

ASSEMBLY BILL NO. 327—ASSEMBLYMEN TORRES, NGUYEN, BROWN-MAY; ANDERSON, BENITEZ-THOMPSON, BILBRAY-AXELROD, CONSIDINE, DURAN, GONZÁLEZ, GORELOW, LEAVITT, MARTINEZ, MARZOLA, BRITTNEY MILLER, ORENTLICHER, PETERS, ROBERTS, THOMAS, TOLLES AND WATTS

MARCH 17, 2021

JOINT SPONSOR: SENATOR DONATE

Referred to Committee on Commerce and Labor

SUMMARY—Requires certain mental health professionals to complete continuing education relating to cultural competency. (BDR 54-175)

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

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

AN ACT relating to mental health; requiring certain mental health professionals to complete continuing education concerning cultural competency and diversity, equity and inclusion; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires behavior analysts, physicians, physician assistants, nurses, psychologists, marriage and family therapists, clinical professional counselors, social workers, clinical alcohol and drug counselors, alcohol and drug counselors and problem gambling counselors to complete certain continuing education as a condition to the renewal of a license or certificate. (NRS 437.225, 630.253, 632.343, 633.471, 641.220, 641A.260, 641B.280, 641C.450) Existing law requires certain facilities that provide health care to conduct training relating to cultural competency for any agent or employee of such a facility who provides care to a patient or resident of the facility. (NRS 449.103) **Sections 1-7.5** of this bill require a psychiatrist, physician assistant practicing under the supervision of a psychiatrist, nurse, marriage and family therapist, clinical professional counselor, social worker, clinical alcohol and drug counselor, alcohol and drug counselor, problem gambling counselor or behavior analyst to complete a certain number of



hours of instruction concerning cultural competency and diversity, equity and inclusion as part of that continuing education. **Sections 1-7.5** authorize such a provider who receives training relating to cultural competency as the employee of a facility that provides health care to use that training to satisfy the requirement that such a provider complete a certain number of hours of instruction concerning cultural competency and diversity, equity and inclusion.

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

Section 1. NRS 630.253 is hereby amended to read as follows:

630.253 1. The Board shall, as a prerequisite for the:

(a) Renewal of a license as a physician assistant; or

(b) Biennial registration of the holder of a license to practice
medicine,

↪ require each holder to submit evidence of compliance with the
requirements for continuing education as set forth in regulations
adopted by the Board.

2. These requirements:

(a) May provide for the completion of one or more courses of
instruction relating to risk management in the performance of
medical services.

(b) Must provide for the completion of a course of instruction,
within 2 years after initial licensure, relating to the medical
consequences of an act of terrorism that involves the use of a
weapon of mass destruction. The course must provide at least 4
hours of instruction that includes instruction in the following
subjects:

(1) An overview of acts of terrorism and weapons of mass
destruction;

(2) Personal protective equipment required for acts of
terrorism;

(3) Common symptoms and methods of treatment associated
with exposure to, or injuries caused by, chemical, biological,
radioactive and nuclear agents;

(4) Syndromic surveillance and reporting procedures for acts
of terrorism that involve biological agents; and

(5) An overview of the information available on, and the use
of, the Health Alert Network.

(c) Must provide for the completion by a holder of a license to
practice medicine of a course of instruction within 2 years after
initial licensure that provides at least 2 hours of instruction on
evidence-based suicide prevention and awareness as described in
subsection ~~5~~ 6.



(d) *Must provide for the biennial completion by each psychiatrist and each physician assistant practicing under the supervision of a psychiatrist of one or more courses of instruction that provide at least 2 hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction may include the training provided pursuant to NRS 449.103, where applicable.*

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3. The Board may ~~{thereafter}~~ determine whether to include in a program of continuing education ~~{additional}~~ courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction ~~{}~~ *in addition to the course of instruction required by paragraph (b) of subsection 2.*

~~{3-}~~ 4. The Board shall encourage each holder of a license who treats or cares for persons who are more than 60 years of age to receive, as a portion of their continuing education, education in geriatrics and gerontology, including such topics as:

(a) The skills and knowledge that the licensee needs to address aging issues;

(b) Approaches to providing health care to older persons, including both didactic and clinical approaches;

(c) The biological, behavioral, social and emotional aspects of the aging process; and

(d) The importance of maintenance of function and independence for older persons.

~~{4-}~~ 5. The Board shall encourage each holder of a license to practice medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

~~{5-}~~ 6. The Board shall require each holder of a license to practice medicine to receive as a portion of his or her continuing education at least 2 hours of instruction every 4 years on evidence-based suicide prevention and awareness, which may include, without limitation, instruction concerning:

(a) The skills and knowledge that the licensee needs to detect behaviors that may lead to suicide, including, without limitation, post-traumatic stress disorder;

(b) Approaches to engaging other professionals in suicide intervention; and

(c) The detection of suicidal thoughts and ideations and the prevention of suicide.



