

Senate Bill No. 351–Committee on Human
Resources and Facilities

CHAPTER.....

AN ACT relating to professions; declaring the practice of counseling problem gamblers to be a learned profession; changing the name of the Board of Examiners for Alcohol and Drug Abuse Counselors to the Board of Examiners for Alcohol, Drug and Gambling Counselors; increasing the number of members on the Board; requiring persons who counsel problem gamblers to be certified by the Board; imposing certain fees; authorizing 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:

Section 1. NRS 622.010 is hereby amended to read as follows:
622.010 As used in this chapter, unless the context otherwise requires, “occupational licensing board” includes, without limitation:

1. The State Board of Architecture, Interior Design and Residential Design.
2. The State Board of Landscape Architecture.
3. The State Contractors’ Board.
4. The State Board of Professional Engineers and Land Surveyors.
5. The Board of Registered Environmental Health Specialists.
6. The Nevada State Board of Accountancy.
7. The Board of Medical Examiners.
8. The Board of Homeopathic Medical Examiners.
9. The Board of Dental Examiners of Nevada.
10. The State Board of Nursing.
11. The State Board of Osteopathic Medicine.
12. The Chiropractic Physicians’ Board of Nevada.
13. The State Board of Oriental Medicine.
14. The State Board of Podiatry.
15. The Nevada State Board of Optometry.
16. The Board of Dispensing Opticians.
17. The Board of Hearing Aid Specialists.
18. The Board of Examiners for Audiology and Speech Pathology.
19. The Nevada State Board of Veterinary Medical Examiners.
20. The State Board of Pharmacy.
21. The State Board of Physical Therapy Examiners.
22. The Board of Occupational Therapy.

23. The Board of Psychological Examiners.
24. The Board of Examiners for Marriage and Family Therapists.
25. The Board of Examiners for Social Workers.
26. The Board of Examiners for Alcohol ~~{and Drug Abuse Counselors.}~~, *Drug and Gambling Counselors.*
27. The State Board of Funeral Directors, Embalmers and Operators of Cemeteries and Crematories.
28. The State Barbers' Health and Sanitation Board.
29. The State Board of Cosmetology.
30. The Real Estate Division of the Department of Business and Industry.
31. The Commissioner of Financial Institutions.
32. The Private Investigator's Licensing Board.
33. The Health Division of the Department of Human Resources.
34. The Nevada State Board of Examiners for Administrators of Facilities for Long-Term Care.

35. The Certified Court Reporters' Board of Nevada.

Sec. 2. NRS 641.029 is hereby amended to read as follows:

641.029 The provisions of this chapter do not apply to:

1. A physician who is licensed to practice in this state;
2. A person who is licensed to practice dentistry in this state;
3. A person who is licensed as a marriage and family therapist pursuant to chapter 641A of NRS;
4. A person who is licensed to engage in social work pursuant to chapter 641B of NRS;
5. A person who is licensed as an occupational therapist or occupational therapy assistant pursuant to NRS 640A.010 to 640A.230, inclusive;
6. A person who is licensed or certified as an alcohol and drug abuse counselor **or** certified as an alcohol and drug abuse counselor intern, *a problem gambling counselor or a problem gambling counselor intern* pursuant to chapter 641C of NRS; or
7. Any clergyman,

if such a person does not commit an act described in NRS 641.440 or represent himself as a psychologist.

Sec. 3. NRS 641B.040 is hereby amended to read as follows:

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

1. A physician who is licensed to practice in this state;
2. A nurse who is licensed to practice in this state;
3. A person who is licensed as a psychologist pursuant to chapter 641 of NRS;
4. A person who is licensed as a marriage and family therapist pursuant to chapter 641A of NRS;

5. A person who is licensed as an occupational therapist or occupational therapy assistant pursuant to NRS 640A.010 to 640A.230, inclusive;

6. A person who is licensed or certified as an alcohol and drug abuse counselor or certified as an alcohol and drug abuse counselor intern, *a problem gambling counselor or a problem gambling counselor intern* pursuant to chapter 641C of NRS;

7. Any clergyman;

8. A county welfare director;

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

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

Sec. 4. Chapter 641C of NRS is hereby amended by adding thereto the provisions set forth as sections 5 to 9, inclusive, of this act.

