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ASSEMBLY BILL NO. 425—ASSEMBLYMAN SPRINKLE

MARCH 27, 2017

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Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing alcohol, drug and problem gambling counselors. (BDR 54-1031)

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: No.

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

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AN ACT relating to counselors; authorizing certain holders of licenses and certificates issued by the Board of Examiners for Alcohol, Drug and Gambling Counselors to place those licenses and certificates on inactive status; authorizing the Board to impose administrative sanctions against a person who engages in certain activity without a license or certificate; authorizing certain certified alcohol and drug abuse counselors to supervise a certified alcohol and drug abuse counselor intern; authorizing the Board to impose disciplinary action in certain circumstances; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Existing law provides for the Board of Examiners for Alcohol, Drug and  
2 Gambling Counselors to: (1) license clinical alcohol and drug abuse counselors and  
3 alcohol and drug abuse counselors who have received a master's or doctoral degree  
4 in an approved field of social science; and (2) certify alcohol and drug abuse  
5 counselors who have received a bachelor's degree in an approved field of social  
6 science, problem gambling counselors, clinical alcohol and drug abuse counselor  
7 interns, alcohol and drug abuse counselor interns and problem gambling counselor  
8 interns. (NRS 641C.330, 641C.340, 641C.350, 641C.390, 641C.420, 641C.430,  
9 641C.440) **Section 2** of this bill authorizes the holder of a license or certificate  
10 issued by the Board, other than a certificate as an intern, to place the license or  
11 certificate on inactive status if the license or certificate is in good standing and the  
12 holder of the license or certificate has met all requirements for the issuance or  
13 renewal of the license or certificate. **Section 2** prohibits a person whose license is



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14 inactive from engaging in any work or activity that requires a license or certificate  
15 issued by the Board in this State unless the license or certificate is returned to active  
16 status. Violation of this provision is a misdemeanor. (NRS 641C.950) **Section 6** of  
17 this bill authorizes the Board to impose disciplinary action against a person who:  
18 (1) violates this provision; or (2) engages in the practice of counseling problem  
19 gamblers with an expired, suspended or revoked certificate.

20 **Section 3** of this bill authorizes the Board to impose certain sanctions,  
21 including an administrative penalty, against a person who: (1) provides services for  
22 which a license or certificate issued by the Board is required without such a license  
23 or certificate; or (2) falsely represents or implies that he or she has such a license or  
24 certificate.

25 Under existing law, only a licensed alcohol and drug abuse counselor is  
26 authorized to supervise a certified alcohol and drug abuse counselor intern. (NRS  
27 641C.420) **Sections 4 and 5** of this bill additionally authorize a certified alcohol  
28 and drug abuse counselor who has been certified for at least 3 years and meets any  
29 other requirements prescribed by the Board to supervise such an intern.

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

1 **Section 1.** Chapter 641C of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2. 1.** *The holder of a license or certificate issued by the*  
4 *Board, other than a certified intern, may apply to the Board to*  
5 *have his or her license or certificate placed on inactive status. The*  
6 *Board may grant the application if the license or certificate is in*  
7 *good standing and the holder of the license or certificate has met*  
8 *all requirements for the issuance or renewal of the license or*  
9 *certificate as of the date of the application.*

10 **2.** *If an application is granted pursuant to subsection 1, the*  
11 *holder of the license or certificate shall not engage in any work or*  
12 *activities that require a license or certificate issued by the Board in*  
13 *this State unless the license or certificate is first returned to active*  
14 *status.*

15 **3.** *The Board shall adopt regulations prescribing the:*

16 *(a) Procedure for submitting an application pursuant to this*  
17 *section;*

18 *(b) Procedure and terms upon which a person whose license or*  
19 *certificate has been placed on inactive status may resume work or*  
20 *activities that require a license or certificate;*

21 *(c) Length of time that a license or certificate may remain on*  
22 *inactive status; and*

23 *(d) Fees for the renewal of the inactive status of a license or*  
24 *certificate.*

25 **Sec. 3.** *In addition to any criminal penalty that may be*  
26 *imposed for a violation of NRS 641C.900 or 641C.910, the Board,*  
27 *after notice and a hearing, may:*



1 *1. Issue an order against any person who has violated NRS*  
2 *641C.900 or 641C.910, imposing an administrative penalty of not*  
3 *more than \$5,000 for each violation. Any administrative penalty*  
4 *collected pursuant to this subsection must be deposited in the State*  
5 *General Fund.*

6 *2. Issue and serve on the person an order to cease and desist*  
7 *until the person obtains from the Board the proper license or*  
8 *certificate and otherwise demonstrates that he or she is no longer*  
9 *in violation of NRS 641C.900 or 641C.910, as applicable. An order*  
10 *to cease and desist must include a telephone number by which the*  
11 *person may contact the Board.*

