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MOCK-UP

PROPOSED AMENDMENT TO SUBSTITUTE
SENATE BILL NO. 248

PREPARED FOR SENATE COMMITTEE ON COMMERCE AND LABOR
APRIL 3, 2003

PREPARED BY THE RESEARCH DIVISION

NOTE: THIS DOCUMENT SHOWS PROPOSED AMENDMENTS IN CONCEPTUAL FORM. THE LANGUAGE AND ITS PLACEMENT IN THE OFFICIAL AMENDMENT MAY DIFFER.

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~green bold double strikethrough~~ is language proposed to be deleted in this amendment and (5) ~~green bold dashed underlining~~ is deleted language in the original bill that is proposed to be retained in this amendment.

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

- 1 **Section 1.** NRS 641.029 is hereby amended to read as follows:
2 641.029 The provisions of this chapter do not apply to:
3 1. A physician who is licensed to practice in this state;
4 2. A person who is licensed to practice dentistry in this state;
5 3. A person who is licensed as a marriage and family therapist
6 pursuant to chapter 641A of NRS;
7 4. A person who is licensed to engage in social work pursuant to
8 chapter 641B of NRS;
9 5. A person who is licensed as an occupational therapist or
10 occupational therapy assistant pursuant to *chapter 640A of NRS* ;
11 ~~{640A.010 to 640A.230, inclusive;}~~
12 6. A person who ~~{is}~~ :
13 ~~(a) *is*~~ *is* licensed or certified as an alcohol and drug abuse counselor or
14 certified as an alcohol and drug abuse counselor or certified as an alcohol
15 and drug abuse counselor intern pursuant to chapter 641C of NRS; or
16 ~~(b) *is certified as an alcohol and drug abuse counselor, alcohol and*~~
17 ~~*drug abuse counselor intern or specialist in the prevention of substance*~~

1 ~~abuse in accordance with a regulation adopted pursuant to section 4 of~~
2 ~~this act, or~~

3 7. Any clergyman,
4 if such a person does not commit an act described in NRS 641.440 or
5 represent himself as a psychologist.

6 Sec. 2. NRS 641B.040 is hereby amended to read as follows:

7 641B.040 The provisions of this chapter do not apply to:

8 1. A physician who is licensed to practice in this state;
9 2. A nurse who is licensed to practice in this state;
10 3. A person who is licensed as a psychologist pursuant to chapter 641
11 of NRS;

12 4. A person who is licensed as a marriage and family therapist
13 pursuant to chapter 641A of NRS;

14 5. A person who is licensed as an occupational therapist or
15 occupational therapy assistant pursuant to *chapter 640A* of NRS ;
16 ~~{640A.010 to 640A.230, inclusive;}~~

17 6. A person who ~~is~~ :

18 ~~(a) Is~~ is licensed or certified as an alcohol and drug abuse counselor or
19 certified as an alcohol and drug abuse counselor intern pursuant to chapter
20 641C of NRS; or

21 ~~(b) Is certified as an alcohol and drug abuse counselor, or an~~
22 ~~alcohol and drug abuse counselor intern or specialist in the prevention~~
23 ~~of substance abuse in accordance with a regulation adopted pursuant to~~
24 ~~section 4 of this act;~~

25 7. Any clergyman;

26 8. A county welfare director;

27 9. Any person who may engage in social work or clinical social work
28 in his regular governmental employment but does not hold himself out to
29 the public as a social worker; or

30 10. A student of social work and any other person preparing for the
31 profession of social work under the supervision of a qualified social
32 worker in a training institution or facility recognized by the Board, unless
33 the student or other person has been issued a provisional license pursuant
34 to paragraph (b) of subsection 1 of NRS 641B.275. Such a student must be
35 designated by the title "student of social work" or "trainee in social work,"
36 or any other title which clearly indicates his training status.

37 Sec. 3. Chapter 641C of NRS is hereby amended by adding thereto
38 the provisions set forth as sections 4 and 5 of this act.