Sec. 5. *"Practice of counseling problem gamblers" means the application of counseling to reduce or eliminate problem gambling.*

Sec. 6. *"Problem gambling" means persistent and recurrent maladaptive behavior relating to gambling that causes disruptions in any major area of life, including, without limitation, the psychological, social or vocational areas of life.*

Sec. 7. *The Board may issue a certificate as a problem gambling counselor to:*

1. *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, master's degree or a doctoral degree from an accredited college or university in a field of social science approved by the Board;*

(d) *Has completed not less than 60 hours of training specific to problem gambling approved by the Board;*

(e) *Has completed at least 2,000 hours of supervised counseling of problem gamblers in a setting approved by the Board;*

(f) *Passes the written examination prescribed by the Board pursuant to NRS 641C.290;*

(g) *Presents himself when scheduled for an interview at a meeting of the Board;*

(h) *Pays the fees required pursuant to NRS 641C.470; and*

(i) *Submits the statement required pursuant to NRS 641C.280.*

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 licensed as:*

(1) *A clinical social worker pursuant to chapter 641B of NRS;*

(2) *A marriage and family therapist pursuant to chapter 641A of NRS;*

(3) *A physician pursuant to chapter 630 of NRS;*

(4) *A nurse pursuant to chapter 632 of NRS and has received a master's degree or a doctoral degree from an accredited college or university;*

(5) *A psychologist pursuant to chapter 641 of NRS; or*

(6) *An alcohol and drug abuse counselor pursuant to this chapter;*

(d) *Has completed not less than 60 hours of training specific to problem gambling approved by the Board;*

(e) *Has completed at least 1,000 hours of supervised counseling of problem gamblers in a setting approved by the Board;*

(f) *Passes the written examination prescribed by the Board pursuant to NRS 641C.290;*

(g) *Pays the fees required pursuant to NRS 641C.470; and*

(h) *Submits the statement required pursuant to NRS 641C.280.*

Sec. 8. 1. *A certificate as a problem gambling counselor is valid for 2 years and may be renewed.*

2. *A certified problem gambling counselor may:*

(a) *Engage in the practice of counseling problem gamblers;*

(b) *Assess and evaluate a person as a problem gambler; and*

(c) *If approved by the Board, supervise certified problem gambling counseling interns.*

Sec. 9. 1. *The Board may issue a certificate as a problem gambling counselor 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) *Submits proof to the Board that he:*

(1) *Has received a bachelor's degree, master's degree or a doctoral degree from an accredited college or university in a field of social science approved by the Board; or*

(2) *Is enrolled in a program at an accredited college or university from which he will receive a bachelor's degree, master's degree or a doctoral degree in a field of social science approved by the Board;*

(d) *Has completed not less than 30 hours of training specific to problem gambling approved by the Board;*

(e) *Demonstrates that a certified problem gambling counselor approved by the Board has agreed to supervise him in a setting approved by the Board;*

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

(g) *Submits the statement required pursuant to NRS 641C.280.*

2. *A certificate as a problem gambling counselor intern is valid for 1 year and, except as otherwise provided in subsection 3, may be renewed.*

3. *A certificate as a problem gambling counselor intern issued to a person on the basis that he is enrolled in a program at an accredited college or university from which he will receive a bachelor's degree, master's degree or a doctoral degree in a field of social science approved by the Board may be renewed not more than nine times.*

4. *A certified problem gambling counselor intern may, under the supervision of a certified problem gambling counselor:*

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

(b) *Assess and evaluate a person as a problem gambler.*

Sec. 10. NRS 641C.010 is hereby amended to read as follows:

