

SENATE BILL NO. 351—COMMITTEE ON HUMAN
RESOURCES AND FACILITIES

MARCH 17, 2003

Referred to Committee on Commerce and Labor

SUMMARY—Requires licensure or certification for persons who
counsel compulsive gamblers. (BDR 54-123)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: Yes.

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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; declaring the practice of
counseling compulsive gamblers to be a learned
profession; requiring persons who counsel compulsive
gamblers to be licensed or certified by the Board of
Examiners for Alcohol and Drug Abuse Counselors;
requiring the Board to adopt certain regulations;
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.** Title 54 of NRS is hereby amended by adding
2 thereto a new chapter to consist of the provisions set forth as
3 sections 2 to 39, inclusive, of this act.

4 **Sec. 2.** *The practice of counseling compulsive gamblers is*
5 *hereby declared to be a learned profession, affecting public health,*
6 *safety and welfare and is subject to regulation to protect the public*
7 *from the practice of counseling compulsive gamblers by*
8 *unqualified persons and from unprofessional conduct by persons*
9 *who are licensed or certified to engage in the practice of*
10 *counseling compulsive gamblers.*

11 **Sec. 3.** *As used in this chapter, unless the context otherwise*
12 *requires, the words and terms defined in sections 4 to 11,*



1 *inclusive, of this act have the meanings ascribed to them in those*
2 *sections.*

3 **Sec. 4.** *“Board” means the Board of Examiners for Alcohol*
4 *and Drug Abuse Counselors created in NRS 641C.150.*

5 **Sec. 5.** *“Certificate” means a certificate issued to a person*
6 *who is certified as a counselor of compulsive gamblers or a*
7 *counselor of compulsive gamblers intern.*

8 **Sec. 6.** *“Certified counselor” means a person who is certified*
9 *as a counselor of compulsive gamblers pursuant to the provisions*
10 *of this chapter.*

11 **Sec. 7.** *“Certified intern” means a person who is certified as*
12 *a counselor of compulsive gamblers pursuant to the provisions of*
13 *this chapter.*

14 **Sec. 8.** *“Habitual use” means the use of alcohol and drugs*
15 *that endangers the health, safety or welfare of the user or any*
16 *other person.*

17 **Sec. 9.** *“License” means a license issued to a person who is*
18 *licensed as a counselor of compulsive gamblers pursuant to the*
19 *provisions of this chapter.*

20 **Sec. 10.** *“Licensed counselor” means a person who is*
21 *licensed as a counselor of compulsive gamblers pursuant to the*
22 *provisions of this chapter.*

23 **Sec. 11.** *“Practice of counseling compulsive gamblers”*
24 *means the application of counseling to reduce or eliminate*
25 *compulsive gambling.*

26 **Sec. 12.** *The provisions of this chapter do not apply to:*

27 *1. A physician who is licensed pursuant to the provisions of*
28 *chapter 630 of NRS;*

29 *2. A nurse who is licensed pursuant to the provisions of*
30 *chapter 632 of NRS and is authorized by the State Board of*
31 *Nursing to engage in the practice of counseling compulsive*
32 *gamblers;*

33 *3. A psychologist who is licensed pursuant to the provisions*
34 *of chapter 641 of NRS;*

35 *4. A marriage and family therapist who is licensed pursuant*
36 *to the provisions of chapter 641A of NRS and is authorized by the*
37 *Board of Examiners for Marriage and Family Therapists to*
38 *engage in the practice of counseling compulsive gamblers; or*

39 *5. A person who is licensed as a clinical social worker*
40 *pursuant to the provisions of chapter 641B of NRS and is*
41 *authorized by the Board of Examiners for Social Workers to*
42 *engage in the practice of counseling compulsive gamblers.*

43 **Sec. 13.** *1. The Board shall adopt such regulations as are*
44 *necessary to carry out the provisions of this chapter, including,*
45 *without limitation, regulations that prescribe:*



