~~§~~ *or sections 2 to 26, inclusive, of this act.*

Sec. 60. Section 17 of this act is hereby amended to read as follows:

Sec. 14 1. In addition to any other requirements set forth in this chapter ~~§~~

~~—(a) An applicant for the issuance of a certificate shall include the social security number of the applicant in the application submitted to the Division.~~

~~—(b) An~~ *an* applicant for the issuance, renewal, reinstatement or restoration of a certificate shall submit to the Division the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Division shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance, renewal, reinstatement or restoration of the license or certificate; or

(b) A separate form prescribed by the Division.

3. A certificate may not be issued, renewed, reinstated or restored by the Division if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Division, while engaged shall advise the applicant to notify the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.



Sec. 61. Section 18 of this act is hereby amended to read as follows:

The Board shall adopt such regulations as are necessary to carry out the provisions of this chapter, including, without limitation, regulations that prescribe:

1. The ethical standards for certified basic skills trainers and certified providers of psychosocial rehabilitation;

2. Standards for the practice of providing basic skills training and the practice of psychosocial rehabilitation, including, without limitation, any necessary supervision of a basic skills trainer or provider of psychosocial rehabilitation;

3. The requirements for continuing education for the renewal, restoration or reinstatement of a certificate ; ~~[-, which must include, without limitation, a requirement that the holder of a certificate receive at least 2 hours of instruction on evidence-based suicide prevention and awareness;]~~

4. The manner by which the qualifications for the issuance or renewal of a certificate under the provisions of this chapter will be made available to the public such that those qualifications are clearly defined and easily understood;

5. The grounds for initiating disciplinary action against the holder of a certificate; and

6. Disciplinary procedures for holders of certificate.

Sec. 62. 1. Notwithstanding any provision of this act or chapter 641C of NRS to the contrary, any person who engages in:

(a) The practice of providing basic skills training or the practice of psychosocial rehabilitation for an entity or organization on or before July 1, 2019, must meet the requirements for certification and obtain a certificate as required by section 26 of this act and the regulations adopted pursuant to section 15 of this act not later than July 1, 2021.

(b) The practice of providing behavioral healthcare peer recovery support specialist services for an entity or organization on or before July 1, 2019, must meet the requirements for certification and obtain a certificate as required by section 33 of this act, NRS 641C.900, as amended by section 47 of this act, and NRS 641C.910, as amended by section 48 of this act, not later than July 1, 2021.

2. As used in this section:

(a) "Practice of providing basic skills training" has the meaning ascribed to it in section 11 of this act.

(b) "Practice of psychosocial rehabilitation" has the meaning ascribed to it in section 12 of this act.

(c) "Practice of providing behavioral healthcare peer recovery support specialist services" has the meaning ascribed to it in section 32 of this act.



1 **Sec. 63.** 1. This section and sections 1 to 59, inclusive, and
2 62 of this act become effective on July 1, 2019.

3 2. Section 60 of this act becomes effective on the date on
4 which the provisions of 42 U.S.C. § 666 requiring each state to
5 establish procedures under which the state has authority to withhold
6 or suspend, or to restrict the use of professional, occupational and
7 recreational licenses of persons who:

8 (a) Have failed to comply with a subpoena or warrant relating to
9 a proceeding to determine the paternity of a child or to establish or
10 enforce an obligation for the support of a child; or

11 (b) Are in arrears in the payment for the support of one or more
12 children,

13 ↪ are repealed by the Congress of the United States.

14 3. Section 61 of this act becomes effective on July 1, 2026.

15 4. Section 20 of this act expires by limitation on the date 2
16 years after the date on which the provisions of 42 U.S.C. § 666
17 requiring each state to establish procedures under which the state
18 has authority to withhold or suspend, or to restrict the use of
19 professional, occupational and recreational licenses of persons who:

20 (a) Have failed to comply with a subpoena or warrant relating to
21 a proceeding to determine the paternity of a child or to establish or
22 enforce an obligation for the support of a child; or

23 (b) Are in arrears in the payment for the support of one or more
24 children,

25 ↪ are repealed by the Congress of the United States.

