

**PROPOSED REGULATION OF THE
STATE BOARD OF HEALTH**

LCB FILE NO. R073-24I

**The following document is the initial draft regulation proposed
by the agency submitted on 04/02/2024**

DOMESTIC VIOLENCE TREATMENT PROGRAM PROPOSED REGULATIONS

AMENDMENTS TO NEVADA ADMINISTRATIVE CODE (NAC) 228

REGULATIONS OF THE STATE BOARD OF HEALTH

2024

Italic blue font is new language.

~~[Bracketed, strikethrough red font]~~ is language to be omitted.

To review amended language as a result of the passage of LCB File No. R071-20, please refer to LCB File No. R071-20.

AUTHORITY: NRS 439.150, NRS 439.200, NRS 439.258

Section 1. Chapter 228 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this regulation.

Sec.2.

1. A person that provides domestic violence treatment services to persons ordered by a court pursuant to NRS 200.485 must be certified pursuant to NRS 439.258.

2. A person that does not provide domestic violence treatment services to persons ordered by a court pursuant to NRS 200.485 may be certified pursuant to NRS 439.258.

Sec.3. *The Division shall charge and collect the following fees:*

1. For an initial application for a certificate, other than a certificate by endorsement.....\$598

2. For the renewal of a certificate, other than a certificate by endorsement.....\$299

3. For an initial application for a certificate by endorsement.....\$150

4. For the renewal of a certificate by endorsement.....\$75

5. For an application to operate at an additional location.....\$245

Sec.4. NAC 228.100 is hereby amended to read as follows:

1. Except as otherwise provided in subsection 4, an organization which desires to obtain a certificate for a program must submit an application to the Division in the form prescribed by the Division, including, without limitation:

(a) Proof that the organization has satisfied the requirements of subsection 3;

(b) A copy of the curriculum and the instructional materials that will be used in the program and that satisfy the requirements set forth in [NAC 228.185](#);

(c) A statement of whether the applicant has a state business license and, if so, the business identification number assigned by the Secretary of State upon compliance with the provisions of [chapter 76](#) of NRS;

(d) The name and address of the program;

(e) The name of each owner of the program or, if the program is operated by a corporation, the name of each:

- (1) Officer and director of the corporation; and
 - (2) Person who owns 10 percent or more of the shares of the corporation;
- (f) Except as otherwise provided in subsection 5, the telephone number and electronic mail address of the program;
- (g) The name of the director of the program;
- (h) A signed statement by the director of the program or his or her designee attesting that the program complies with the requirements of [NAC 228.010](#) to [228.275](#), inclusive; ~~and~~
- (i) Proof acceptable to the Division that the program has permission to utilize the curriculum and the instructional materials that will be used in the program, pursuant to subsection 1 (b), while the program remains operational and has an active certificate issued pursuant to NRS 439.258.*
- ~~(j)~~ (j) Any other information required by the Division.
2. The application must be signed by the director of the program or his or her designee.
 3. To obtain a certificate, an organization which operates a program must:
 - (a) Employ, or retain as an independent contractor, one or more providers of treatment who are qualified pursuant to [NAC 228.110](#) to treat persons who commit domestic violence;
 - (b) Employ, or retain as an independent contractor, at least one supervisor of treatment who is qualified pursuant to [NAC 228.110](#) to supervise the treatment of persons who commit domestic violence;
 - (c) Employ, or retain as an independent contractor, a director of the program who:
 - (1) Is qualified pursuant to [NAC 228.108](#); and
 - (2) May also serve as a supervisor of treatment as required by paragraph (b) if he or she meets the requirements of [NAC 228.110](#);
 - (d) Satisfy the requirements of [NAC 228.010](#) to [228.275](#), inclusive;
 - (e) Provide treatment to persons who have been convicted of an offense that constitutes domestic violence which meets the requirements of any court order issued pursuant to subsection 6 of [NRS 200.485](#), if applicable;
 - (f) Allow an offender who resides more than 70 miles from the nearest program to attend counseling sessions or other meetings through electronic means if:
 - (1) The offender has:
 - (I) Attended at least one counseling session in person before attending a counseling session or meeting by electronic means and provided the program with a photograph of the offender that was taken within the immediately preceding year to be kept on file by the program; or
 - (II) Had his or her identity verified by a court in this State before attending a counseling session or meeting by electronic means and the program provides a court with a photograph of the person who attends the counseling session or meeting by electronic means to the court to verify the identity of the person as the offender;
 - (2) The electronic means by which the offender attends the counseling session or meeting allows the provider of treatment who is overseeing the counseling session or meeting to receive audio and video of the offender; and
 - (3) The provider of treatment who is overseeing the counseling session or meeting verifies the identity of the offender by comparing the video of the offender with the photograph provided pursuant to subparagraph (1);