* S B 3 5 1 *

- 1 (a) *The ethical standards for licensed and certified counselors*
- 2 *and certified interns.*
- 3 (b) *The requirements for continuing education for the*
- 4 *renewal, restoration or reinstatement of a license or certificate.*
- 5 2. *The Board may adopt regulations prescribing the contents*
- 6 *of a written or oral examination concerning the practice of*
- 7 *counseling compulsive gamblers.*
- 8 **Sec. 14.** *The Secretary-Treasurer of the Board shall prepare*
- 9 *and maintain:*
- 10 1. *A separate list of the names and addresses of:*
- 11 (a) *The applicants for a license;*
- 12 (b) *The applicants for a certificate;*
- 13 (c) *The licensed counselors;*
- 14 (d) *The certified counselors; and*
- 15 (e) *The certified interns.*
- 16 2. *A record of each examination conducted by the Board.*
- 17 **Sec. 15.** *A license issued pursuant to the provisions of this*
- 18 *chapter is a privilege that may be revoked in accordance with the*
- 19 *disciplinary procedures set forth in this chapter and in regulations*
- 20 *adopted by the Board pursuant to this chapter, and no holder of*
- 21 *such a license or certificate acquires thereby any vested right.*
- 22 **Sec. 16.** *Each applicant for a license or certificate must*
- 23 *submit to the Board:*
- 24 1. *An application on a form provided by the Board; and*
- 25 2. *The application fee prescribed in section 29 of this act.*
- 26 **Sec. 17.** *An application for a license or certificate must set*
- 27 *forth the social security number of the applicant.*
- 28 **Sec. 18.** 1. *An applicant for the issuance, renewal,*
- 29 *reinstatement or restoration of a license or certificate shall submit*
- 30 *to the Board the statement prescribed by the Welfare Division of*
- 31 *the Department of Human Resources pursuant to NRS 425.520.*
- 32 *The statement must be completed and signed by the applicant.*
- 33 2. *The Board shall include the statement required pursuant to*
- 34 *subsection 1 in:*
- 35 (a) *The application or any other forms that must be submitted*
- 36 *for the issuance, renewal, reinstatement or restoration of the*
- 37 *license or certificate; or*
- 38 (b) *A separate form prescribed by the Board.*
- 39 3. *A license or certificate may not be issued, renewed,*
- 40 *reinstated or restored by the Board if the applicant:*
- 41 (a) *Fails to submit the statement required pursuant to*
- 42 *subsection 1; or*
- 43 (b) *Indicates on the statement submitted pursuant to*
- 44 *subsection 1 that he is subject to a court order for the support of a*
- 45 *child and is not in compliance with the order or a plan approved*



1 *by the district attorney or other public agency enforcing the order*
2 *for the repayment of the amount owed pursuant to the order.*

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

12 **Sec. 19. 1.** *Each applicant for a license or certificate as a*
13 *counselor of compulsive gamblers must pass a written and oral*
14 *examination concerning his knowledge of the provisions of this*
15 *chapter and any regulations adopted by the Board pursuant to the*
16 *provisions of this chapter, and, if the Board prescribes the*
17 *contents by regulation, the practice of counseling compulsive*
18 *gamblers.*

19 **2.** *The Board shall:*

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

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

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

24 *(d) Establish, by regulation, the requirements for passing the*
25 *examinations.*

26 **3.** *The Board may employ other persons to conduct the*
27 *examinations.*

28 **Sec. 20.** *The Board shall issue a license or certificate without*
29 *examination to a person who holds a license or certificate as a*
30 *counselor of compulsive gamblers in another state, a territory or*
31 *possession of the United States or the District of Columbia if the*
32 *requirements of that jurisdiction at the time the license or*
33 *certificate was issued are deemed by the Board to be substantially*
34 *equivalent to the requirements set forth in the provisions of this*
35 *chapter.*

36 **Sec. 21. 1.** *The Board may hold hearings and conduct*
37 *investigations concerning any matter related to an application for*
38 *a license. In the hearings and investigations, the Board may*
39 *require the presentation of evidence.*

40 **2.** *The Board may refuse to issue a license to an applicant if*
41 *the Board determines that the applicant:*

42 *(a) Is not of good moral character as it relates to the practice*
43 *of counseling compulsive gamblers;*

