

SENATE BILL NO. 248—COMMITTEE ON COMMERCE AND LABOR

MARCH 7, 2003

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to alcohol and drug abuse counselors. (BDR 54-327)

FISCAL NOTE: Effect on Local Government: Yes.
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.

AN ACT relating to professions; authorizing the Board of Examiners for Alcohol and Drug Abuse Counselors to adopt regulations to certify persons as detoxification technicians; authorizing the Board to make certain determinations based on information included in a report of criminal history under certain circumstances; requiring the Board to charge and collect a fee for approving a course of continuing education; authorizing the Board to enter into an interlocal agreement with an Indian tribe to provide assistance to members of the tribe training in the practice of counseling alcohol and drug abusers; expanding the circumstances under which the Board may bring an action to enjoin certain violations; providing a penalty; and providing other matters properly relating thereto.

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, 3 and 4 of this act.
3 **Sec. 2. 1. *The Board may, by regulation, provide for the***
4 ***certification of a person as a detoxification technician.***
5 ***2. Any regulation adopted pursuant to subsection 1 must***
6 ***include, without limitation, provisions relating to:***



* S B 2 4 8 R 1 *

- 1 (a) *The requirements for submitting an application for a*
- 2 *certificate, including, without limitation, the submission of*
- 3 *a complete set of fingerprints pursuant to NRS 641C.260;*
- 4 (b) *The scope of practice for a person who is issued a*
- 5 *certificate;*
- 6 (c) *The conduct of any investigation or hearing relating to an*
- 7 *application for a certificate;*
- 8 (d) *The examination of an applicant for a certificate or a*
- 9 *waiver of examination for an applicant;*
- 10 (e) *The requirements for issuing a certificate or provisional*
- 11 *certificate;*
- 12 (f) *The duration, expiration, renewal, restoration, suspension,*
- 13 *revocation and reinstatement of a certificate;*
- 14 (g) *The grounds for refusing the issuance, renewal, restoration*
- 15 *or reinstatement of a certificate;*
- 16 (h) *The conduct of any disciplinary or other administrative*
- 17 *proceeding relating to a person who is issued a certificate;*
- 18 (i) *The filing of a complaint against a person who is issued a*
- 19 *certificate;*
- 20 (j) *The issuance of a subpoena for the attendance of witnesses*
- 21 *and the production of books, papers and records;*
- 22 (k) *The payment of fees for:*
- 23 (1) *Witnesses, mileage and attendance at a hearing or*
- 24 *deposition; and*
- 25 (2) *The issuance, renewal, restoration or reinstatement of a*
- 26 *certificate;*
- 27 (l) *The imposition of a penalty for a violation of any provision*
- 28 *of the regulations; and*
- 29 (m) *The confidentiality of any record or other information*
- 30 *maintained by the Board relating to an applicant or the holder of a*
- 31 *certificate.*
- 32 3. *A person shall not engage in any activity for which the*
- 33 *Board requires a certificate as a detoxification technician*
- 34 *pursuant to this section unless the person is the holder of such a*
- 35 *certificate.*
- 36 4. *In addition to the provisions of subsection 2, a regulation*
- 37 *adopted pursuant to this section must include provisions that are*
- 38 *substantially similar to the requirements set forth in NRS*
- 39 *641C.270, 641C.280 and 641C.710. Any provision included in a*
- 40 *regulation pursuant to this subsection remains effective until the*
- 41 *provisions of NRS 641C.270, 641C.280 and 641C.710 expire by*
- 42 *limitation.*
- 43 5. *Except as otherwise provided in this section and NRS*
- 44 *641C.900, 641C.910 and 641C.950, the provisions of this chapter*



1 *do not apply to the holder of a certificate that is issued in*
2 *accordance with a regulation adopted pursuant to this section.*

3 *6. As used in this section, "detoxification technician" means*
4 *a person who is certified by the Board to provide screening for the*
5 *safe withdrawal from alcohol and other drugs.*

6 **Sec. 3. 1.** *The Board may use any information included in*
7 *a report of criminal history that is obtained pursuant to this*
8 *section or NRS 641C.260 in determining whether:*

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

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

13 *2. Before renewing, restoring or reinstating the license or*
14 *certificate of a licensed counselor, certified counselor or certified*
15 *intern, the Board may, by regulation, require the licensed*
16 *counselor, certified counselor or certified intern to submit to the*
17 *Board a complete set of his fingerprints and written permission*
18 *authorizing the Board to forward the fingerprints to the Central*
19 *Repository for Nevada Records of Criminal History for submission*
20 *to the Federal Bureau of Investigation for its report.*

