

**LCB File No. R126-01**

**PROPOSED REGULATION OF  
THE BOARD OF EXAMINERS FOR  
ALCOHOL AND DRUG ABUSE COUNSELORS**

**NOTICE OF HEARING  
TELECONFERENCE**

**DATE:** October 24, 2001  
**LOCATION:** Legislative Council Bureau  
401 S. Carson St Rm. 2135  
Carson City, NV  
And  
Legislative Council Bureau  
555 E. Washington Ave., Suite 4401  
Las Vegas, NV

**TIME:** 9:30 a.m.

\* DENOTES ITEMS THAT ACTION MAY BE TAKEN ON

\*\* DENOTES ITEMS THAT MAYBE IN CLOSED SESSION TO CONSIDER CHARACTER  
COMPETENCE, MENTAL OR PHYSICAL HEALTH OF THE PERSONNEL INVOLVED

1. \* Welcome, Call to Order and Approve Minutes
2. \* Financial Report
- 3.\* Public Workshop to Solicit Comments, Discuss and Review NAC641C including but not limited to:
  - Procedures for Complaints, Investigations and Hearings –NAC 641C.555 to .655
  - Application Due Dates – NAC 641C.215.5
  - Waivers for educational requirements for Interns that are not able to attend college as required by NAC 641C. 290.2
  - Establish new Fees for Certain Certificates, Deactivation, Reactivation and Replacement of Certificates or Licenses – NAC 641C.240
  - Increase in Fees for the Renewal of Licenses and Certificates NAC 641C.240
  - Increase in Fees for the Review and Renewal of Intern Certificates – NAC 641C.240
  - Increase in Fees for a Provisional Certificates – NAC 641C.240
  - Increase in Fees for Initial Applications – NAC 641C.240
  - Supervisor’s Responsibility of Interns and Other Requirements – NAC 641C.280 & .290
  - Allowance of Credit for College course - NAC641C.205
  - Passing Score for Examinations – NAC 641C.220
  - Deactivation & Reactivation of License or Certificate – NAC 641C.275
  - Unprofessional Conduct – NAC 641C.440

- 4.\* Public Hearing for the Amendment, Adoption and Repeal of Regulations
- 5.\* Review and Discussion of Examination Results and Permission to sit for the Exam – Zannetta Hanks
- 6.\* Discussion and Board Decision on the Investigation Policies and Procedures
- 7.\* Board Decision on Screening of Complaint Profiles to Determine if They Should be Dismissed or Pursued
8. Correspondence Received and Replies – Informational only
- 9.\* Schedule Next Meeting
10. Public Comments
- 11 \* Adjournment

Please note: The Board of Examiners for Alcohol and Drug Abuse Counselors may address agenda items out of sequence to accommodate persons appearing before the Board or to aid the efficiency or effectiveness of the meeting.

Interested persons may present oral and/or written comments at the time and place of the meeting, or written comments may be sent no later than October 16, 2001: Sharon Atkinson  
Board of Examiners for Alcohol and Drug Abuse Counselors  
401 Dayton Valley Rd., Suite B  
Dayton, NV 89403

This notice has been posted in accordance with NRS Chapter 241 in the following locations:

Rehabilitation Office - 1830 E. Sahara, Las Vegas, Nevada  
Nevada State Library and Archives - 100 N. Stewart St., Carson City, Nevada  
Rehabilitation Office - 1325 Corporate Blvd., Reno, Nevada  
Grant Sawyer Building - 555 E. Washington Blvd., Las Vegas, Nevada  
University of Nevada/Reno - E.J. Cain Building, Reno Nevada  
Board of Examiners for Alcohol and Drug Abuse Counselors – 401 Dayton Valley Rd.,  
Suite B, Dayton, Nevada  
Legislative Counsel Bureau – 401 S. Carson St., Carson City, NV

Certification on file in the office of the Board of Examiners for Alcohol and Drug Counselors in Dayton, NV. In compliance with the Americans with Disabilities Act (ADA) please contact the Board of Examiners for Alcohol and Drug Counselors, (775) 246-2260, if you are disabled or require special services to attend this meeting. (a:agenda)

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**PROPOSED REGULATION OF  
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ALCOHOL AND DRUG ABUSE COUNSELORS**

**Section II.**

Deletions are in brackets ~~[ ]~~.

