

Assembly Bill No. 85–Committee
on Commerce and Labor

CHAPTER.....

AN ACT relating to professions; transferring certain duties of the Secretary-Treasurer of the Board of Examiners for Alcohol, Drug and Gambling Counselors to the Executive Director of the Board; authorizing the Executive Director to delegate his or her duties; revising provisions governing alcohol, drug and gambling counselors and interns; repealing the prospective transfer of the authority and duties relating to the certification of detoxification technicians to the Board; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

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)

Section 2 of this bill transfers certain duties of the Secretary-Treasurer of the Board to the Executive Director of the Board. **Section 2** also authorizes the Executive Director to delegate certain duties to a designee.

Sections 3-10 of this bill make various changes regarding the requirements for obtaining and renewing a license or certificate as an alcohol, drug or gambling counselor or intern. **Sections 8, 10 and 12** of this bill reduce the duration of certificates for certain counseling interns from 1 year to 6 months.

Section 13 of this bill authorizes the Board, when determining whether to issue, renew, restore, suspend, revoke or reinstate a license or certificate or imposing disciplinary action upon an existing licensee or certificate holder, to consider any original criminal charges filed against the applicant, licensee or certificate holder, even if that person was convicted of a lesser crime.

Section 14 of this bill eliminates the 30-day grace period authorizing an otherwise qualified person to engage in the practice of counseling alcohol and drug abusers or problem gamblers without a license or certificate while his or her application is being reviewed. **Section 15** of this bill prohibits a person who is not licensed or certified by the Board from engaging in the practice or clinical practice of counseling alcohol and drug abusers and problem gamblers.

Section 24 of this bill repeals the authority of the Board to provide for the certification of detoxification technicians. (NRS 641C.500) **Sections 16-20** of this bill make conforming changes to account for the repeal of NRS 641C.500 regarding the certification of detoxification technicians by the Board. The effect of **sections 16-20 and 24** is to leave the authority to certify detoxification technicians with the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to chapter 458 of NRS.



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

Sections 1, 1.1, 1.2, 1.3, 1.4, 1.45, 1.5, 1.6, 1.7, 1.8 and 1.9.
(Deleted by amendment.)

Sec. 1.95. 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

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

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

(c) Disciplinary procedures for certified problem gambling counselors and certified problem gambling counselor interns, including the suspension, revocation and reinstatement of a certificate as a problem gambling counselor or problem gambling counselor intern.

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

Sec. 2. NRS 641C.210 is hereby amended to read as follows:

641C.210 The ~~{Secretary-Treasurer}~~ *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.

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. 3. NRS 641C.290 is hereby amended to read as follows:

641C.290 1. Each applicant for a license as a clinical alcohol and drug abuse counselor must pass a written and oral examination concerning his or her knowledge of the clinical practice of counseling alcohol and drug abusers, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.

2. Each applicant for a license or certificate as an alcohol and drug abuse counselor must pass a written and oral examination concerning his or her knowledge of the practice of counseling alcohol and drug abusers, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.

3. Each applicant for a certificate as a problem gambling counselor must pass a written *and oral* examination concerning his or her knowledge of the practice of counseling problem gamblers, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.

4. The Board shall:

(a) Examine applicants at least two times each year.

(b) Establish the time and place for the examinations.

(c) Provide such books and forms as may be necessary to conduct the examinations.

(d) Except as otherwise provided in NRS 622.090, establish, by regulation, the requirements for passing the examination.

5. The Board may employ other persons to conduct the examinations.

Sec. 4. NRS 641C.300 is hereby amended to read as follows:

641C.300 The Board ~~shall~~ *may* issue a license or certificate without examination to a person who holds a license or certificate as a clinical alcohol and drug abuse counselor or an alcohol and drug abuse counselor in another state, a territory or possession of the United States or the District of Columbia if the requirements of that jurisdiction at the time the license or certificate was issued are deemed by the Board to be substantially equivalent to the requirements set forth in the provisions of this chapter.

Sec. 5. 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;

(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;

(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 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. 6. NRS 641C.320 is hereby amended to read as follows:

641C.320 1. The Board may issue:

(a) A provisional license as a clinical alcohol and drug abuse counselor to a person who has applied to the Board to take the examination for a license as a clinical alcohol and drug abuse counselor and is otherwise eligible for that license pursuant to NRS 641C.330; or

(b) A provisional license or certificate as an alcohol and drug abuse counselor to a person who has applied to the Board to take the examination for a license or certificate as an alcohol and drug abuse counselor and is otherwise eligible for that license or certificate pursuant to NRS 641C.350 or 641C.390.

2. A provisional license or certificate is valid for not more than ~~1-year~~ *6 months* and may not be renewed.

Sec. 7. NRS 641C.331 is hereby amended to read as follows:

641C.331 1. A license as a clinical alcohol and drug abuse counselor is valid for ~~1-year~~ *2 years* and may be renewed.