21 *3. A regulation adopted pursuant to subsection 2 must set*
22 *forth the circumstances under which the Board will require a*
23 *detoxification technician to submit his fingerprints and written*
24 *authorization specified in that subsection before renewing,*
25 *restoring or reinstating his certificate.*

26 **Sec. 4.** *The Board may enter into an interlocal agreement*
27 *with an Indian tribe to provide to members of the tribe training in*
28 *the practice of counseling alcohol and drug abusers to assist those*
29 *persons in obtaining licenses and certificates as alcohol and drug*
30 *abuse counselors.*

31 **Sec. 5.** *NRS 641C.260 is hereby amended to read as follows:*
32 *641C.260 Each applicant for a license or certificate must*
33 *submit to the Board:*

34 *1. An application on a form provided by the Board; ~~and~~*

35 *2. A complete set of fingerprints and written permission*
36 *authorizing the Board to forward the fingerprints to the Central*
37 *Repository for Nevada Records of Criminal History for submission*
38 *to the Federal Bureau of Investigation for its report; and*

39 *3. The application fee prescribed in NRS 641C.470.*

40 **Sec. 6.** *NRS 641C.390 is hereby amended to read as follows:*

41 *641C.390 1. The Board shall issue a certificate as an alcohol*
42 *and drug abuse counselor to a person who:*

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

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



- 1 (c) ~~Has~~ *Except as otherwise provided in subsection 2, has*
2 received a bachelor's degree from an accredited college or
3 university in a field of social science approved by the Board;
- 4 (d) Has completed 4,000 hours of supervised counseling of
5 alcohol and drug abusers;
- 6 (e) Passes the written and oral examinations prescribed by the
7 Board pursuant to NRS 641C.290;
- 8 (f) Pays the fees required pursuant to NRS 641C.470; and
- 9 (g) Submits the statement required pursuant to NRS 641C.280.
- 10 2. *The Board may waive the educational requirement set*
11 *forth in paragraph (c) of subsection 1 if an applicant for a*
12 *certificate has contracted with or receives a grant from the*
13 *Federal Government to provide services as an alcohol and drug*
14 *abuse counselor to persons who are authorized to receive those*
15 *services pursuant to 25 U.S.C. §§ 450 et seq. or 25 U.S.C. §§ 1601*
16 *et seq. An alcohol and drug abuse counselor certified pursuant to*
17 *this section for whom the educational requirement set forth in*
18 *paragraph (c) of subsection 1 is waived may provide services as an*
19 *alcohol and drug abuse counselor only to those persons who are*
20 *authorized to receive those services pursuant to 25 U.S.C. §§ 450*
21 *et seq. or 25 U.S.C. §§ 1601 et seq.*
- 22 3. A certificate as an alcohol and drug abuse counselor is valid
23 for 2 years and may be renewed.
- 24 ~~3.~~ 4. A certified alcohol and drug abuse counselor may:
- 25 (a) Engage in the practice of counseling alcohol and drug
26 abusers; and
- 27 (b) Diagnose or classify a person as an alcoholic or abuser of
28 drugs.
- 29 **Sec. 7.** NRS 641C.420 is hereby amended to read as follows:
- 30 641C.420 1. The Board shall issue a certificate as an alcohol
31 and drug abuse counselor intern to a person who:
- 32 (a) Is not less than 21 years of age;
- 33 (b) Is a citizen of the United States or is lawfully entitled to
34 remain and work in the United States;
- 35 (c) Has a high school diploma or a general equivalency diploma;
- 36 (d) Pays the fees required pursuant to NRS 641C.470;
- 37 (e) Submits proof to the Board that he:
- 38 (1) Is enrolled in a program from which he will receive an
39 associate's degree, bachelor's degree, master's degree or doctoral
40 degree in a field of social science approved by the Board; or
- 41 (2) Has received an associate's degree, bachelor's degree,
42 master's degree or doctoral degree in a field of social science
43 approved by the Board; and
- 44 (f) Submits the statement required pursuant to NRS 641C.280.