Additions are in ***Bold and italics.***

**NAC 641C.205 Allowance of credit for college courses.** (NRS 641C.200) For the purposes of this chapter, paragraph (d) of subsection 1 of NRS 641C.350 and paragraph (d) of subsection 1 of NRS 641C.390, the board will consider an applicant for a license or certificate as an alcohol and drug abuse counselor to have successfully completed 2,500 hours of supervised counseling of drug and alcohol abusers if the applicant has successfully completed ***the following:***

~~[1. At least 12 semester hours, or 18 quarter hours, of study specifically related to the counseling of alcohol and drug abusers if the applicant has received a master's or doctoral degree from an accredited college or university in a field of social science approved by the board; or  
— 2. At least 18 semester hours, or 27 quarter hours, of study specifically related to the counseling of alcohol and drug abusers if the applicant has received a bachelor's degree from an accredited college or university in a field of social science approved by the board.]~~

(Added to NAC by Bd. of Exam'rs for Alcohol & Drug Abuse Counselors by R097-00, eff. 8-9-2000)

***1. If an individual has completed a Bachelor's degree in an approved social science field which included 18 semester hours, or 27 quarter hours, of study specifically related to the counseling of alcohol and drug abusers from an accredited college or university in a field of social science approved by the board or has accrued the required 18 semester, or 27 quarter hours post graduate; or***

***2. If an individual has completed a Master's degree in an approved social science field which included 12 semester hours, or 18 quarter hours, of study specifically related to the counseling of alcohol and drug abusers from an accredited college or university in a field of social science approved by the board or has accrued required 12 semester, or 18 quarter hours post graduate.***

**This section is retroactive to October 1, 1999.**

**NAC 641C.215 Action by staff or board upon receipt of application for license or certificate.** (NRS 641C.200) is amended to read as follows:

5. An applicant for licensure or certification whose application is received less than ~~[30]~~ **90** days before a regularly scheduled examination will not be scheduled to sit for that examination but will be scheduled to sit for the next following regularly scheduled examination.

**NAC 641 C.220 Examinations. (NRSC.200, 641C.290)**

1. An applicant for licensure or certification as a counselor must pass ~~each section of an~~ the examination required by the board with ~~a~~ **an average** score of at least 70 percent.

**This section is retroactive to October 1, 1999.**

2. The board will mail the results of the written and oral examinations taken by an applicant for licensure or certification to the applicant at his last known address.

3. An applicant for licensure or certification who fails the examination may retake the examination when it is next offered if the applicant applies to the board to retake the examination and submits a nonrefundable fee. The amount of the fee required by this subsection is equal to the amount required by the testing company used by the board for those materials necessary to test the applicant.

4. An applicant for licensure or certification who fails an examination and who does not retake the examination when it is next offered must submit a new application if he wants to take the examination again.

5. An applicant for licensure or certification who fails the examination for licensure or certification three times may not take the examination again until he has appeared before the board. The board will examine the qualifications of such an applicant to sit for an additional examination. The board may condition the applicant’s taking of an additional examination as the board deems necessary and appropriate.

**NAC 641C.240 Fees. (NRS 641C.200, 641C.470)** The board will charge and collect the following fees:

- 1. For the initial application for a license or certificate .....~~[\$50]~~ **\$60**
  - a. Application for supervisors certificate* .....~~[\$20]~~ **\$20**
- 2. For the issuance of a provisional license or certificate.....~~[\$45]~~ **\$50**
- 3. For the issuance of an initial license or certificate.....~~[\$50]~~ **\$60**
  - b. Certificate for supervisors certificate* .....~~[\$20]~~ **\$20**
- 4. For the renewal of a license or certificate as an alcohol and drug abuse counselor.....~~[\$125]~~ **\$150**
- 5. For the renewal of a certificate as an alcohol and drug abuse counselor intern.....~~[\$60]~~ **\$70**
- 6. For the renewal of a delinquent license or certificate .....\$75
- 7. For the restoration of an expired license or certificate .....~~[\$150]~~ **\$175**
- 8. *For the deactivation of a license or certificate*.....~~[\$20]~~ **\$20**
- 9. *For the reactivation of a license or certificate*.....~~[\$20]~~ **\$20**
- 10. *For the replacement of a certificate or license* .....~~[\$20]~~ **\$20**
- 11. For the restoration or reinstatement of a suspended or revoked license or certificate .....\$300
- 12. For the issuance of a license or certificate without examination....~~[\$100]~~ **\$125**
- 13. For an examination .....~~[\$50]~~ **\$60**

plus the amount required by a testing company, if any, used by the board for testing applicants.