(g) Prohibit persons who have been convicted of a first offense that constitutes domestic violence within the immediately preceding 7 years from having more than four unexcused absences within a period of 6 months; and

(h) Prohibit persons who have been convicted of a second offense that constitutes domestic violence within the immediately preceding 7 years from having more than eight unexcused absences within a period of 12 months.

4. In lieu of complying with the provisions of subsections 1 and 2, an organization that operates a program certified pursuant to this section and wishes to obtain a certificate for another program may submit an abbreviated application to the Division if the curriculum and instructional materials for the additional program are substantially similar to the curriculum and instructional materials used in the certified program. An application submitted pursuant to this subsection must be in the form prescribed by the Division and be signed by the director of the additional program or his or her designee.

5. The Division may exempt an applicant from the requirements of paragraph (f) of subsection 1 if the applicant attests that telephone and electronic mail are not feasible means by which to communicate with the applicant and that United States mail is the only feasible means by which to communicate with the applicant.

6. By submitting an application pursuant to subsection 1 or 4, an applicant authorizes the Division to investigate as it determines is necessary to verify the information set forth in the application. Upon the request of the Division, the applicant must submit verification of that information.

7. If an incomplete application is submitted pursuant to subsection 1, the Division will notify the applicant of the additional information required to complete the application. If the Division does not receive the additional information within 90 days after the date of the notice, the application will be denied.

Sec.5. (GR) NAC 228.102 is hereby amended to read as follows:

1. The Division may issue a provisional certificate to an organization that operates a program if:
~~(a) The~~ *the* organization has submitted an application pursuant to NAC 228.100 and has substantially complied with the requirements set forth in that section; and
~~[(b) The Division has not yet received the written recommendation of the Committee pursuant to subsection 2 of NAC 228.101.]~~

2. A provisional certificate expires on the date that the Division grants or denies certification to the program.

3. For the purposes of this section an organization has substantially complied with the requirements set forth in NAC 228.100 if the organization has employed, or retained as an independent contractor:

(a) One or more providers of treatment and at least one supervisor of treatment who meet the training and education requirements set forth in NAC 228.110; and

(b) A director of the program who meets the requirements of NAC 228.108.

Sec.6. NAC 228.115 is hereby amended to read as follows:

1. The organization that operates a program shall ensure that each supervisor of treatment:

(a) Meets individually at least once each month with each provider of treatment he or she supervises;

(b) Is available by telephone to consult with each provider of treatment he or she supervises;

(c) Reviews, at least once each month, a random sample of at least 10 percent of the records of the offenders who are receiving treatment from each provider of treatment he or she supervises and records in ~~[a form approved by the Division]~~ each record he or she reviews;

(d) Observes, at least once every 3 months, a group counseling session conducted by each team of two providers of treatment he or she supervises who conduct counseling sessions for the program and records in ~~[a form approved by the Division]~~ each group counseling session he or she observes; and

(e) Prepares an annual report concerning the performance of each provider of treatment he or she supervises.

2. A supervisor of treatment may observe a group counseling session required pursuant to paragraph (d) of subsection 1 via distance media if the session is conducted anywhere in this State other than Boulder City, Carson City, Henderson, Las Vegas, North Las Vegas, Reno or Sparks.

Sec.7. NAC 228.125 is hereby amended to read as follows:

1. An organization that operates a program shall notify the Division in the form prescribed by the Division not later than 30 days after any change to the information submitted pursuant to NAC 228.100, including, without limitation:

(a) A change in the ownership of the organization;

(b) A change of the name of the program;

(c) A relocation of the program;

(d) The discontinuance of the program;

(e) A change in the director of the program; or

(f) A change in the phone number or electronic mail address of the program.

2. If an organization that operates a program is no longer in compliance with the provisions of NAC 228.010 to 228.275, inclusive, because the only supervisor of treatment, or the only provider of treatment, employed or retained at the program is no longer employed or retained at the program, the organization shall submit, within 10 days after the person ceases to be employed or retained, a written plan describing the actions the organization will take to regain compliance with the provisions of NAC 228.010 to 228.275, inclusive, within 90 days after submission of the written plan.