2. A licensed clinical alcohol and drug abuse counselor may:

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

(b) Diagnose or classify a person as an alcoholic or abuser of drugs; and



(c) Supervise certified clinical alcohol and drug abuse counselor interns and alcohol and drug abuse counselor interns.

Sec. 8. NRS 641C.340 is hereby amended to read as follows:

641C.340 1. The Board shall issue a certificate as a clinical alcohol and drug abuse counselor intern to a person who:

- (a) Is not less than 21 years of age;
- (b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;
- (c) Pays the fees required pursuant to NRS 641C.470;
- (d) Submits proof to the Board that the person has received a master's degree or doctoral degree in a field of social science approved by the Board that includes comprehensive course work in clinical mental health, including the diagnosis of mental health disorders; and
- (e) Submits all the information required to complete an application for a certificate.

2. A certificate as a clinical alcohol and drug abuse counselor intern is valid for ~~1-year~~ **6 months** and may be renewed. The Board may waive any requirement for the renewal of a certificate upon good cause shown by the holder of the certificate.

3. A certified clinical alcohol and drug abuse counselor intern may, under the supervision of a licensed clinical alcohol and drug abuse counselor:

- (a) Engage in the clinical practice of counseling alcohol and drug abusers; and
- (b) Diagnose or classify a person as an alcoholic or drug abuser.

Sec. 9. NRS 641C.350 is hereby amended to read as follows:

641C.350 The Board shall issue a license as an alcohol and drug abuse counselor to:

1. A person who:

- (a) Is not less than 21 years of age;
- (b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;
- (c) Has received a master's degree or a doctoral degree from an accredited college or university in a field of social science approved by the Board;
- (d) Has completed 4,000 hours of supervised counseling of alcohol and drug abusers;
- (e) Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;
- (f) Pays the fees required pursuant to NRS 641C.470; and
- (g) Submits all information required to complete an application for a license.



2. A person who:
 - (a) Is not less than 21 years of age;
 - (b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;
 - (c) Is:
 - (1) Licensed as a clinical social worker pursuant to chapter 641B of NRS;
 - (2) Licensed as a clinical professional counselor pursuant to chapter 641A of NRS;
 - (3) Licensed as a marriage and family therapist pursuant to chapter 641A of NRS;
 - (4) A nurse who is licensed pursuant to chapter 632 of NRS and has received a master's degree or a doctoral degree from an accredited college or university; or
 - (5) Licensed as a clinical alcohol and drug abuse counselor pursuant to this chapter;
 - (d) Has completed ~~at least 6 months~~ **1,000 hours** of supervised counseling of alcohol and drug abusers approved by the Board;
 - (e) Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;
 - (f) Pays the fees required pursuant to NRS 641C.470; and
 - (g) Submits all information required to complete an application for a license.

Sec. 10. NRS 641C.420 is hereby amended to read as follows:

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

- (a) Is not less than 21 years of age;
- (b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;
- (c) ~~Has:~~
 - ~~(1) A high school diploma; or~~
 - ~~(2) A general equivalency diploma or an equivalent document;~~
- ~~(d)~~ Pays the fees required pursuant to NRS 641C.470;
- ~~(e)~~ **(d)** Submits proof to the Board that the person:
 - (1) Is enrolled in a program ~~from~~ **in** which he or she ~~will receive an associate's degree.~~ **has completed at least 60 hours of credit toward the completion of a** bachelor's degree ~~in~~ **in a field of social science approved by the Board;**
 - (2) Is enrolled in a program from which he or she will receive a** master's degree or doctoral degree in a field of social science approved by the Board; or



~~(2)~~ (3) Has received an associate's degree, bachelor's degree, master's degree or doctoral degree *that included at least 18 hours of credit specifically related to the practice of counseling alcohol and drug abusers* in a field of social science approved by the Board; ~~and~~

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

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

(2) Be approved by the Board; and

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

2. A certificate as an alcohol and drug abuse counselor intern is valid for ~~1-year~~ *6 months* and may be renewed. The Board may waive any requirement for the renewal of a certificate upon good cause shown by the holder of the certificate.