44 *(b) Has submitted a false credential to the Board;*



- 1 (c) *Has been disciplined in another state, a possession or*
- 2 *territory of the United States or the District of Columbia in*
- 3 *connection with the practice of counseling compulsive gamblers;*
- 4 (d) *Has committed an act in another state, a possession or*
- 5 *territory of the United States or the District of Columbia in*
- 6 *connection with the practice of counseling compulsive gamblers,*
- 7 *that would be a violation of the provisions of this chapter if the act*
- 8 *were committed in this state; or*
- 9 (e) *Has failed to comply with any of the requirements for a*
- 10 *license.*
- 11 **Sec. 22. 1. The Board may issue a provisional license or**
- 12 **certificate as a counselor of compulsive gamblers to a person who**
- 13 **has applied to the Board to take the examination for a license or**
- 14 **certificate as a counselor of compulsive gamblers and is otherwise**
- 15 **eligible for that license or certificate pursuant to section 23 or 25**
- 16 **of this act.**
- 17 **2. A provisional license or certificate is valid for not more**
- 18 **than 1 year and may not be renewed.**
- 19 **Sec. 23. The Board shall issue a license as a counselor of**
- 20 **compulsive gamblers to:**
- 21 **1. A person who:**
- 22 (a) *Is not less than 21 years of age;*
- 23 (b) *Is a citizen of the United States or is lawfully entitled to*
- 24 *remain and work in the United States;*
- 25 (c) *Has received a master's degree or a doctoral degree from*
- 26 *an accredited college or university in a field of social science*
- 27 *approved by the Board;*
- 28 (d) *Has completed 4,000 hours of supervised counseling of*
- 29 *compulsive gamblers;*
- 30 (e) *Passes the written and oral examinations prescribed by the*
- 31 *Board pursuant to section 19 of this act;*
- 32 (f) *Pays the fees required pursuant to section 29 of this act;*
- 33 *and*
- 34 (g) *Submits the statement required pursuant to section 18 of*
- 35 *this act.*
- 36 **2. A person who:**
- 37 (a) *Is not less than 21 years of age;*
- 38 (b) *Is a citizen of the United States or is lawfully entitled to*
- 39 *remain and work in the United States;*
- 40 (c) *Is:*
- 41 (1) *Licensed as a clinical social worker pursuant to chapter*
- 42 *641B of NRS;*
- 43 (2) *Licensed as a marriage and family therapist pursuant to*
- 44 *chapter 641A of NRS; or*



- 1 (3) *A nurse who is licensed pursuant to chapter 632 of NRS*
- 2 *and has received a master's degree or a doctoral degree from an*
- 3 *accredited college or university;*
- 4 (d) *Has completed at least 6 months of supervised counseling*
- 5 *of compulsive gamblers approved by the Board;*
- 6 (e) *Passes the written and oral examinations prescribed by the*
- 7 *Board pursuant to section 19 of this act;*
- 8 (f) *Pays the fees required pursuant to section 29 of this act;*
- 9 *and*
- 10 (g) *Submits the statement required pursuant to section 18 of*
- 11 *this act.*
- 12 **Sec. 24. 1. A license as a counselor of compulsive gamblers**
- 13 **is valid for 2 years and may be renewed.**
- 14 **2. A licensed counselor may:**
- 15 (a) *Engage in the practice of counseling compulsive gamblers;*
- 16 (b) *Diagnose or classify a person as a compulsive gambler;*
- 17 *and*
- 18 (c) *Supervise certified interns.*
- 19 **Sec. 25. 1. The Board shall issue a certificate as a**
- 20 **counselor of compulsive gamblers to a person who:**
- 21 (a) *Is not less than 21 years of age;*
- 22 (b) *Is a citizen of the United States or is lawfully entitled to*
- 23 *remain and work in the United States;*
- 24 (c) *Has received a bachelor's degree from an accredited*
- 25 *college or university in a field of social science approved by the*
- 26 *Board;*
- 27 (d) *Has completed 4,000 hours of supervised counseling of*
- 28 *compulsive gamblers;*
- 29 (e) *Passes the written and oral examinations prescribed by the*
- 30 *Board pursuant to section 19 of this act;*
- 31 (f) *Pays the fees required pursuant to section 29 of this act;*
- 32 *and*
- 33 (g) *Submits the statement required pursuant to section 18 of*
- 34 *this act.*
- 35 **2. A certificate as a counselor of compulsive gamblers is valid**
- 36 **for 2 years and may be renewed.**
- 37 **3. A certified counselor of compulsive gamblers may:**
- 38 (a) *Engage in the practice of counseling compulsive gamblers;*
- 39 *and*
- 40 (b) *Diagnose or classify a person as a compulsive gambler.*
- 41 **Sec. 26. 1. The Board shall issue a certificate as a**
- 42 **counselor of compulsive gamblers intern 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 a high school diploma or a general equivalency*
- 2 *diploma;*
- 3 (d) *Pays the fees required pursuant to section 29 of this act;*
- 4 (e) *Submits proof to the Board that he:*
- 5 (1) *Is enrolled in a program from which he will receive an*
- 6 *associate's degree, bachelor's degree, master's degree or doctoral*
- 7 *degree in a field of social science approved by the Board; or*
- 8 (2) *Has received an associate's degree, bachelor's degree,*
- 9 *master's degree or doctoral degree in a field of social science*
- 10 *approved by the Board; and*
- 11 (f) *Submits the statement required pursuant to section 18 of*
- 12 *this act.*
- 13 2. *A certificate as a counselor of compulsive gamblers intern*
- 14 *is valid for 1 year and may be renewed.*
- 15 3. *A certified intern may, under the supervision of a licensed*
- 16 *counselor:*
- 17 (a) *Engage in the practice of counseling compulsive gamblers;*
- 18 *and*
- 19 (b) *Diagnose or classify a person as a compulsive gambler.*
- 20 **Sec. 27.** *Except as otherwise provided in section 22 of this*
- 21 *act, a person may renew his license or certificate by submitting to*
- 22 *the Board:*
- 23 1. *An application for the renewal of his license or certificate;*
- 24 2. *The fee for the renewal of a license or certificate*
- 25 *prescribed in section 29 of this act;*
- 26 3. *Evidence of his completion of the continuing education*
- 27 *required by the Board;*
- 28 4. *If the applicant is a certified intern, the name of the*
- 29 *licensed counselor who supervises him; and*
- 30 5. *The statement required pursuant to section 18 of this act.*
- 31 **Sec. 28.** 1. *A license or certificate that is not renewed on or*
- 32 *before the date on which it expires is delinquent. The Board shall,*
- 33 *within 30 days after the license or certificate becomes delinquent,*
- 34 *send a notice to the licensed or certified counselor or certified*
- 35 *intern by certified mail, return receipt requested, to the address of*
- 36 *the counselor or intern as indicated in the records of the Board.*
- 37 2. *A licensed or certified counselor or certified intern may*
- 38 *renew a delinquent license or certificate within 60 days after the*
- 39 *license or certificate becomes delinquent by complying with the*
- 40 *requirements of section 26 of this act and paying, in addition to*
- 41 *the fee for the renewal of the license or certificate, the fee for the*
- 42 *renewal of a delinquent license or certificate prescribed in section*
- 43 *29 of this act.*
- 44 3. *A license or certificate expires 60 days after it becomes*
- 45 *delinquent if it is not renewed within that period.*