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

5 3. A certificate intern may, under the supervision of a licensed
6 counselor:

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

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

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 3 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
16 in NRS 641C.470;

17 3. Evidence of his completion of the continuing education
18 required by 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
24 before the date on which it expires is delinquent. The Board shall,
25 within 30 days after the license or certificate becomes delinquent,
26 send a notice to the licensed or certified counselor or certified intern
27 by certified mail, return receipt requested, to the address of the
28 counselor or intern as indicated in the records of the Board.

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

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

37 4. ~~FA~~ *Except as otherwise provided in section 3 of this act, a*
38 license or certificate that has expired may be restored if the
39 applicant:

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

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



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

4 (d) Passes the oral and written examinations prescribed by the
5 Board; and

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

8 **Sec. 10.** NRS 641C.470 is hereby amended to read as follows:
9 641C.470 1. The Board shall charge and collect not more
10 than the following fees:

11	
12	For the initial application for a license or certificate \$150
13	For the issuance of a provisional license or certificate 125
14	For the issuance of an initial license or certificate 60
15	For the renewal of a license or certificate as an alcohol and
16	drug abuse counselor..... 300
17	For the renewal of a certificate as an alcohol and drug abuse
18	counselor intern..... 75
19	For the renewal of a delinquent license or certificate 75
20	For the restoration of an expired license or certificate..... 150
21	For the restoration or reinstatement of a suspended or revoked
22	license or certificate 300
23	For the issuance of a license or certificate without
24	examination..... 150
25	For an examination..... 150
26	<i>For the approval of a course of continuing education 150</i>
27	

28 2. The fees charged and collected pursuant to this section are
29 not refundable.

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

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

41 2. ~~The~~ *Except as otherwise provided in section 3 of this act,*
42 *the* Board shall reinstate a license or certificate that has been
43 suspended by a district court pursuant to NRS 425.540 if the Board
44 receives a letter issued by the district attorney or other public agency
45 pursuant to NRS 425.550 to the person stating that the person has



1 complied with the subpoena or warrant or has satisfied the arrearage
2 pursuant to NRS 425.560.

3 **Sec. 12.** NRS NRS 641C.910 is hereby amended to read as
4 follows:

5 641C.910 1. A person shall not:

6 (a) Hold himself out to ~~the~~ a member of the general public as
7 an alcohol and drug abuse counselor or alcohol and drug abuse
8 counselor intern;

9 (b) Use the title “alcohol and drug abuse counselor,” “alcohol
10 and drug abuse counselor intern,” “drug abuse counselor,”
11 “substance abuse ~~counselor~~” *counselor,*” “*detoxification*
12 *technician*” or any similar title in connection with his work; or

13 (c) Imply in any way that he is licensed or certified by the
14 Board,

15 unless he is licensed or certified by the Board pursuant to the
16 provisions of this chapter ~~[-]~~ *or a regulation adopted pursuant to*
17 *section 2 of this act.*

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

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

25 (b) Does not prevent the criminal prosecution and punishment of
26 a person who violates ~~the provisions of subsection 1.~~ *a provision*
27 *of this chapter or a regulation adopted pursuant thereto.*

28 **Sec. 13.** NRS 641C.950 is hereby amended to read as follows:

29 641C.950 A person who violates any *provision* of ~~the~~
30 ~~provisions of~~ this chapter *or a regulation adopted pursuant thereto*
31 is guilty of a misdemeanor.

32 **Sec. 14.** NRS 458.010 is hereby amended to read as follows:

33 458.010 As used in NRS 458.010 to 458.350, inclusive, unless
34 the context requires otherwise:

35 1. “Administrator” means the Administrator of the Health
36 Division.

37 2. “Alcohol and drug abuse program” means a project
38 concerned with education, prevention and treatment directed toward
39 achieving the mental and physical restoration of alcohol and drug
40 abusers.

41 3. “Alcohol and drug abuser” means a person whose
42 consumption of alcohol or other drugs, or any combination thereof,
43 interferes with or adversely affects his ability to function socially or
44 economically.



1 4. "Alcoholic" means any person who habitually uses alcoholic
2 beverages to the extent that he endangers the health, safety or
3 welfare of himself or any other person or group of persons.

4 5. "Board" means the State Board of Health.

5 6. "Civil protective custody" means a custodial placement of a
6 person to protect his health or safety. Civil protective custody does
7 not have any criminal implication.

8 7. ~~["Detoxification technician" means a person who is certified
9 by the Health Division to provide screening for the safe withdrawal
10 from alcohol and other drugs.~~

11 ~~8.]~~ "Facility" means a physical structure used for the education,
12 prevention and treatment, including mental and physical restoration,
13 of alcohol and drug abusers.