39 Sec. 4. 1. The Board may waive the education requirement for an
40 applicant requesting certification as an alcohol/ drug abuse counselor or
41 a specialist in the prevention of substance abuse if the applicant provides
42 services pursuant to contracts or grants with the federal government
43 under the authority of Public Law 93-638, 25 U.S.C. § 450 et seq., or
44 Public Law 94-437, 25 U.S. C. § 1601 et seq.

1 2. A person who becomes certified as an alcohol/drug abuse
2 counselor pursuant to this section shall only provide substance abuse
3 services to those eligible for services pursuant to Public Law 93-638, 25
4 U.S.C. § 450 et seq., or Public Law 94-437, 25 U.S. C. § 1601 et seq.

5 ~~(a) An alcohol and drug abuse counselor or alcohol and drug abuse~~
6 ~~counselor intern if the person has not received a bachelor's degree,~~
7 ~~master's degree or doctoral degree from an accredited college or~~
8 ~~university in a field of social science approved by the Board pursuant to~~
9 ~~NRS 641C.350 or 641C.390; or~~

10 ~~(b) A specialist in the prevention of substance abuse.~~

11 ~~2. Except as otherwise provided in subsection 5, any regulation~~
12 ~~adopted pursuant to subsection 1 must include, without limitation,~~
13 ~~provisions relating to:~~

14 ~~(a) The requirements for submitting an application for a certificate,~~
15 ~~including, without limitation, the submission of~~
16 ~~a complete set of fingerprints pursuant to NRS 641C.260;~~

17 ~~(b) The scope of practice for a person who is issued a certificate;~~

18 ~~(c) The conduct of any investigation or hearing relating to an~~
19 ~~application for a certificate;~~

20 ~~(d) The examination of an applicant for a certificate or a waiver of~~
21 ~~examination for an applicant;~~

22 ~~(e) The requirements for issuing a certificate or provisional~~
23 ~~certificate;~~

24 ~~(f) The duration, expiration, renewal, restoration, suspension,~~
25 ~~revocation and reinstatement of a certificate;~~

26 ~~(g) The grounds for refusing the issuance, renewal, restoration or~~
27 ~~reinstatement of a certificate;~~

28 ~~(h) The conduct of any disciplinary or other administrative~~
29 ~~proceeding relating to a person who is issued a certificate;~~

30 ~~(i) The filing of a complaint against a person who is issued a~~
31 ~~certificate;~~

32 ~~(j) The issuance of a subpoena for the attendance of witnesses and~~
33 ~~the production of books, papers and records;~~

34 ~~(k) The payment of fees for:~~

35 ~~(1) Witnesses, mileage and attendance at a hearing or deposition;~~
36 ~~and~~

37 ~~(2) The issuance, renewal, restoration or reinstatement of a~~
38 ~~certificate;~~

39 ~~(l) The imposition of a penalty for a violation of any provision of the~~
40 ~~regulations; and~~

41 ~~(m) The confidentiality of any record or other information~~
42 ~~maintained by the Board relating to an applicant or the holder of a~~
43 ~~certificate.~~

44 ~~3. A regulation adopted pursuant to subsection 1 may include a~~
45 ~~provision that limits the geographical area within which the holder of a~~

1 ~~certificate specified in subsection 1 may engage in an activity in~~
2 ~~accordance with his certificate.~~

3 ~~4. A person shall not engage in any activity for which the Board~~
4 ~~requires a certificate pursuant to this section unless the person is the~~
5 ~~holder of such a certificate.~~

6 ~~5. The Board shall not impose a fee or penalty or take any~~
7 ~~disciplinary action in accordance with a regulation adopted pursuant to~~
8 ~~this section if the fee, penalty or disciplinary action exceeds any fee,~~
9 ~~penalty or disciplinary action that the Board may impose against a~~
10 ~~licensed counselor, certified counselor or certified intern pursuant to this~~
11 ~~chapter.~~