- 1 4. A license or certificate that has expired may be restored if
- 2 the applicant:
- 3 (a) Submits to the Board an application to restore the license
- 4 or certificate;
- 5 (b) Submits to the Board the statement required pursuant to
- 6 section 18 of this act;
- 7 (c) Pays the renewal fees for the period during which the
- 8 license or certificate was expired and the fee for the restoration of
- 9 a license or certificate prescribed in section 29 of this act;
- 10 (d) Passes the oral and written examinations prescribed by the
- 11 Board; and
- 12 (e) Submits to the Board evidence of his completion of the
- 13 continuing education required by the Board.

14 **Sec. 29. 1.** The Board shall charge and collect not more
 15 than the following fees:

16 For the initial application for a license or	
17 certificate	\$150
18 For the issuance of a provisional license or	
19 certificate	125
20 For the issuance of an initial license or certificate.....	60
21 For the renewal of a license or certificate as a	
22 counselor of compulsive gamblers	300
23 For the renewal of a certificate as a counselor of	
24 compulsive gamblers intern.....	75
25 For the renewal of a delinquent license or certificate	75
26 For the restoration of an expired license or	
27 certificate	150
28 For the restoration or reinstatement of a	
29 suspended or revoked license or certificate.....	300
30 For the issuance of a license or certificate without	
31 examination.....	150
32 For an examination.....	150

33 2. The fees charged and collected pursuant to this section are
 34 not refundable.

35 **Sec. 30.** The grounds for initiating disciplinary action
 36 pursuant to the provisions of this chapter include:

- 37 1. Conviction of:
- 38 (a) A felony;
- 39 (b) An offense involving moral turpitude; or
- 40 (c) A violation of a federal or state law regulating the
- 41 possession, distribution or use of a controlled substance or
- 42 dangerous drug as defined in chapter 453 of NRS;
- 43 2. Fraud or deception in:
- 44 (a) Applying for a license or certificate;
- 45 (b) Taking an examination for a license or certificate;



- 1 (c) Documenting the continuing education required to renew
- 2 or reinstate a license or certificate;
- 3 (d) Submitting a claim for payment to an insurer; or
- 4 (e) The practice of counseling compulsive gamblers;
- 5 3. Allowing the unauthorized use of a license or certificate
- 6 issued pursuant to this chapter;
- 7 4. Professional incompetence;
- 8 5. The habitual use of alcohol or any other drug that impairs
- 9 the ability of a licensed or certified counselor or certified intern to
- 10 engage in the practice of counseling compulsive gamblers;
- 11 6. Engaging in the practice of counseling compulsive
- 12 gamblers with an expired, suspended or revoked license or
- 13 certificate; and
- 14 7. Engaging in behavior that is contrary to the ethical
- 15 standards as set forth in the regulations of the Board.