12 *3. Issue a citation to the person. A citation issued pursuant to*  
13 *this subsection must be in writing, describe with particularity the*  
14 *nature of the violation and inform the person of the provisions of*  
15 *this section. Each activity in which the person is engaged*  
16 *constitutes a separate offense for which a separate citation may be*  
17 *issued. To appeal a citation, the person must submit a written*  
18 *request for a hearing to the Board not later than 30 days after the*  
19 *date of issuance of the citation.*

20 *4. Impose any combination of the penalties set forth in*  
21 *subsections 1, 2 and 3.*

22 **Sec. 4.** NRS 641C.390 is hereby amended to read as follows:

23 641C.390 1. The Board shall issue a certificate as an alcohol  
24 and drug abuse counselor to a person who:

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

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

28 (c) Except as otherwise provided in subsection 2, has received a  
29 bachelor's degree from an accredited college or university in a field  
30 of social science approved by the Board;

31 (d) Has completed 4,000 hours of supervised counseling of  
32 alcohol and drug abusers;

33 (e) Passes the written and oral examinations prescribed by the  
34 Board pursuant to NRS 641C.290;

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

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

38 2. The Board may waive the educational requirement set forth  
39 in paragraph (c) of subsection 1 if an applicant for a certificate has  
40 contracted with or receives a grant from the Federal Government to  
41 provide services as an alcohol and drug abuse counselor to persons  
42 who are authorized to receive those services pursuant to 25 U.S.C.  
43 §§ ~~1450~~ 5301 et seq. or 25 U.S.C. §§ 1601 et seq. An alcohol and  
44 drug abuse counselor certified pursuant to this section for whom the  
45 educational requirement set forth in paragraph (c) of subsection 1 is



1 waived may provide services as an alcohol and drug abuse  
2 counselor only to those persons who are authorized to receive those  
3 services pursuant to 25 U.S.C. §§ ~~1450~~ 5301 et seq. or 25 U.S.C. §§  
4 1601 et seq.

5 3. A certificate as an alcohol and drug abuse counselor is valid  
6 for 2 years and may be renewed.

7 4. A certified alcohol and drug abuse counselor may:

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

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

12 *(c) If the certified alcohol and drug abuse counselor has been*  
13 *certified for at least 3 years and meets any other requirements*  
14 *prescribed by regulation of the Board for the supervision of*  
15 *interns, supervise certified alcohol and drug abuse counselor*  
16 *interns.*

17 **Sec. 5.** NRS 641C.420 is hereby amended to read as follows:

18 641C.420 1. The Board shall issue a certificate as an alcohol  
19 and drug abuse counselor intern to a person who:

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

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

23 (c) Pays the fees required pursuant to NRS 641C.470;

24 (d) Submits proof to the Board that the person:

25 (1) Is enrolled in a program in which he or she has completed  
26 at least 60 hours of credit toward the completion of a bachelor's  
27 degree in a field of social science approved by the Board;

28 (2) Is enrolled in a program from which he or she will  
29 receive a master's degree or doctoral degree in a field of social  
30 science approved by the Board; or

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

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

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

39 (2) Be approved by the Board; and

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

42 2. A certificate as an alcohol and drug abuse counselor intern is  
43 valid for 6 months and may be renewed. The Board may waive any  
44 requirement for the renewal of a certificate upon good cause shown  
45 by the holder of the certificate.



1 3. A certified alcohol and drug abuse counselor intern may,  
2 under the supervision of a licensed alcohol and drug abuse  
3 counselor, ~~or~~ licensed clinical alcohol and drug abuse counselor  
4 ~~or~~ *certified alcohol and drug abuse counselor who meets the*  
5 *requirements of paragraph (c) of subsection 4 of NRS 641C.390:*

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

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

9 **Sec. 6.** NRS 641C.700 is hereby amended to read as follows:  
10 641C.700 The grounds for initiating disciplinary action  
11 pursuant to the provisions of this chapter include:

12 1. Conviction of:

13 (a) A felony relating to the practice of counseling alcohol and  
14 drug abusers, the clinical practice of counseling alcohol and drug  
15 abusers or the practice of counseling problem gamblers;

16 (b) An offense involving moral turpitude; or

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

20 2. Fraud or deception in:

21 (a) Applying for a license or certificate;

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

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

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

26 (e) The practice of counseling alcohol and drug abusers or the  
27 clinical practice of counseling alcohol and drug abusers;

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

30 4. Professional incompetence;

31 5. The habitual use of alcohol or any other drug that impairs  
32 the ability of a licensed or certified counselor or certified intern to  
33 engage in the practice of counseling alcohol and drug abusers or the  
34 clinical practice of counseling alcohol and drug abusers;

35 6. Engaging in the practice of counseling alcohol and drug  
36 abusers, *the practice of counseling problem gamblers* or the  
37 clinical practice of counseling alcohol and drug abusers with an  
38 *inactive*, expired, suspended or revoked license or certificate;

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

41 8. The operation of a medical facility, as defined in NRS  
42 449.0151, at any time during which:

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

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



- 1   ↳ This subsection applies to an owner or other principal responsible
- 2   for the operation of the facility.
- 3   **Sec. 7.** This act becomes effective on July 1, 2017.

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