641C.010 The practice of counseling alcohol and drug abusers ~~is~~ *and the practice of counseling problem gamblers are* hereby declared to be ~~a learned profession,~~ *learned professions* affecting public health, safety and welfare and ~~is~~ *are* subject to regulation to protect the public from the practice of counseling alcohol and drug abusers *and the practice of counseling problem gamblers* by unqualified persons and from unprofessional conduct by persons who are licensed or certified to engage in the practice of counseling alcohol and drug abusers ~~is~~ *or certified to engage in the practice of counseling problem gamblers.*

Sec. 11. NRS 641C.020 is hereby amended to read as follows:

641C.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 641C.030 to 641C.100, inclusive, *and sections 5 and 6 of this act* have the meanings ascribed to them in those sections.

Sec. 12. NRS 641C.030 is hereby amended to read as follows:

641C.030 "Board" means the Board of Examiners for Alcohol ~~and Drug Abuse~~, *Drug and Gambling* Counselors.

Sec. 13. NRS 641C.040 is hereby amended to read as follows:
641C.040 “Certificate” means a certificate issued to a person who is certified as an alcohol and drug abuse counselor, ~~or~~ an alcohol and drug abuse counselor intern ~~or~~, *a problem gambling counselor or a problem gambling counselor intern.*

Sec. 14. NRS 641C.050 is hereby amended to read as follows:
641C.050 “Certified counselor” means a person who is certified as an alcohol and drug abuse counselor *or a problem gambling counselor* pursuant to the provisions of this chapter.

Sec. 15. NRS 641C.060 is hereby amended to read as follows:
641C.060 “Certified intern” means a person who is certified as an alcohol and drug abuse counselor intern *or a problem gambling counselor intern* pursuant to the provisions of this chapter.

Sec. 16. NRS 641C.130 is hereby amended to read as follows:
641C.130 The provisions of this chapter do not apply to:

1. A physician who is licensed pursuant to the provisions of chapter 630 of NRS;
2. A nurse who is licensed pursuant to the provisions of chapter 632 of NRS and is authorized by the State Board of Nursing to engage in the practice of counseling alcohol and drug abusers ~~or~~ *the practice of counseling problem gamblers;*
3. A psychologist who is licensed pursuant to the provisions of chapter 641 of NRS;
4. A marriage and family therapist who is licensed pursuant to the provisions of chapter 641A of NRS and is authorized by the Board of Examiners for Marriage and Family Therapists to engage in the practice of counseling alcohol and drug abusers ~~or~~ *the practice of counseling problem gamblers;* or
5. A person who is licensed as a clinical social worker pursuant to the provisions of chapter 641B of NRS and is authorized by the Board of Examiners for Social Workers to engage in the practice of counseling alcohol and drug abusers ~~or~~ *the practice of counseling problem gamblers.*

Sec. 17. NRS 641C.150 is hereby amended to read as follows:
641C.150 1. The Board of Examiners for Alcohol ~~and Drug Abuse~~, *Drug and Gambling* Counselors, consisting of ~~five~~ *seven* members appointed by the Governor, is hereby created.

2. The Board must consist of:
 - (a) Three members who are licensed as alcohol and drug abuse counselors pursuant to the provisions of this chapter;
 - (b) One member who is certified as an alcohol and drug abuse counselor pursuant to the provisions of this chapter; ~~and~~
 - (c) *Two members who are licensed pursuant to chapter 630, 632, 641, 641A or 641B of NRS and certified as problem gambling counselors pursuant to the provisions of this chapter; and*
 - (d) One member who is a representative of the general public.

3. A person may not be appointed to the Board unless he is:
 - (a) A citizen of the United States or is lawfully entitled to remain and work in the United States; and
 - (b) A resident of this state.
4. No member of the Board may be held liable in a civil action for any act that he performs in good faith in the execution of his duties pursuant to the provisions of this chapter.