16 **Sec. 31. 1.** If the Board receives a copy of a court order
17 issued pursuant to NRS 425.540 that provides for the suspension
18 of all professional, occupational and recreational licenses,
19 certificates and permits issued to a person, the Board shall deem
20 the license or certificate to be suspended at the end of the 30th day
21 after the date on which the court order was issued unless the
22 Board receives a letter issued to the person by the district attorney
23 or other public agency pursuant to NRS 425.550 stating that the
24 person has complied with the subpoena or warrant or has satisfied
25 the arrearage pursuant to NRS 425.560.

26 2. The Board shall reinstate a license or certificate that has
27 been suspended by a district court pursuant to NRS 425.540 if the
28 Board receives a letter issued by the district attorney or other
29 public agency pursuant to NRS 425.550 to the person stating that
30 the person has complied with the subpoena or warrant or has
31 satisfied the arrearage pursuant to NRS 425.560.

32 **Sec. 32. 1.** The Board or any of its members who become
33 aware of any ground for initiating disciplinary action against a
34 person engaging in the practice of counseling compulsive
35 gamblers in this state shall, and any other person who is so aware
36 may, file a written complaint specifying the relevant facts with the
37 Board. The complaint must specifically charge one or more of the
38 grounds for initiating disciplinary action.

39 2. As soon as practicable after the filing of the complaint, the
40 Board shall set a date for a hearing thereon. The date must not be
41 earlier than 30 days after the complaint is filed, except that the
42 date may be changed upon agreement of the parties. The Board
43 shall immediately notify the licensed or certified counselor or
44 certified intern of the complaint and the date and place set for the
45 hearing. A copy of the complaint must be attached to the notice.



- 1 3. *The failure of the licensed or certified counselor or*
2 *certified intern to appear at the hearing does not delay or void the*
3 *proceeding.*
4 4. *The Board may, for good cause, continue a hearing from*
5 *time to time.*
6 5. *If, after notice and a hearing, the Board determines that*
7 *the licensed or certified counselor or certified intern has violated a*
8 *provision of this chapter or any regulation adopted pursuant to*
9 *this chapter, it may:*
10 (a) *Administer a public or private reprimand;*
11 (b) *Suspend his license or certificate and impose conditions for*
12 *the removal of the suspension;*
13 (c) *Revoke his license or certificate and prescribe the*
14 *requirements for the reinstatement of the license or certificate;*
15 (d) *If he is a licensed or certified counselor, require him to be*
16 *supervised by another person while he engages in the practice of*
17 *counseling compulsive gamblers;*
18 (e) *Require him to participate in treatment or counseling and*
19 *pay the expenses of that treatment or counseling;*
20 (f) *Require him to pay restitution to any person adversely*
21 *affected by his acts or omissions;*
22 (g) *Impose a fine of not more than \$5,000;*
23 (h) *Require him to pay the costs of the Board for the*
24 *investigation and hearing; or*
25 (i) *Take any combination of the actions authorized by*
26 *paragraphs (a) to (h), inclusive.*
27 6. *If his license or certificate is revoked or suspended*
28 *pursuant to subsection 5, the licensed or certified counselor or*
29 *certified intern may apply to the Board for a rehearing within 10*
30 *days after the license or certificate is revoked or suspended. The*
31 *licensed or certified counselor or certified intern may apply to the*
32 *Board for reinstatement of his revoked license or certificate not*
33 *earlier than 1 year after the license or certificate is revoked. The*
34 *Board may accept or reject the application and may require the*
35 *successful completion of an examination as a condition of*
36 *reinstatement of the license or certificate.*
37 **Sec. 33. 1.** *The Board may issue subpoenas for the*
38 *attendance of witnesses and the production of books and papers.*
39 2. *The district court, in and for the county in which a hearing*
40 *is held, may compel the attendance of witnesses, the giving of*
41 *testimony and the production of books and papers as required by a*
42 *subpoena issued by the Board.*
43 3. *If a witness refuses to attend or testify or to produce any*
44 *books or papers required by a subpoena, the Board may file a*
45 *petition ex parte with the district court, setting forth that:*