3. An organization required to notify the Division of a change pursuant to paragraph (a), (c), or (e) of subsection 1 must pay to the Division a fee of \$39.

4. If an organization submits a change to the Division pursuant to subsection 1 later than 30 days from the date the change occurred, the organization shall pay a late fee of \$39, in addition to any fee paid pursuant to subsection 3, if applicable.

Sec.8. (GR) LCB FILE NO. R071-20, Section 6, NAC 228.110 is hereby amended to read as follows:

228.110 1. A person may be employed, or retained as an independent contractor, in the position of a supervisor of treatment at a program if he or she:

(a) Possesses a master's or doctorate degree in a field of clinical human services from an accredited college or university;

(b) Except as otherwise provided in subsection 3, is licensed in good standing in this State:

(1) As a psychologist pursuant to chapter 641 of NRS;

(2) As a marriage and family therapist pursuant to chapter 641A of NRS; 5

(3) As a clinical professional counselor pursuant to chapter 641A of NRS;

(4) As a clinical social worker pursuant to chapter 641B of NRS;

(5)As a licensed counselor pursuant to chapter 641C of NRS;

(6) As an advanced practice registered nurse pursuant to chapter 632 of NRS and practices psychiatry; or

(7) ~~(5)~~ To practice medicine pursuant to chapter 630 or 633 of NRS and practices psychiatry; (c)

Except as otherwise provided in subsection 2, has:

(1) At least 2 years of experience in a supervisory capacity in the provision of services to victims of domestic violence or in the treatment of persons who commit domestic violence; or

(2) At least 5 years of experience in the direct provision of services to victims of domestic violence or treatment of persons who commit domestic violence;

(d) Has satisfactorily completed at least 60 hours of formal training in domestic violence which includes at least 30 hours of training in the provision of services to victims of domestic violence and at least 30 hours of training in the provision of treatment to persons who commit domestic violence;

(e) Has satisfactorily completed at least 15 hours of the training in domestic violence required by paragraph (d) during the 2 years immediately preceding the date on which the person is employed, or retained as an independent contractor, in the position of a supervisor of treatment at the program;

(f) Except for any conviction which is the subject of a pending appeal or with respect to which the time for filing a notice of appeal has not yet expired, attests, in the form prescribed by the Division, that he or she has never been convicted of a crime which demonstrates the person's unfitness to act as a supervisor of treatment;

(g) Is free of violence in his or her life;

(h) Is not currently a person with an addictive disorder related to prescription drugs or alcohol or a user of illegal drugs; and

(i) Except as otherwise provided in subsections 3 and 9, is approved by the Division to work as a supervisor of treatment pursuant to section 2 of this regulation.

2. The provisions of paragraph (c) of subsection 1 do not apply to a person who is employed, or retained as an independent contractor, in the position of a supervisor of treatment at a program on August 1, 2000.

3. A person who does not comply with the requirements of paragraph (b) of subsection 1 may be employed, or retained as an independent contractor, in the position of a supervisor of treatment at a program if:

(a) The person submits a written request for approval to work as a supervisor of treatment to the Division that includes, without limitation:

(1) A statement concerning his or her work history, education and experience; and (2) Except as otherwise provided in subsection 9, the application required for approval to work as a supervisor of treatment described in section 2 of this regulation;

(b) Upon the request of the Division, the person participates in an interview with the Division in person or by telephone, videoconference or other electronic means; and

(c) The Division approves the request for approval to work as a supervisor of treatment.

4. Within 120 days after the Division receives a request for approval to work as a supervisor of treatment pursuant to subsection 3, the Division will provide written notice of its approval or denial of the request to the person who submitted the request. If the Division denies the request, the notice will include the reasons for the denial of the request.