3. A certified alcohol and drug abuse counselor intern may, under the supervision of a licensed alcohol and drug abuse counselor or licensed clinical alcohol and drug abuse counselor:

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

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

Sec. 11. NRS 641C.430 is hereby amended to read as follows:

641C.430 The Board may issue a certificate as a problem gambling counselor to:

1. A person who:

(a) Is not less than 21 years of age;

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(c) Has received a bachelor's degree, master's degree or a doctoral degree from an accredited college or university in a field of social science approved by the Board;

(d) Has completed not less than 60 hours of training specific to problem gambling approved by the Board;

(e) Has completed at least 2,000 hours of supervised counseling of problem gamblers in a setting approved by the Board;

(f) Passes the written *and oral* examination prescribed by the Board pursuant to NRS 641C.290;

(g) Presents himself or herself when scheduled for an interview at a meeting of the Board;

(h) Pays the fees required pursuant to NRS 641C.470; and

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



2. A person who:
 - (a) Is not less than 21 years of age;
 - (b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;
 - (c) Is licensed as:
 - (1) A clinical social worker pursuant to chapter 641B of NRS;
 - (2) A clinical professional counselor pursuant to chapter 641A of NRS;
 - (3) A marriage and family therapist pursuant to chapter 641A of NRS;
 - (4) A physician pursuant to chapter 630 of NRS;
 - (5) A nurse pursuant to chapter 632 of NRS and has received a master's degree or a doctoral degree from an accredited college or university;
 - (6) A psychologist pursuant to chapter 641 of NRS;
 - (7) An alcohol and drug abuse counselor pursuant to this chapter; or
 - (8) A clinical alcohol and drug abuse counselor pursuant to this chapter;
 - (d) Has completed not less than 60 hours of training specific to problem gambling approved by the Board;
 - (e) Has completed at least 1,000 hours of supervised counseling of problem gamblers in a setting approved by the Board;
 - (f) Passes the written *and oral* examination prescribed by the Board pursuant to NRS 641C.290;
 - (g) Pays the fees required pursuant to NRS 641C.470; and
 - (h) Submits all information required to complete an application for a certificate.

Sec. 12. NRS 641C.440 is hereby amended to read as follows:

- 641C.440 1. The Board may issue a certificate as a problem gambling counselor intern to a person who:
- (a) Is not less than 21 years of age;
 - (b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;
 - (c) Submits proof to the Board that the person:
 - (1) Has received a bachelor's degree, master's degree or a doctoral degree from an accredited college or university in a field of social science approved by the Board; or
 - (2) Is enrolled in a program at an accredited college or university from which he or she will receive a bachelor's degree, master's degree or a doctoral degree in a field of social science approved by the Board;



(d) Has completed not less than 30 hours of training specific to problem gambling approved by the Board;

(e) Demonstrates that a certified problem gambling counselor approved by the Board has agreed to supervise him or her in a setting approved by the Board;

(f) Pays the fees required pursuant to NRS 641C.470; and

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

2. A certificate as a problem gambling counselor intern is valid for ~~1 year~~ **6 months** and, except as otherwise provided in subsection 3, may be renewed.

3. A certificate as a problem gambling counselor intern issued to a person on the basis that the person is enrolled in a program at an accredited college or university from which he or she will receive a bachelor's degree, master's degree or a doctoral degree in a field of social science approved by the Board may be renewed not more than nine times.

4. A certified problem gambling counselor intern may, under the supervision of a certified problem gambling counselor:

(a) Engage in the practice of counseling problem gamblers; and

(b) Assess and evaluate a person as a problem gambler.

Secs. 12.3 and 12.7. (Deleted by amendment.)

Sec. 13. 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, the Board may, by regulation, require the licensed counselor, certified counselor or certified intern 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. ~~[A regulation adopted pursuant to subsection 2 must set forth the circumstances under which the Board will require a detoxification technician to submit fingerprints and written authorization specified in that subsection before renewing, restoring or reinstating a certificate.]~~ **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 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 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 was found not guilty; or

(b) The charges against the applicant, licensed counselor, certified counselor or certified intern were dismissed.

Secs. 13.3 and 13.7. (Deleted by amendment.)

Sec. 14. NRS 641C.900 is hereby amended to read as follows:

641C.900 ~~1. Except as otherwise provided in subsection 2,~~
~~1] A person shall not engage in the practice of counseling alcohol and drug abusers, the clinical practice of counseling alcohol and drug abusers or the practice of counseling problem gamblers unless the person is a licensed counselor, certified counselor or certified intern.~~

~~2. A person may engage in the practice of counseling alcohol and drug abusers under the supervision of a licensed counselor, the clinical practice of counseling alcohol and drug abusers under the supervision of a clinical alcohol and drug abuse counselor or the practice of counseling problem gamblers under the supervision of a certified counselor for not more than 30 days if that person:~~

~~—(a) Is qualified to be licensed or certified pursuant to the provisions of this chapter; and~~

~~—(b) Submits an application to the Board for a license or certificate pursuant to the provisions of this chapter.]~~

Sec. 15. NRS 641C.910 is hereby amended to read as follows:

641C.910 1. A person shall not:

(a) Hold himself or herself out to a member of the general public as a clinical alcohol and drug abuse counselor, a clinical alcohol and drug abuse counselor intern, an alcohol and drug abuse counselor, an alcohol and drug abuse counselor intern, a problem gambling counselor or a problem gambling counselor intern;