1 (a) Notice has been given of the time and place for the
2 attendance of the witness or the production of the books or papers;
3 (b) The witness has been subpoenaed by the Board pursuant to
4 this section;
5 (c) The witness has failed or refused to attend or produce the
6 books or papers required by the subpoena before the Board in the
7 cause or proceeding named in the subpoena, or has refused to
8 answer questions propounded to him in the course of the hearing;
9 and
10 (d) The Board therefore requests an order of the court
11 compelling the witness to attend and testify or produce the books
12 and papers before the Board.
13 4. The court, upon such a petition, shall enter an order
14 directing the witness to appear before the court at a time and place
15 fixed by the court in the order, and to show cause why he has not
16 attended or testified or produced the books or papers before the
17 Board. The time may not be more than 10 days after the date of
18 the order. A certified copy of the order must be served upon the
19 witness.
20 5. If the court determines that the subpoena was regularly
21 issued by the Board, the court shall enter an order that the witness
22 appear before the Board at the time and place fixed in the order,
23 and testify or produce the required books or papers. The failure to
24 obey the order is a contempt of the court that issued it.
25 **Sec. 34.** Each witness who appears by an order of the Board
26 is entitled to receive for his attendance the same fees and mileage
27 allowed by law to a witness in a civil case. The amount must be
28 paid by the party who requested the subpoena. If a witness who
29 has not been required to attend at the request of any party is
30 subpoenaed by the Board, his fees and mileage must be paid from
31 the money of the Board.
32 **Sec. 35.** 1. The Board may, in any hearing before it, cause
33 the deposition of witnesses to be taken in the manner prescribed
34 for depositions in civil actions in this state.
35 2. The district court in and for the county in which a hearing
36 is held shall, upon the application of the Board, issue a
37 commission to another state for the taking of evidence in that state
38 for use in a proceeding before the Board.
39 **Sec. 36.** 1. Any records or information obtained during the
40 course of an investigation by the Board and any record of the
41 investigation are confidential until the investigation is completed.
42 Upon completion of the investigation, the information and records
43 are public records if:
44 (a) Disciplinary action is imposed by the Board as a result of
45 the investigation; or



1 ***(b) The person regarding whom the investigation was made***
2 ***submits a written request to the Board asking that the information***
3 ***and records be made public records.***

4 ***2. If the Board receives a request or subpoena for records or***
5 ***information obtained during an investigation by the Board and the***
6 ***records or information is not made public pursuant to subsection***
7 ***1, the Board shall notify the person regarding whom the***
8 ***investigation was made of the request or subpoena. If that person***
9 ***does not consent in writing to the release of the records or***
10 ***information, the Board may release the records or information***
11 ***only upon the order of a court of competent jurisdiction.***

12 ***Sec. 37. 1. Except as otherwise provided in subsection 2, a***
13 ***person shall not engage in the practice of counseling compulsive***
14 ***gamblers unless he is a licensed counselor, certified counselor or***
15 ***certified intern.***

16 ***2. A person may engage in the practice of counseling***
17 ***compulsive gamblers under the supervision of a licensed***
18 ***counselor for not more than 30 days if that person:***

19 ***(a) Is qualified to be licensed or certified as a counselor of***
20 ***compulsive gamblers or certified as a counselor of compulsive***
21 ***gamblers intern pursuant to the provisions of this chapter; and***

22 ***(b) Submits an application to the Board for a license or***
23 ***certificate as a counselor of compulsive gamblers or a certificate***
24 ***as a counselor of compulsive gamblers intern pursuant to the***
25 ***provisions of this chapter.***

26 ***Sec. 38. 1. A person shall not:***

27 ***(a) Hold himself out to the members of the general public as***
28 ***an counselor of compulsive gamblers or a counselor of compulsive***
29 ***gamblers intern;***

30 ***(b) Use the title "counselor of compulsive gamblers,"***
31 ***"counselor of compulsive gamblers intern," "compulsive gambler***
32 ***counselor," or any similar title in connection with his work; or***

33 ***(c) Imply in any way that he is licensed or certified by the***
34 ***Board,***
35 ***unless he is licensed or certified by the Board pursuant to the***
36 ***provisions of this chapter.***

37 ***2. If the Board believes that any person has violated or is***
38 ***about to violate the provisions of subsection 1, it may bring an***
39 ***action in a court of competent jurisdiction to enjoin that person***
40 ***from engaging in or continuing the violation. An injunction:***

41 ***(a) May be issued without proof of actual damage sustained by***
42 ***any person.***

43 ***(b) Does not prevent the criminal prosecution and punishment***
44 ***of a person who violates the provisions of subsection 1.***



1 **Sec. 39.** *A person who violates any of the provisions of this*
2 *chapter is guilty of a misdemeanor.*

3 **Sec. 40.** NRS 641C.150 is hereby amended to read as follows:
4 641C.150 1. The Board of Examiners for Alcohol and Drug
5 Abuse Counselors, consisting of five members appointed by the
6 Governor, is hereby created.

7 2. The Board must consist of:
8 (a) Three members who are licensed as alcohol and drug abuse
9 counselors pursuant to the provisions of this chapter;

10 (b) One member who is certified as an alcohol and drug abuse
11 counselor pursuant to the provisions of this chapter; and

12 (c) One member who is a representative of the general public.