Sec. 18. NRS 641C.200 is hereby amended to read as follows:

641C.200 **1.** The Board shall adopt such regulations as are necessary to carry out the provisions of this chapter, including, without limitation, regulations that prescribe:

~~1.~~ (a) The ethical standards for licensed and certified counselors and certified interns; and

~~2.~~ (b) The requirements for continuing education for the renewal, restoration or reinstatement of a license or certificate.

2. *The Board may adopt regulations that prescribe:*

(a) *The contents of a written examination concerning the practice of counseling problem gamblers;*

(b) *The grounds for initiating disciplinary action against a certified problem gambling counselor or certified problem gambling counselor intern; and*

(c) *Disciplinary procedures for certified problem gambling counselors and certified problem gambling counselor interns, including the suspension, revocation and reinstatement of a certificate as a problem gambling counselor or problem gambling counselor intern.*

Sec. 19. NRS 641C.290 is hereby amended to read as follows:

641C.290 **1.** Each applicant for a license or certificate as an alcohol and drug abuse counselor must pass a written and oral examination concerning his knowledge of the practice of counseling alcohol and drug abusers, the *applicable* provisions of this chapter and any *applicable* regulations adopted by the Board pursuant to the provisions of this chapter.

2. *Each applicant for a certificate as a problem gambling counselor must pass a written examination concerning his knowledge of the practice of counseling problem gamblers, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.*

3. The Board shall:

- (a) Examine applicants at least two times each year.
- (b) Establish the time and place for the examinations.
- (c) Provide such books and forms as may be necessary to conduct the examinations.
- (d) Establish, by regulation, the requirements for passing the examination.

~~13.1~~ 4. The Board may employ other persons to conduct the examinations.

Sec. 20. NRS 641C.450 is hereby amended to read as follows:

641C.450 Except as otherwise provided in NRS 641C.320 ~~6.1~~ and section 9 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 NRS 641C.470;
3. Evidence of his completion of the continuing education required by the Board;
4. If the applicant is a certified intern, the name of the licensed *or certified* counselor who supervises him; and
5. The statement required pursuant to NRS 641C.280.

Sec. 21. NRS 641C.470 is hereby amended to read as follows:

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

For the initial application for a license or certificate	\$150
For the issuance of a provisional license or certificate	125
For the issuance of an initial license or certificate	60
For the renewal of a license or certificate as an alcohol and drug abuse counselor <i>or a certificate as a problem gambling counselor</i>	300
For the renewal of a certificate as an alcohol and drug abuse counselor intern <i>or a problem gambling counselor intern</i>	75
For the renewal of a delinquent license or certificate	75
For the restoration of an expired license or certificate	150
For the restoration or reinstatement of a suspended or revoked license or certificate	300
For the issuance of a license or certificate without examination	150
For an examination	150

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

Sec. 22. NRS 641C.900 is hereby amended to read as follows:

641C.900 1. Except as otherwise provided in subsection 2, a person shall not engage in the practice of counseling alcohol and drug abusers *or the practice of counseling problem gamblers* unless he is a licensed counselor, certified counselor or certified intern.

2. A person may engage in the practice of counseling alcohol and drug abusers under the supervision of a licensed counselor *or*

the practice of counseling problem gamblers under the supervision of a certified counselor for not more than 30 days if that person:

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

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

Sec. 23. NRS 641C.910 is hereby amended to read as follows:

641C.910 1. A person shall not:

(a) Hold himself out to ~~[the]~~ a member of the general public as an alcohol and drug abuse counselor, ~~[or]~~ alcohol and drug abuse counselor intern ~~[;]~~, *problem gambling counselor or problem gambling counselor intern;*

(b) Use the title “alcohol and drug abuse counselor,” “alcohol and drug abuse counselor intern,” “drug abuse counselor,” “substance abuse counselor ~~[;]~~,” “*problem gambling counselor;*” “*problem gambling counselor intern;*” “*gambling counselor*” or any similar title in connection with his work; or