(b) Use the title “clinical alcohol and drug abuse counselor,” “clinical alcohol and drug abuse counselor intern,” “alcohol and drug abuse counselor,” “alcohol and drug abuse counselor intern,”



“drug abuse counselor,” “substance abuse counselor,” “problem gambling counselor,” “problem gambling counselor intern,” “gambling ~~counselor,~~ “~~detoxification technician~~” **counselor**” or any similar title in connection with his or her work; ~~for~~

(c) Imply in any way that he or she is licensed or certified by the Board ~~for~~;

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

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

(f) Engage in the practice of counseling problem gamblers,

↳ unless the person is licensed or certified by the Board pursuant to the provisions of this chapter . ~~for a regulation adopted pursuant to NRS 641C.500.~~

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.

Secs. 15.3 and 15.7. (Deleted by amendment.)

Sec. 16. Sections 14, 15 and 16 of chapter 207, Statutes of Nevada 2003, at pages 1168 and 1169, are hereby amended to read as follows:

Secs. 14-16. **(Deleted by amendment.)**

Sec. 17. Section 191 of chapter 1, Statutes of Nevada 2005, 22nd Special Session, at page 57, is hereby amended to read as follows:

Sec. 191. **(Deleted by amendment.)**

Sec. 18. Section 193 of chapter 1, Statutes of Nevada 2005, 22nd Special Session, at page 58, is hereby amended to read as follows:

Sec. 193. **(Deleted by amendment.)**

Sec. 19. Section 220 of chapter 1, Statutes of Nevada 2005, 22nd Special Session, at page 67, is hereby amended to read as follows:

Sec. 220. 1. This section and section 211 of this act become effective upon passage and approval.



2. Sections 1 to 185.7, inclusive, 186 to 188.5, inclusive, and 208 to 219, inclusive, of this act become effective on October 1, 2005.

3. Sections 185.9, 189, 190, 192 and 194 to 207, inclusive, of this act, become effective on July 1, 2007.

~~4. Sections 190, 192, 194 and 195 of this act expire by limitation on the date the regulation adopted by the Board of Examiners for Alcohol, Drug and Gambling Counselors for the certification of a person as a detoxification technician pursuant to NRS 641C.500 becomes effective, unless a later date is otherwise specified in the regulation.~~

~~5. Sections 191 and 193 of this act become effective on the date the regulation adopted by the Board of Examiners for Alcohol, Drug and Gambling Counselors for the certification of a person as a detoxification technician pursuant to NRS 641C.500 becomes effective, unless a later date is otherwise specified in the regulation.~~

Sec. 20. Section 69 of chapter 462, Statutes of Nevada 2013, at page 2746, is hereby amended to read as follows:

Sec. 69. 1. This section and sections 1, 2, 3, 5, 6, 7, 8 to 9.3, inclusive, 16.5 and 68 of this act become effective on July 1, 2013.

2. Sections 4, 7.1 to 7.9, inclusive, 13 to 16, inclusive, and 17 to 67, inclusive, of this act become effective:

(a) On July 1, 2013, for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2014, for all other purposes.

~~3. Section 29 of this act expires by limitation on the date the regulation adopted by the Board of Examiners for Alcohol, Drug and Gambling Counselors for certification as a detoxification technician pursuant to NRS 641C.500 becomes effective.~~

Sec. 21. 1. Any contracts or other agreements entered into by an officer or entity whose name has been changed pursuant to the provisions of this act are binding upon the officer or entity to which the responsibility for the administration of the provision of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or entity to which the responsibility for the enforcement of the provisions of the contract or other agreements has been transferred.



2. Any action taken by an officer or entity whose name has been changed pursuant to the provisions of this act remains in effect as if taken by the officer or entity to which the responsibility for the enforcement of such actions has been transferred.

Sec. 22. The Legislative Counsel shall:

1. In preparing the Nevada Revised Statutes, use the authority set forth in subsection 10 of NRS 220.120 to substitute appropriately the name of any agency or officer of the State whose name is changed by this act for the name which the agency or officer previously used; and

2. In preparing supplements to the Nevada Administrative Code, substitute appropriately the name of any agency or officer of the State whose name is changed by this act for the name which the agency or officer previously used.

Sec. 23. The amendatory provisions of sections 6, 7, 8 and 12 of this act, and the provisions of subsection 2 of NRS 641C.420 as amended by section 10 of this act, do not apply to the length of time a license or certificate is valid if the license or certificate is issued pursuant to the provisions of chapter 641C of NRS before July 1, 2015.

Sec. 24. NRS 641C.500 is hereby repealed.

Sec. 25. This act becomes effective on July 1, 2015.