13 3. A person may not be appointed to the Board unless he is:

14 (a) A citizen of the United States or is lawfully entitled to
15 remain and work in the United States; and

16 (b) A resident of this state.

17 4. No member of the Board may be held liable in a civil action
18 for any act that he performs in good faith in the execution of his
19 duties pursuant to the provisions of this chapter ~~§~~ *or sections 2 to*
20 *39, inclusive, of this act.*

21 **Sec. 41.** NRS 641C.160 is hereby amended to read as follows:

22 641C.160 1. After the initial terms, the members of the Board
23 must be appointed to terms of 4 years and may not serve more than
24 two consecutive terms.

25 2. Upon the expiration of his term, a member continues to
26 serve on the Board until a qualified person has been appointed as his
27 successor.

28 3. The Governor may, after notice and hearing, remove any
29 member of the Board for misconduct, incompetence, neglect of duty
30 or any other sufficient cause.

31 4. The Board shall:

32 (a) Elect annually from its members a President, Vice President
33 and Secretary-Treasurer. If the President, Vice President or
34 Secretary-Treasurer is replaced by another person appointed by the
35 Governor, the Board shall elect from its members a replacement for
36 the President, Vice President or Secretary-Treasurer.

37 (b) Meet not less than twice a year and may meet at other times
38 at the call of the President or a majority of its members.

39 (c) Not incur any expenses that exceed the money received from
40 time to time as fees provided by the provisions of this chapter ~~§~~
41 *and sections 2 to 39, inclusive, of this act.*

42 (d) Prepare and maintain a record of its transactions and
43 proceedings.

44 (e) Adopt a seal of which each court of this state shall take
45 judicial notice.



1 5. A majority of the members of the Board constitutes a
2 quorum to transact the business of the Board.

3 **Sec. 42.** NRS 641C.180 is hereby amended to read as follows:
4 641C.180 The Board may:

5 1. Maintain offices in as many locations in this state as it
6 considers necessary to carry out the provisions of this chapter ~~4~~
7 *and sections 2 to 39, inclusive, of this act.*

8 2. Employ attorneys, investigators and other persons necessary
9 to carry out its duties.

10 **Sec. 43.** NRS 641C.190 is hereby amended to read as follows:

11 641C.190 1. Except as otherwise provided in subsection 4,
12 all expenses incurred by the Board in carrying out the provisions of
13 this chapter *and sections 2 to 39, inclusive, of this act* must be paid
14 from the money which it receives. No part of the salaries or
15 expenses of the Board may be paid out of the State General Fund.

16 2. All money received by the Board must be deposited in a
17 bank, credit union or other financial institution in this state and paid
18 out on its order for its expenses.

19 3. The Board may delegate to a hearing officer or panel its
20 authority to take any disciplinary action pursuant to this chapter ~~4~~
21 *or sections 2 to 39, inclusive, of this act*, impose and collect fines
22 and penalties therefor and deposit the money therefrom in a bank,
23 credit union or other financial institution in this state.

24 4. If a hearing officer or panel is not authorized to take
25 disciplinary action pursuant to subsection 3, the Board shall deposit
26 the money collected from the imposition of fines with the State
27 Treasurer for credit to the State General Fund. If money is so
28 deposited, the Board may present a claim to the State Board of
29 Examiners for recommendation to the Interim Finance Committee if
30 money is needed to pay attorney's fees or the costs of an
31 investigation, or both.

32 **Sec. 44.** Section 23 of this act is hereby amended to read as
33 follows:

34 Sec. 23. The Board shall issue a license as a counselor
35 of compulsive gamblers to:

36 1. A person who:

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

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

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

43 (d) Has completed 4,000 hours of supervised counseling
44 of compulsive gamblers;



(e) Passes the written and oral examinations prescribed by the Board pursuant to section 19 of this act; *and*

(f) Pays the fees required pursuant to section 29 of this act . ~~f;~~ *and*

~~(g) Submits the statement required pursuant to section 18 of this act.~~

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 marriage and family therapist pursuant to chapter 641A of NRS; or

(3) 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;

(d) Has completed at least 6 months of supervised counseling of compulsive gamblers approved by the Board;

(e) Passes the written and oral examinations prescribed by the Board pursuant to section 19 of this act; *and*

(f) Pays the fees required pursuant to section 29 of this act . ~~f;~~ *and*

~~(g) Submits the statement required pursuant to section 18 of this act.~~

Sec. 45. Section 25 of this act is hereby amended to read as follows:

Sec. 25. 1. The Board shall issue a certificate as a counselor of compulsive gamblers 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 received a bachelor's 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 compulsive gamblers;

(e) Passes the written and oral examinations prescribed by the Board pursuant to section 19 of this act; *and*

(f) Pays the fees required pursuant to section 29 of this act . ~~f;~~ *and*

~~(g) Submits the statement required pursuant to section 18 of this act.~~



2. A certificate as a counselor of compulsive gamblers is valid for 2 years and may be renewed.

3. A certified counselor of compulsive gamblers may:

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

(b) Diagnose or classify a person as a compulsive gambler.