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

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

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

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

Sec. 24. Section 7 of this act is hereby amended to read as follows:

Sec. 7. The Board may issue a certificate as a problem gambling counselor to:

1. 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, master’s degree or a doctoral degree from an accredited college or university in a field of social science approved by the Board;

(d) Has completed not less than 60 hours of training specific to problem gambling approved by the Board;

(e) Has completed at least 2,000 hours of supervised counseling of problem gamblers in a setting approved by the Board;

(f) Passes the written examination prescribed by the Board pursuant to NRS 641C.290;

(g) Presents himself when scheduled for an interview at a meeting of the Board; *and*

(h) Pays the fees required pursuant to NRS 641C.470 . ~~†~~
~~and~~

~~(i) Submits the statement required pursuant to NRS 641C.280.]~~

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 licensed as:

(1) A clinical social worker pursuant to chapter 641B of NRS;

(2) A marriage and family therapist pursuant to chapter 641A of NRS;

(3) A physician pursuant to chapter 630 of NRS;

(4) A nurse pursuant to chapter 632 of NRS and has received a master's degree or a doctoral degree from an accredited college or university;

(5) A psychologist pursuant to chapter 641 of NRS; or

(6) An alcohol and drug abuse counselor pursuant to this chapter;

(d) Has completed not less than 60 hours of training specific to problem gambling approved by the Board;

(e) Has completed at least 1,000 hours of supervised counseling of problem gamblers in a setting approved by the Board;

(f) Passes the written examination prescribed by the Board pursuant to NRS 641C.290; *and*

(g) Pays the fees required pursuant to NRS 641C.470 . ~~†~~
~~and~~

~~(h) Submits the statement required pursuant to NRS 641C.280.]~~

Sec. 25. Section 9 of this act is hereby amended to read as follows:

Sec. 9. 1. The Board may issue a certificate as a problem gambling counselor 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) Submits proof to the Board that he:

(1) Has received a bachelor's degree, master's degree or a doctoral degree from an accredited college or university in a field of social science approved by the Board; or

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

(d) Has completed not less than 30 hours of training specific to problem gambling approved by the Board;

(e) Demonstrates that a certified problem gambling counselor approved by the Board has agreed to supervise him in a setting approved by the Board; *and*

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

~~(g) Submits the statement required pursuant to NRS 641C.280.]~~

2. A certificate as a problem gambling counselor intern is valid for 1 year and, except as otherwise provided in subsection 3, may be renewed.

3. A certificate as a problem gambling counselor intern issued to a person on the basis that he is enrolled in a program at an accredited college or university from which he will receive a bachelor's degree, master's degree or a doctoral degree in a field of social science approved by the Board may be renewed not more than nine times.

4. A certified problem gambling counselor intern may, under the supervision of a certified problem gambling counselor:

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

(b) Assess and evaluate a person as a problem gambler.

Sec. 26. Notwithstanding the provisions of section 17 of this act, each problem gambling counselor who is appointed to the Board of Examiners for Alcohol, Drug and Gambling Counselors to an initial term must be eligible for a certificate as a problem gambling counselor but need not be certified pursuant to this chapter at the time he is appointed to the Board.

Sec. 27. As soon as practicable after January 1, 2004, the Governor shall appoint to the Board of Examiners for Alcohol, Drug and Gambling Counselors pursuant to paragraph (c) of subsection 2 of NRS 641C.150:

1. One member whose term expires on September 30, 2005.
2. One member whose term expires on September 30, 2007.

Sec. 28. 1. This section becomes effective upon passage and approval.

2. Sections 18 and 19 of this act become effective upon passage and approval for the purpose of adopting regulations and on January 1, 2004, for all other purposes.

3. Sections 1 to 17, inclusive, 20 to 23, inclusive, 26 and 27 of this act become effective on January 1, 2004.

4. Sections 24 and 25 of this act become effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

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

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

5. Sections 7, 9 and 20 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

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

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