~~16.1~~ 7. The Board shall encourage each holder of a license to practice medicine or as a physician assistant to receive, as a portion of his or her continuing education, training and education in the diagnosis of rare diseases, including, without limitation:

(a) Recognizing the symptoms of pediatric cancer; and

(b) Interpreting family history to determine whether such symptoms indicate a normal childhood illness or a condition that requires additional examination.

~~17.1~~ 8. A holder of a license to practice medicine may not substitute the continuing education credits relating to suicide prevention and awareness required by this section for the purposes of satisfying an equivalent requirement for continuing education in ethics.

~~18.1~~ 9. A holder of a license to practice medicine may substitute not more than 2 hours of continuing education credits in pain management or care for persons with an addictive disorder for the purposes of satisfying an equivalent requirement for continuing education in ethics.

~~19.1~~ 10. As used in this section:

(a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.

(b) "Biological agent" has the meaning ascribed to it in NRS 202.442.

(c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.

(d) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.

(e) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Sec. 2. NRS 632.343 is hereby amended to read as follows:

632.343 1. The Board shall not renew any license issued under this chapter until the licensee has submitted proof satisfactory to the Board of completion, during the 2-year period before renewal of the license, of 30 hours in a program of continuing education approved by the Board in accordance with regulations adopted by the Board. Except as otherwise provided in subsection 3, the licensee is exempt from this provision for the first biennial period after graduation from:

(a) An accredited school of professional nursing;

(b) An accredited school of practical nursing;

(c) An approved school of professional nursing in the process of obtaining accreditation; or

(d) An approved school of practical nursing in the process of obtaining accreditation.



2. The Board shall review all courses offered to nurses for the completion of the requirement set forth in subsection 1. The Board may approve nursing and other courses which are directly related to the practice of nursing as well as others which bear a reasonable relationship to current developments in the field of nursing or any special area of practice in which a licensee engages. These may include academic studies, workshops, extension studies, home study and other courses.

3. The program of continuing education required by subsection 1 must include:

(a) For a person licensed as an advanced practice registered nurse, a course of instruction to be completed within 2 years after initial licensure that provides at least 2 hours of instruction on suicide prevention and awareness as described in subsection ~~5.4~~ 6.

(b) For each person licensed pursuant to this chapter, a course of instruction, to be completed within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

(1) An overview of acts of terrorism and weapons of mass destruction;

(2) Personal protective equipment required for acts of terrorism;

(3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(5) An overview of the information available on, and the use of, the Health Alert Network.

(c) For each person licensed pursuant to this chapter, one or more courses of instruction that provide at least 2 hours of instruction relating to cultural competency and diversity, equity and inclusion to be completed biennially. Such instruction may include the training provided pursuant to NRS 449.103, where applicable.

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4. The Board may ~~{thereafter}~~ determine whether to include in a program of continuing education ~~{additional}~~ courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction ~~{→}~~ *in addition to the course of instruction required by paragraph (b) of subsection 3.*



~~[4.]~~ 5. The Board shall encourage each licensee who treats or cares for persons who are more than 60 years of age to receive, as a portion of their continuing education, education in geriatrics and gerontology, including such topics as:

(a) The skills and knowledge that the licensee needs to address aging issues;

(b) Approaches to providing health care to older persons, including both didactic and clinical approaches;

(c) The biological, behavioral, social and emotional aspects of the aging process; and

(d) The importance of maintenance of function and independence for older persons.

~~[5.]~~ 6. The Board shall require each person licensed as an advanced practice registered nurse to receive as a portion of his or her continuing education at least 2 hours of instruction every 4 years on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate.

~~[6.]~~ 7. The Board shall encourage each person licensed as an advanced practice registered nurse to receive, as a portion of his or her continuing education, training and education in the diagnosis of rare diseases, including, without limitation:

(a) Recognizing the symptoms of pediatric cancer; and

(b) Interpreting family history to determine whether such symptoms indicate a normal childhood illness or a condition that requires additional examination.

~~[7.]~~ 8. As used in this section:

(a) “Act of terrorism” has the meaning ascribed to it in NRS 202.4415.

(b) “Biological agent” has the meaning ascribed to it in NRS 202.442.

(c) “Chemical agent” has the meaning ascribed to it in NRS 202.4425.

(d) “Radioactive agent” has the meaning ascribed to it in NRS 202.4437.

(e) “Weapon of mass destruction” has the meaning ascribed to it in NRS 202.4445.