14 ~~9.]~~ 8. "Health Division" means the Health Division of the
15 Department of Human Resources.

16 **Sec. 15.** NRS 458.025 is hereby amended to read as follows:
17 458.025 The Health Division:

18 1. Shall formulate and operate a comprehensive state plan for
19 alcohol and drug abuse programs which must include:

20 (a) A survey of the need for prevention and treatment of alcohol
21 and drug abuse, including a survey of the facilities needed to
22 provide services and a plan for the development and distribution of
23 services and programs throughout this state.

24 (b) A plan for programs to educate the public in the problems of
25 the abuse of alcohol and other drugs.

26 (c) A survey of the need for persons who have professional
27 training in fields of health and other persons involved in the
28 prevention of alcohol and drug abuse and in the treatment and
29 recovery of alcohol and drug abusers, and a plan to provide the
30 necessary treatment.

31 In developing and revising the state plan, the Health Division shall
32 consider, without limitation, the amount of money available from
33 the Federal Government for alcohol and drug abuse programs and
34 the conditions attached to the acceptance of that money, and the
35 limitations of legislative appropriations for alcohol and drug abuse
36 programs.

37 2. Shall coordinate the efforts to carry out the state plan and
38 coordinate all state and federal financial support of alcohol and drug
39 abuse programs in this state.

40 3. Must be consulted in the planning of projects and advised of
41 all applications for grants from within this state which are concerned
42 with alcohol and drug abuse programs, and shall review the
43 applications and advise the applicants concerning the applications.



1 4. Shall certify or deny certification of ~~detoxification~~
2 ~~technicians or~~ any facilities or programs on the basis of the
3 standards established by the Board pursuant to this section, and
4 publish a list of certified ~~detoxification technicians,~~ facilities and
5 programs. Any ~~detoxification technicians,~~ facilities or programs
6 which are not certified are ineligible to receive state and federal
7 money for alcohol and drug abuse programs. The Board shall adopt
8 regulations ~~[-The regulations:~~
9 ~~—(a) Must prescribe the requirements for continuing education for~~
10 ~~persons certified as detoxification technicians; and~~
11 ~~—(b) May] which may~~ prescribe the fees for the certification of
12 ~~detoxification technicians,~~ facilities or programs. A fee prescribed
13 pursuant to this ~~[paragraph] subsection~~ must be calculated to
14 produce the revenue estimated to cover the costs related to the
15 certifications, but in no case may a fee for a certificate exceed the
16 actual cost to the Health Division of issuing the certificate.

17 5. Upon request from a facility which is self-supported, may
18 certify the facility ~~[] and~~ its programs and ~~detoxification~~
19 ~~technicians and~~ add them to the list described in subsection 4.

20 **Sec. 16.** NRS 458.026, 458.027 and 458.028 are hereby
21 repealed.

22 **Sec. 17.** 1. This section and sections 1 to 13, inclusive, of
23 this act become effective on July 1, 2003.

24 2. Sections 14, 15 and 16 of this act become effective on the
25 date the regulation adopted by the Board pursuant to section 2 of
26 this act becomes effective, unless a later effective date is otherwise
27 specified in the regulation.

TEXT OF REPEALED SECTIONS

**458.026 Certification of detoxification technician:
Statement by applicant concerning payment of child support;
grounds for denial of certification; duty of Administrator.**

1. An applicant for the issuance or renewal of his certification as a detoxification technician must submit to the Health Division the statement prescribed by the Welfare Division of the Department of Human Resources pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Health Division shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the certification; or



(b) A separate form prescribed by the Health Division.

3. The certification of a person as a detoxification technician may not be issued or renewed by the Health Division if the applicant:

(a) Fails to complete or submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Administrator shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

458.027 Certification of detoxification technician: Suspension of certification for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of certification.

1. If the Health Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who has been certified as a detoxification technician, the Health Division shall deem the certification to be suspended at the end of the 30th day after the date on which the court order was issued unless the Health Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person who has been certified stating that the person has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Health Division shall reinstate the certification of a person as a detoxification technician that has been suspended by a district court pursuant to NRS 425.540 if the Health Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose certification was suspended stating that the person whose certification was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.



458.028 Certification of detoxification technician:
Application to include social security number. An application for the certification of a detoxification technician must include the social security number of the applicant.

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