**NAC 641C.275 Deactivation of license or certificate; procedure for reactivation; expiration and renewal. ( NRS 641C.200 )**

1. A counselor or certified intern may deactivate his license or certificate for a 12-month period. To deactivate his license or certificate, a counselor or certified intern must:

- (a) Be in good standing with the board ~~[and not under any investigation by the board]~~; and
- (b) Submit to the board a written application on a form prescribed by the board.

2. A counselor or certified intern may reactivate his license or certificate at any time during the period in which the license or certificate is deactivated. To reactivate his license or certificate, a counselor or certified intern must:

- (a) Be in good standing with the board ~~[and not under any investigation by the board]~~; and
- (b) Submit to the board a written application on a form prescribed by the board.

3. If a deactivated license or certificate is not reactivated before the end of the period for which the license or certificate is deactivated, the board will consider the license or certificate to have expired and the license or certificate may only be renewed pursuant to NRS 641C.460 .

**NAC641C.280 Supervisors Requirements:** is amended to read as follows:

(c) Have been licensed by the board ~~[for at least 2 year]~~ and have engaged in the practice of counseling alcohol and drug abusers for at least 2 years.

**NAC 641C.290 Supervisors of certified interns: Responsibilities related to education of certified interns.** ([NRS 641C.200](#)) is amended to read as follows:

Except as otherwise provided in this subsection, if, at the time when a certified intern received his most current certification from the board, the certified intern is enrolled in a program of education from which he will receive an associate's degree, bachelor's degree, master's degree or doctoral degree in a field of social science, the licensed counselor supervising the certified intern shall ensure that the certified intern is properly enrolled in that program of education during each semester within the certification period. If a certified intern withdraws from his courses such that he is no longer enrolled in at least 3 credit hours for a given semester the certified intern may not work as a certified intern during the remainder of that semester and any hours which he accumulates during this time working as a certified intern will not be counted toward the number of hours necessary to become a licensed or certified counselor, *unless a waiver has been granted by the Board for emergencies, which may include extreme illnesses and cancellation of classes by colleges or universities. The Intern will be asked to provide the Board with documentation for any requested waiver. The Intern may be requested to appear before the Board to determine if a waiver should be granted.*

**NAC 641C.300 Requirements for maintenance or renewal of license or certificate; grounds for disciplinary action.** ([NRS 641C.200](#))

1. To maintain his licensure or certification, as appropriate, a counselor must attend at least 40 hours of continuing education during the 2-year period of licensure or certification.

2. To maintain and renew his certification as an alcohol and drug abuse counselor intern, a certified intern must attend:

- (a) At least 15 hours of training during his first 6 months of certification;
- (b) A least 10 hours of training during his second 6 months of certification; and
- (c) At least 20 hours of training during each subsequent year of certification.

3. A counselor who takes a program of continuing education which presents the same material that he took during the previous 2-year period will not get credit for taking the subsequent program of continuing education.

*4. To maintain his certificate as a supervisor a licensed counselor must obtain at least 10 hours of continuing education that pertain to supervision, ethics or Nevada Law during the 2-*

*year period of certification. These hours are in addition to the hours required for maintaining his license as a counselor.*

5. ~~[4.]~~ A counselor is subject to disciplinary action by the board if he:

(a) Fails to provide to the board information regarding his participation in a program of continuing education within 30 days after receiving a request from the board; or

(b) Submits to the board false or inaccurate information regarding his participation in a program of continuing education.

*(c.) Fails to cooperate with the board's investigation of a complaint, including failing to timely respond to the board regarding a complaint sent to him by staff pursuant to NAC 641C.555.*

**NAC 641C.440 Unprofessional conduct.** (NRS 641C.200) is amended to read as follows:

3. If a board or entity in *Nevada or in* another state which has issued a license, certificate, registration or other credential to a counselor or certified intern for the practice of counseling alcohol and drug abusers or a related field revokes or suspends the license, certificate, registration or other credential, or takes any other disciplinary action against the counselor or certified intern, the revocation, suspension or disciplinary action is a ground for disciplinary action by the board against the counselor or certified intern for unprofessional conduct.