5. Unless a person who is employed, or retained as an independent contractor, in the position of a supervisor of treatment at a program pursuant to subsection 3 fails to renew his or her approval to work as a supervisor of treatment in a timely manner pursuant to section 3 of this regulation, the person is approved to work as a supervisor of treatment until the person is no longer employed, or retained as an independent contractor, by an organization that operates a program if he or she meets the annual continuing education requirements set forth in NAC 228.210

6. A person may be employed, or retained as an independent contractor, in the position of a provider of treatment at a program if the person:

(a) Except as otherwise provided in subsection 7, possesses a bachelor's degree or more advanced degree;

(b) Is supervised by a supervisor of treatment who is qualified pursuant to subsection 1, 2 or 3 and that supervision includes, without limitation, meeting with the supervisor of treatment in person at least once each month and having the supervisor of treatment submit annual reports of satisfactory performance to the Division; 6

(c) Has satisfactorily completed at least 60 hours of formal training in domestic violence that includes, without limitation, at least 30 hours of training in the provision of services to victims of domestic violence and at least 30 hours of training in the provision of treatment to persons who commit domestic violence;

(d) Has satisfactorily completed at least 15 hours of the training in domestic violence required by paragraph (c) during the 2 years immediately preceding the date on which the person is employed, or retained as an independent contractor, in the position of a provider of treatment at the program;

(e) Except for any conviction which is the subject of a pending appeal or with respect to which the time for filing a notice of appeal has not yet expired, attests, in the form prescribed by the Division, that he or she has never been convicted of a crime which demonstrates the person's unfitness to act as a provider of treatment;

(f) Is free of violence in his or her life;

(g) Is not currently a person with an addictive disorder related to prescription drugs or alcohol or a user of illegal drugs; and

(h) Except as otherwise provided in subsections 7 and 9, is approved to work as a provider of treatment pursuant to section 2 of this regulation.

7. The Division may approve a person to be employed, or retained as an independent contractor, in the position of a provider of treatment at a program although the person does not meet the requirements of paragraph (a) of subsection 6, and a program may employ, or retain as an independent contractor, the person approved by the Division, if the program is located in a county whose population is less than 50,000 and the person proves, to the satisfaction of the Division, that:

(a) There is not another program located within a 50-mile radius of the program, or within the city or county in which the program is located;

(b) The person possesses the necessary skills and training to perform his or her job;

(c) Except as otherwise provided in subsection 9, the person has submitted to the Division the application required to be approved to work as a provider of treatment described in section 2 of this regulation; and

(d) The person has satisfied all other requirements of this section.

8. A person who is employed, or retained as an independent contractor, in the position of a provider of treatment at a program pursuant to subsection 7 is approved to work as a provider of treatment for a period which ends on:

(a) The expiration date of the approval to work as a provider of treatment, if the provider of treatment fails to renew the approval in a timely manner pursuant to section 3 of this regulation; or

(b) The date on which the program ceases to operate, whichever occurs first.

9. The provisions of paragraph (i) of subsection 1, subparagraph (2) of paragraph (a) of subsection 3, paragraph (h) of subsection 6 and paragraph (c) of subsection 7 do not apply to a person who is employed, or retained as an independent contractor, in the position of a supervisor of treatment or provider of treatment on the effective date of this regulation.

~~[10. The director of a program or his or her designee shall:~~

~~(a) Upon hiring, or retaining as an independent contractor, a person in the position of a supervisor of treatment or a provider of treatment, attest in writing that the person meets the requirements of this section as a supervisor of treatment or a provider of treatment, as applicable; and~~

~~(b) Maintain a copy of the written attestation described in paragraph (a) for the duration of the person's employment or service as an independent contractor and provide it to the Division upon request and as required by NAC 228.130.]~~

[11]. **10.** As used in this section, "free of violence in his or her life" means that a person:

(a) Does not engage in acts of physical violence;

(b) Does not verbally abuse, threaten, coerce or intimidate other persons on a regular basis;

(c) Does not deny personal responsibility for the person's actions or blame other persons for his or her mistakes on a regular basis; and

(d) Lives his or her life in a manner that is capable of serving as a model of nonviolent behavior.