Sec. 46. Section 26 of this act is hereby amended to read as follows:

Sec. 26. 1. The Board shall issue a certificate as a counselor of compulsive gamblers 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 a high school diploma or a general equivalency diploma;

(d) Pays the fees required pursuant to section 29 of this act; *and*

(e) Submits proof to the Board that he:

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

(2) Has received an associate's degree, bachelor's degree, master's degree or doctoral degree in a field of social science approved by the Board. ~~}; and~~

~~—(f) Submits the statement required pursuant to section 18 of this act.]~~

2. A certificate as a counselor of compulsive gamblers intern is valid for 1 year and may be renewed.

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

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

(b) Diagnose or classify a person as a compulsive gambler.

Sec. 47. Section 27 of this act is hereby amended to read as follows:

Sec. 27. Except as otherwise provided in section 22 of this act, a person may renew his license or certificate by submitting to the Board:

1. An application for the renewal of his license or certificate;

2. The fee for the renewal of a license or certificate prescribed in section 29 of this act;



1 3. Evidence of his completion of the continuing
2 education required by the Board; *and*

3 4. If the applicant is a certified intern, the name of the
4 licensed counselor who supervises him. ~~}; and~~

5 ~~5. The statement required pursuant to section 18 of this~~
6 ~~act.}~~

7 **Sec. 48.** Section 28 of this act is hereby amended to read as
8 follows:

9 Sec. 28. 1. A license or certificate that is not renewed
10 on or before the date on which it expires is delinquent. The
11 Board shall, within 30 days after the license or certificate
12 becomes delinquent, send a notice to the licensed or certified
13 counselor or certified intern by certified mail, return receipt
14 requested, to the address of the counselor or intern as
15 indicated in the records of the Board.

16 2. A licensed or certified counselor or certified intern
17 may renew a delinquent license or certificate within 60 days
18 after the license or certificate becomes delinquent by
19 complying with the requirements of section 26 of this act and
20 paying, in addition to the fee for the renewal of the license or
21 certificate, the fee for the renewal of a delinquent license or
22 certificate prescribed in section 29 of this act.

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

25 4. A license or certificate that has expired may be
26 restored if the applicant:

27 (a) Submits to the Board an application to restore the
28 license or certificate;

29 (b) ~~Submits to the Board the statement required pursuant~~
30 ~~to section 18 of this act;~~

31 ~~(c)~~ Pays the renewal fees for the period during which the
32 license or certificate was expired and the fee for the
33 restoration of a license or certificate prescribed in section 29
34 of this act;

35 ~~(d)~~ (c) Passes the oral and written examinations
36 prescribed by the Board; and

37 ~~(e)~~ (d) Submits to the Board evidence of his completion
38 of the continuing education required by the Board.

39 **Sec. 49.** 1. This section becomes effective upon passage and
40 approval.

41 2. Sections 1 to 43, inclusive, of this act become effective upon
42 passage and approval for the purpose of adopting regulations and on
43 January 1, 2004, for all other purposes.

44 3. Sections 44 to 48, inclusive, of this act become effective on
45 the date on which the provisions of 42 U.S.C. § 666 requiring each



1 state to establish procedures under which the state has authority to
2 withhold or suspend, or to restrict the use of professional,
3 occupational and recreational licenses of persons who:

4 (a) Have failed to comply with a subpoena or warrant relating to
5 a procedure to determine the paternity of a child or to establish or
6 enforce an obligation for the support of a child; or

7 (b) Are in arrears in the payment for the support of one or more
8 children,
9 are repealed by the Congress of the United States.

10 4. Sections 17, 18 and 31 of this act expire by limitation on the
11 date on which the provisions of 42 U.S.C. § 666 requiring each state
12 to establish procedures under which the state has authority to
13 withhold or suspend, or to restrict the use of professional,
14 occupational and recreational licenses of persons who:

15 (a) Have failed to comply with a subpoena or warrant relating to
16 a procedure to determine the paternity of a child or to establish or
17 enforce an obligation for the support of a child; or

18 (b) Are in arrears in the payment for the support of one or more
19 children,
20 are repealed by the Congress of the United States.