**NAC 641C.555 Complaints: Filing; response; review; investigation; records or other evidence; notice of hearing and accusation; answer; consolidation** (NRS 641C.200)

Is amended to read as follows:

**2.a** Upon receiving a complaint against a counselor or certified intern, the staff shall send a copy ~~[of a]~~ *or a summary of the* complaint to the counselor or certified intern by certified mail. The transmission of a complaint will be deemed to be a notice of intended action pursuant to subsection 3 of the NRS 233B.127. Upon the receipt of the copy of a complaint that has been filed against him, a counselor or certified intern shall submit to the board a written response to the complaint within ~~[10]~~ *15* days after the date on which ~~[he received]~~ the complaint *was served*. A response to a complaint must respond to the allegations made in the complaint and be accompanied with all documentation that would be useful to the staff and legal counsel in ~~[its]~~ *their* review of the allegations made in the complaint and the responses made by the counselor or certified intern to those allegations.

*2.b If the counselor or intern fails to respond as required by section 2 he shall be deemed to have admitted the allegations of the complaint. Based on these admissions the Board may impose appropriate discipline on the counselor or intern in the same manner as if the allegations has been proven by substantial evidence at a Board hearing held on a formal accusation.*

3. *In cases where a response is filed as required by section 2*, the staff and legal counsel shall review ~~[a]~~ *the* complaint and the responses made thereto *and may enlist the aid of a member of the board or other qualified persons in the review of the complaint and responses;* ~~[He]~~ *After* their review of ~~[a]~~ *the* complaint and the responses made thereto, the staff and legal counsel may:

- (a) Investigate the allegations and employ such people as they deem necessary to further the investigations;
- (b) Consult with experts in the appropriate field, including, without limitation, employing such persons for the purposes of an investigation or a hearing;
- (c) Investigate new leads and allegations that may come to their knowledge in the course of the investigation;
- (d) Enlist the aid of a member of the board *or other qualified person* in the conduct of the investigation; and
- (e) Take any other reasonable action necessary to further the *review or the* investigation.

5. During an investigation of a complaint, the staff, legal counsel or investigator, if any, may demand that a counselor or certified intern produce his records or other evidence for inspection or copying, with or without prior notice to the counselor or certified intern, and with or without a subpoena. A counselor or certified intern shall not deny any such request for records or other evidence if the record or other evidence is not subject to the provisions of 42 C.F.R. Part 2. If a counselor or certified intern refuses or fails to cooperate with a request for records in violation of this section, the board ~~[will]~~ *may* immediately suspend his license or certificate until the counselor or certified intern complies with the request for records or other evidence. If the counselor or certified intern continues to refuse or fail to cooperate with a request for records or other evidence in violation of this section, the board may take such further disciplinary action against the counselor or certified intern as the board determines necessary.

7. When an investigation of a complaint is complete, the staff, legal counsel and investigator, if any, shall determine whether substantial evidence exists to sustain the alleged violation of a statute or regulation set forth in the complaint. If the staff, legal counsel and investigator determined that no allegation of a violation of a statute or regulation set forth in the complaint can be sustained, the staff shall notify, in writing, the complainant and the respondent of this determination. If the staff, legal counsel and investigator determine that a violation of a statute or regulation as alleged in the complaint can be sustained, the legal counsel shall *proceed with final resolution of the case, including but not limited to mediation, settlement agreements, stipulations of facts and liability, informal hearings or preparation of* a notice of hearing and accusation *for presentation to the Board at a formal hearing.*

10. A respondent who receives a notice of hearing and accusation must file his answer to the notice *and accusation* not later than 15 days after the date on which ~~[he received]~~ *the notice and accusation were served.* ~~[the notice]~~. An answer to a notice of hearing and accusation filed by a respondent must include a response to each allegation and statement made in the notice *and accusation* by either admitting to or denying the allegation or statement. *If the counselor or intern fails to answer as required by this section he shall be deemed to have admitted the allegations and statements contained in the notice and accusation. Based on these admissions the Board may grant a default and impose appropriate discipline on the counselor or intern in the same manner as if the allegations had been proven by substantial evidence at a Board hearing held on the accusation.*

11. *Within 10 days following the filing of the licensee's answer both the board counsel and the licensee must exchange documents and other evidence and a list of all witnesses and other evidence that will be used at the hearing. Evidence not exchanged will not be admitted at the*

*hearing unless the party shows that the evidence was not available after diligent investigation before the time exchange was required and that the evidence was given or communicated to the other party immediately after it was obtained.*

~~[The board may consider the failure of a respondent to file an answer in a timely manner to be an admission of each allegation and statement contained in the notice of hearing and accusation.]~~