12 ~~6. In addition to the provisions of subsection 2, a regulation adopted~~
13 ~~pursuant to this section must include provisions that are substantially~~
14 ~~similar to the requirements set forth in NRS 641C.270, 641C.280 and~~
15 ~~641C.710. Any provision included in a regulation pursuant to this~~
16 ~~subsection remains effective until the provisions of NRS 641C.270,~~
17 ~~641C.280 and 641C.710 expire by limitation.~~

18 ~~7. Except as otherwise provided in this section and NRS 641C.900,~~
19 ~~641C.910 and 641C.950, the provisions of this chapter do not apply to~~
20 ~~the holder of a certificate that is issued in accordance with a regulation~~
21 ~~adopted pursuant to this section.~~

22 **Sec. 5. 1. The Board may use any information included in a**
23 **report of criminal history that is obtained pursuant to this section or**
24 **NRS 641C.260 in determining whether:**

25 **(a) To issue, renew, restore, suspend, revoke or reinstate a license or**
26 **certificate pursuant to this chapter; or**

27 **(b) Any ground for imposing any disciplinary action exists pursuant**
28 **to NRS 641C.700.**

29 **2. Before renewing, restoring or reinstating the license or certificate**
30 **of a licensed counselor, certified counselor or certified intern, the Board**
31 **may, by regulation, require the licensed counselor, certified counselor or**
32 **certified intern to submit to the Board a complete set of his fingerprints**
33 **and written permission authorizing the Board to forward the fingerprints**
34 **to the Central Repository for Nevada Records of Criminal History for**
35 **submission to the Federal Bureau of Investigation for its report.**

36 **3. A regulation adopted pursuant to subsection 2 must set forth the**
37 **circumstances under which the Board will require a licensed counselor,**
38 **certified counselor or certified intern to submit his fingerprints and**
39 **written authorization specified in that subsection before renewing,**
40 **restoring or reinstating his license or certificate.**

41 **Sec. 6. NRS 641C.040 is hereby amended to read as follows:**

42 **641C.040 "Certificate" means a certificate issued to a person who is**
43 **certified as an alcohol and drug abuse counselor or an alcohol and drug**
44 **abuse counselor intern. ~~The term does not include a certificate issued in~~**
45 **~~accordance with a regulation adopted pursuant to section 4 of this act.~~**

1 **Sec. 7.** NRS 641C.260 is hereby amended to read as follows:
2 641C.260 Each applicant for a license or certificate must submit to
3 the Board:

- 4 1. An application on a form provided by the Board; ~~and~~
- 5 2. *A complete set of fingerprints and written permission authorizing*
6 *the Board to forward the fingerprints to the Central Repository for*
7 *Nevada Records of Criminal History for submission to the Federal*
8 *Bureau of Investigation for its report; and*
- 9 3. The application fee prescribed in NRS 641C.470.

10 **Sec. 8.** NRS 641C.450 is hereby amended to read as follows:
11 641C.450 Except as otherwise provided in NRS 641C.320, *and*
12 *section 5 of this act*, a person may renew his license or certificate by
13 submitting to the Board:

- 14 1. An application for the renewal of his license or certificate;
- 15 2. The fee for the renewal of a license or certificate prescribed in NRS
16 641C.470;
- 17 3. Evidence of his completion of the continuing education required by
18 the Board;
- 19 4. If the applicant is a certified intern, the name of the licensed
20 counselor who supervises him; and
- 21 5. The statement required pursuant to NRS 641C.280.

22 **Sec. 9.** NRS 641C.460 is hereby amended to read as follows:
23 641C.460 1. A license or certificate that is not renewed on or before
24 the date on which it expires is delinquent. The Board shall, within 30 days
25 after the license or certificate becomes delinquent, send a notice to the
26 licensed or certified counselor or certified intern by certified mail, return
27 receipt requested, to the address of the counselor or intern as indicated in
28 the records of the Board.

29 2. A licensed or certified counselor or certified intern may renew a
30 delinquent license or certificate within 60 days after the license or
31 certificate becomes delinquent by complying with the requirements of
32 NRS 641C.450 and paying, in addition to the fee for the renewal of the
33 license or certificate, the fee for the renewal of a delinquent license or
34 certificate prescribed in NRS 641C.470.