11. As used in this section, “field of clinical human services” means a field of study in one of the following areas:

- (a) Psychology or any subset of psychology such as educational psychology or developmental psychology;*
- (b) Social Work;*
- (c) Education such as a degree in education with an emphasis on school counseling, counselor education, or special education;*
- (d) Counseling or any subset of counseling such as clinical mental health counseling or marriage and family therapy;*
- (e) Sociology or Sociological Practice;*
- (f) Human development including child or adolescent development and family relationships;*
- (g) Nursing;*
- (h) Osteopathic medicine;*
- (i) Allopathic medicine;*
- (j) Human Services;*
- (k) Cognitive Sciences;*
- (l) Community Mental Health; or*
- (m) Psychiatric rehabilitation.*

Sec.9. (GR) LCB FILE NO. R071-20, Section 7, NAC 228.130 is hereby amended to read as follows:

228.130 1. Except as otherwise provided in subsections 5 and 6, an organization that has obtained a certificate for a program pursuant to NAC 228.100 must submit a completed application to renew its certification not later than 12 months after the effective date of the certificate and every 12 months thereafter. If the organization was issued a provisional certificate pursuant to NAC 228.102 before it obtained a certificate for a program pursuant to NAC 228.100, the certificate obtained pursuant to NAC 228.100 expires 18 months after the Division first issued the provisional certificate.

2. The certificate will be renewed if the Division determines that:

- (a) The application for renewal is complete;
- (b) The organization which operates the program has satisfied the requirements of subsection 3 of NAC 228.100;
- (c) The program has passed the inspection of the Division conducted pursuant to NAC 228.270, if one is conducted;
- (d) The organization which operates the program has submitted:

~~[(1) Proof of completion of the hours of continuing education required by NAC 228.210;~~

~~[(2) For each person hired or retained as an independent contractor in the position of a supervisor of treatment or a provider of treatment during the previous year, a copy of the attestation required by subsection 10 of NAC 228.110;]~~

~~[(3)] The annual reports required by NAC 228.115;]~~

~~[(4)]~~ (1) The names of each provider of treatment or supervisor of treatment hired or retained as an independent contractor by the program after the date on which the initial application or the most recent application for renewal of the certificate, whichever is more recent, was submitted;

~~[(5) Proof that each provider of treatment or supervisor of treatment hired or retained as an independent contractor by the program has completed the continuing education required by NAC 228.210 for the period after the date on which the initial application or the most recent application for renewal of the certificate, whichever is more recent, was submitted;~~

~~[(6)] (2) Any notification required by NAC 228.125; and~~

~~[(7)] (3) Any other information required by the Division; and~~

(e) The director of the program or his or her designee has signed the application for renewal. 3. Except as otherwise provided in subsection 6, if a completed application and the documents described in paragraph (d) of subsection 2 are not received by the Division on or before the renewal date of the certificate, the certificate expires 30 days after that date.

4. If a completed application is:

(a) Submitted electronically, it shall be deemed received by the Division on the date on which the Division records the application as having been received.

~~[(b) Deposited with the United States Postal Service, it shall be deemed received by the Division on the date indicated on the post office cancellation mark stamped upon the envelope containing the document if:~~

~~(1) The envelope is properly addressed as instructed by the Division; and~~

~~(2) That date is earlier than the actual receipt of that document.]~~

5. If an incomplete application for the renewal of a certificate is submitted, the Division will notify the applicant of the additional information required to complete the application. If the Division does not receive the additional information within 90 days after the date of the notice, the Division will deny the application.

6. The organization may renew the certificate within 30 days after the renewal date of the certificate if the organization complies with the requirements set forth in subsection 2.

7. If a certificate is not renewed in a timely manner as required by subsection 1 or 6 or renewal of a certificate is denied pursuant to subsection 5:

(a) The Division will remove the program from the list of programs that it makes available to the courts of this State; and

(b) The organization which operated the program may reapply for certification of the program pursuant to NAC 228.100.

TEXT OF REPEALED SECTIONS

~~[NAC 228.101 Application: Provision to Committee; meeting of Committee to consider; transmittal of Committee's recommendation to Division. (NRS 439.258) — GR~~

~~1. Upon receiving an application for the certification of a program pursuant to NAC 228.100, the Division will provide to the Committee:~~

~~(a) The application for a recommendation as to whether the program should be certified; and~~

~~(b) The date by which the Committee must include the application on an agenda of a meeting of the Committee, which must be at least 30 days after the date on which the Division provides the application to the Committee.~~

~~2. Not later than 15 days after the meeting of the Committee described in paragraph (b) of subsection 1, the Committee shall provide to the Division its written recommendation as to whether the program whose application was included on the agenda of the meeting should be~~

~~certified. The recommendation may be provided electronically. Except as otherwise provided in subsection 1 of NAC 228.102, the Division will not certify a program until it receives the written recommendation of the Committee.~~

~~(Added to NAC by Div. of Pub. & Behavioral Health by R159 17, eff. 8 30 2018)}~~