Sec. 3. NRS 633.471 is hereby amended to read as follows:

633.471 1. Except as otherwise provided in subsection ~~[40]~~ **11** and NRS 633.491, every holder of a license issued under this chapter, except a temporary or a special license, may renew the license on or before January 1 of each calendar year after its issuance by:

(a) Applying for renewal on forms provided by the Board;



(b) Paying the annual license renewal fee specified in this chapter;

(c) Submitting a list of all actions filed or claims submitted to arbitration or mediation for malpractice or negligence against the holder during the previous year;

(d) Submitting evidence to the Board that in the year preceding the application for renewal the holder has attended courses or programs of continuing education approved by the Board in accordance with regulations adopted by the Board totaling a number of hours established by the Board which must not be less than 35 hours nor more than that set in the requirements for continuing medical education of the American Osteopathic Association; and

(e) Submitting all information required to complete the renewal.

2. The Secretary of the Board shall notify each licensee of the requirements for renewal not less than 30 days before the date of renewal.

3. The Board shall request submission of verified evidence of completion of the required number of hours of continuing medical education annually from no fewer than one-third of the applicants for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant. Upon a request from the Board, an applicant for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant shall submit verified evidence satisfactory to the Board that in the year preceding the application for renewal the applicant attended courses or programs of continuing medical education approved by the Board totaling the number of hours established by the Board.

4. The Board shall require each holder of a license to practice osteopathic medicine to complete a course of instruction within 2 years after initial licensure that provides at least 2 hours of instruction on evidence-based suicide prevention and awareness as described in subsection 8.

5. The Board shall encourage each holder of a license to practice osteopathic medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

6. The Board shall encourage each holder of a license to practice osteopathic medicine or as a physician assistant to receive, as a portion of his or her continuing education, training and education in the diagnosis of rare diseases, including, without limitation:

(a) Recognizing the symptoms of pediatric cancer; and



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(b) Interpreting family history to determine whether such symptoms indicate a normal childhood illness or a condition that requires additional examination.

7. The Board shall require, as part of the continuing education requirements approved by the Board, the biennial completion by a holder of a license to practice osteopathic medicine of at least 2 hours of continuing education credits in ethics, pain management or care of persons with addictive disorders.

8. The Board shall require each holder of a license to practice osteopathic medicine to receive as a portion of his or her continuing education at least 2 hours of instruction every 4 years on evidence-based suicide prevention and awareness which may include, without limitation, instruction concerning:

(a) The skills and knowledge that the licensee needs to detect behaviors that may lead to suicide, including, without limitation, post-traumatic stress disorder;

(b) Approaches to engaging other professionals in suicide intervention; and

(c) The detection of suicidal thoughts and ideations and the prevention of suicide.

9. A holder of a license to practice osteopathic medicine may not substitute the continuing education credits relating to suicide prevention and awareness required by this section for the purposes of satisfying an equivalent requirement for continuing education in ethics.

10. *The Board shall require each psychiatrist or a physician assistant practicing under the supervision of a psychiatrist to biennially complete one or more courses of instruction that provide at least 2 hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction may include the training provided pursuant to NRS 449.103, where applicable.*

11. Members of the Armed Forces of the United States and the United States Public Health Service are exempt from payment of the annual license renewal fee during their active duty status.

Sec. 4. NRS 641.220 is hereby amended to read as follows:

641.220 1. To renew a license issued pursuant to this chapter, each person must, on or before the first day of January of each odd-numbered year:

(a) Apply to the Board for renewal;

(b) Pay the biennial fee for the renewal of a license;

(c) Submit evidence to the Board of completion of the requirements for continuing education as set forth in regulations adopted by the Board; and

(d) Submit all information required to complete the renewal.



2. Upon renewing his or her license, a psychologist shall declare his or her areas of competence, as determined in accordance with NRS 641.112.

3. The Board shall, as a prerequisite for the renewal of a license, require each holder to comply with the requirements for continuing education adopted by the Board.

4. The requirements for continuing education adopted by the Board pursuant to subsection 3 must include, without limitation

~~[-a]~~:

(a) A requirement that the holder of a license receive at least 2 hours of instruction on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate. The hours of instruction required by this ~~subsection~~ *paragraph* must be completed within 2 years after initial licensure and at least every 4 years thereafter.

(b) A requirement that the holder of a license must biennially receive at least 2 hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction may include the training provided pursuant to NRS 449.103, where applicable.