35 3. A license or certificate expires 60 days after it becomes delinquent
36 if it is not renewed within that period.

37 4. ~~{A}~~ *Except as otherwise provided in section 5 of this act*, a license
38 or certificate that has expired may be restored if the applicant:

39 (a) Submits to the Board an application to restore the license or
40 certificate;

41 (b) Submits to the Board the statement required pursuant to
42 NRS 641C.280;

43 (c) Pays the renewal fees for the period during which the license or
44 certificate was expired and the fee for the restoration of a license or
45 certificate prescribed in NRS 641C.470;

1 (d) Passes the oral and written examinations prescribed by the Board;
2 and

3 (e) Submits to the Board evidence of his completion of the continuing
4 education required by the Board.

5 **Sec. 10.** NRS 641C.470 is hereby amended to read as follows:

6 641C.470 1. The Board shall charge and collect not more than the
7 following fees:

- 8
- 9 For the initial application for a license or certificate \$150
- 10 For the issuance of a provisional license or certificate 125
- 11 For the issuance of an initial license or certificate 60
- 12 For the renewal of a license or certificate as an alcohol and drug
- 13 abuse counselor 300
- 14 For the renewal of a certificate as an alcohol and drug abuse
- 15 counselor intern 75
- 16 For the renewal of a delinquent license or certificate 75
- 17 For the restoration of an expired license or certificate 150
- 18 For the restoration or reinstatement of a suspended or revoked
- 19 license or certificate 300
- 20 For the issuance of a license or certificate without examination
- 21 150
- 22 For an examination 150
- 23 *For the approval of a course of continuing education 150*
- 24

25 2. The fees charged and collected pursuant to this section are not
26 refundable.

27 **Sec. 11.** NRS 641C.710 is hereby amended to read as follows:

28 641C.710 1. If the Board receives a copy of a court order issued
29 pursuant to NRS 425.540 that provides for the suspension of all
30 professional, occupational and recreational licenses, certificates and
31 permits issued to a person, the Board shall deem the license or certificate
32 to be suspended at the end of the 30th day after the date on which the court
33 order was issued unless the Board receives a letter issued to the person by
34 the district attorney or other public agency pursuant to NRS 425.550
35 stating that the person has complied with the subpoena or warrant or has
36 satisfied the arrearage pursuant to NRS 425.560.

37 2. ~~{The}~~ *Except as otherwise provided in section 5 of this act, the*
38 *Board shall reinstate a license or certificate that has been suspended by a*
39 *district court pursuant to NRS 425.540 if the Board receives a letter issued*
40 *by the district attorney or other public agency pursuant to NRS 425.550 to*
41 *the person stating that the person has complied with the subpoena or*
42 *warrant or has satisfied the arrearage pursuant to NRS 425.560.*

43 **Sec. 12.** NRS 641C.900 is hereby amended to read as follows:

1 641C.900 1. Except as otherwise provided in subsection 2, a person
2 shall not engage in the practice of counseling alcohol and drug abusers
3 unless he is ~~{a}~~ :

4 ~~(a) A licensed counselor, certified counselor or certified intern {,}, ~~or~~~~
5 ~~(b) Certified as an alcohol and drug abuse counselor, alcohol and~~
6 ~~drug abuse counselor intern or specialist in the prevention of substance~~
7 ~~abuse in accordance with a regulation adopted pursuant to section 4 of~~
8 ~~this act.~~

9 2. A person may engage in the practice of counseling alcohol and
10 drug abusers under the supervision of a licensed counselor for not more
11 than 30 days if that person:

12 (a) Is qualified to be licensed or certified as an alcohol and drug abuse
13 counselor or certified as an alcohol and drug abuse counselor intern
14 pursuant to the provisions of this chapter; and

15 (b) Submits an application to the Board for a license or certificate as an
16 alcohol and drug abuse counselor or a certificate as an alcohol and drug
17 abuse counselor intern pursuant to the provisions of this chapter.

18 **Sec. 13.** NRS 641C.910 is hereby amended to read as follows:

19 641C.910 1. A person shall not:

20 (a) Hold himself out to ~~{the}~~ a member of the general public as an
21 alcohol and drug abuse counselor or alcohol and drug abuse counselor
22 intern;

23 (b) Use the title "alcohol and drug abuse counselor," "alcohol and drug
24 abuse counselor intern," "drug abuse counselor," "substance abuse
25 [counselor]" ~~counselor," "specialist in the prevention of substance~~
26 ~~abuse"~~ or any similar title in connection with his work; or

27 (c) Imply in any way that he is licensed or certified by the Board,
28 unless he is licensed or certified by the Board pursuant to the provisions of
29 this chapter ~~[,] or a regulation adopted pursuant to section 4 of this act.~~

30 2. If the Board believes that any person has violated or is about to
31 violate ~~{the provisions of subsection 1,}~~ *any provision of this chapter or a*
32 *regulation adopted pursuant thereto*, it may bring an action in a court of
33 competent jurisdiction to enjoin ~~{that}~~ *the* person from engaging in or
34 continuing the violation. An injunction:

35 (a) May be issued without proof of actual damage sustained by any
36 person.

37 (b) Does not prevent the criminal prosecution and punishment of a
38 person who violates ~~{the provisions of subsection 1,}~~ *a provision of this*
39 *chapter or a regulation adopted pursuant thereto*.

40 **Sec. 14.** NRS 641C.950 is hereby amended to read as follows:

41 641C.950 A person who violates any *provision of* ~~{the provisions of}~~
42 *this chapter or a regulation adopted pursuant thereto* is guilty of a
43 misdemeanor.

44 **Sec. 15.** NRS 641C.420 is hereby amended to read as follows:

1 NRS 641C.420 Requirements for issuance of certificate; period certificate
2 is valid; scope of practice authorized by certificate. [Effective until the date
3 of the repeal of the federal law requiring each state to establish procedures
4 for withholding, suspending and restricting the professional, occupational
5 and recreational licenses for child support arrearages and for
6 noncompliance with certain processes relating to paternity or child support
7 proceedings.]

8 1. The board shall issue a certificate as an alcohol and drug abuse
9 counselor intern to a person who:

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

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

13 (c) Has a high school diploma or a general equivalency diploma;

14 (d) Pays the fees required pursuant to NRS 641C.470;

15 (e) Submits proof to the board that he:

16 (1) Is enrolled in a program from which he will receive an
17 associate's degree, bachelor's degree, master's degree or doctoral degree
18 in a field of social science approved by the board; or

19 (2) Has received an associate's degree, bachelor's degree, master's
20 degree or doctoral degree in a field of social science approved by the
21 board; and

22 (f) Submits the statement required pursuant to NRS 641C.280.

23 2. A certificate as an alcohol and drug abuse counselor intern is valid
24 for 1 year and may be renewed.

25 3. The Board may grant:

26 (a) exceptions to requirements for renewal; and

27 (b) extensions to deadlines.

28 3. A certified intern may, under the supervision of a licensed
29 counselor:

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

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

32

33 **Sec. 16.** This act becomes effective on July 1, 2003.

34 This act becomes effective on July 1, 2003.

H

ADDITIONAL AMENDMENT TO S.B. 248 - Dorothy North

Contact: Dorothy B. North, President
775/738-8004

Statement of Intent:

At the request of the Chief from the Bureau of Alcohol and Drug Abuse Counselors seeks authority to adopt regulations to certify detoxification technicians. When certification and licensure authority was transferred from the Bureau to the Board, the responsibilities for certification of detoxification technicians were inadvertently not transferred.

Add a Section to the bill granting the board authority to adopt regulations concerning detoxification technicians. Current language concerning detoxification technicians is in NAC 458.189.1 &2 and NAC 458.194.2.