Sec. 5. NRS 641A.260 is hereby amended to read as follows:

641A.260 1. To renew a license to practice as a marriage and family therapist or clinical professional counselor issued pursuant to this chapter, each person must, on or before 10 business days after the date of expiration of his or her current license:

(a) Apply to the Board for renewal;

(b) Pay the fee for the biennial renewal of a license set by the Board;

(c) Submit evidence to the Board of completion of the requirements for continuing education as set forth in regulations adopted by the Board, unless the Board has granted a waiver pursuant to NRS 641A.265; and

(d) Submit all information required to complete the renewal.

2. Except as otherwise provided in NRS 641A.265, the Board shall, as a prerequisite for the renewal of a license to practice as a marriage and family therapist or clinical professional counselor, require each holder to comply with the requirements for continuing education adopted by the Board, which must include, without limitation ~~[-a]~~:

(a) A requirement that the holder receive at least 2 hours of instruction on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate.



(b) A requirement that the holder receive at least 2 hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction may include the training provided pursuant to NRS 449.103, where applicable.

Sec. 6. NRS 641B.280 is hereby amended to read as follows:

641B.280 1. Every holder of a license issued pursuant to this chapter may renew his or her license annually by:

(a) Applying to the Board for renewal;

(b) Paying the annual renewal fee set by the Board;

(c) Submitting evidence to the Board of completion of the required continuing education as set forth in regulations adopted by the Board; and

(d) Submitting all information required to complete the renewal.

2. The Board shall, as a prerequisite for the renewal of a license, require the holder to comply with the requirements for continuing education adopted by the Board, which must include, without limitation ~~[-a]~~:

(a) A requirement that every 2 years the holder receive at least 2 hours of instruction on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate.

(b) A requirement that every 2 years the holder receive at least 2 hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction may include the training provided pursuant to NRS 449.103, where applicable.

Sec. 7. NRS 641C.450 is hereby amended to read as follows:

641C.450 Except as otherwise provided in NRS 641C.310, 641C.320, 641C.440 and 641C.530, a person may renew his or her license or certificate by submitting to the Board:

1. An application for the renewal of the license or certificate . ~~[-]~~

2. The fee for the renewal of a license or certificate prescribed in NRS 641C.470 . ~~[-]~~

3. Evidence of completion of the continuing education required by the Board, which must include, without limitation ~~[-a]~~:

(a) A requirement that the applicant receive at least 1 hour of instruction on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate for each year of the term of the applicant's licensure or certification . ~~[-]~~

(b) A requirement that the applicant receive at least 1 hour of instruction relating to cultural competency and diversity, equity and inclusion for each year of the term of the applicant's



licensure or certification. Such instruction may include the training provided pursuant to NRS 449.103, where applicable.

4. If the applicant is a certified intern, the name of the licensed or certified counselor who supervises the applicant. ~~[-; and]~~

5. All information required to complete the renewal.

Sec. 7.5. NRS 437.225 is hereby amended to read as follows:

437.225 1. To renew a license as a behavior analyst or assistant behavior analyst or registration as a registered behavior technician, each person must, on or before the first day of January of each odd-numbered year:

(a) Apply to the Division for renewal;

(b) Pay the biennial fee for the renewal of a license or registration;

(c) Submit evidence to the Division:

(1) Of completion of the requirements for continuing education as set forth in regulations adopted by the Board, if applicable; and

(2) That the person's certification or registration, as applicable, by the Behavior Analyst Certification Board, Inc., or its successor organization, remains valid and the holder remains in good standing; and

(d) Submit all information required to complete the renewal.

2. In addition to the requirements of subsection 1, to renew registration as a registered behavior technician for the third time and every third renewal thereafter, a person must submit to an investigation of his or her criminal history in the manner prescribed in paragraph (b) of subsection 1 of NRS 437.200.

3. The Board shall adopt regulations that require, as a prerequisite for the renewal of a license as a behavior analyst or assistant behavior analyst, each holder to complete continuing education, which must:

(a) Be consistent with nationally recognized standards for the continuing education of behavior analysts or assistant behavior analysts, as applicable. ~~[-; and]~~

(b) Include, without limitation ~~[-; a]~~:

(1) A requirement that the holder of a license receive at least 2 hours of instruction on evidence-based suicide prevention and awareness.

(2) *A requirement that the holder of a license as a behavior analyst receive at least 2 hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction may include the training provided pursuant to NRS 449.103, where applicable.*

4. The Board shall not adopt regulations requiring a registered behavior technician to receive continuing education.



- 1 **Sec. 8.** 1. This section becomes effective upon passage and
2 approval.
3 2. Sections 1 to 7.5, inclusive, of this act become effective:
4 (a) Upon passage and approval for the purpose of adopting any
5 regulations and performing any other preparatory administrative
6 tasks that are necessary to carry out the provisions of this act; and
7 (b) On January 1, 2022, for all other purposes.

