

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

LCB FILE NO. R069-17I

**The following document is the initial draft regulation proposed
by the agency submitted on 08/17/2017**

Section. 1. NAC Chapter 641C is hereby amended by adding thereto a new section to read as follows:

The Board hereby adopts by reference the National Association for Alcoholism and Drug Abuse Counselors Code of Ethics, October 9, 2016, edition, as published by the National Association for Alcoholism and Drug Abuse Counselors. A copy of that publication may be obtained from the National Association for Alcoholism and Drug Abuse Counselors, 44 Canal Center Plaza, Suite 301, Alexandria, VA 22314, or at the Internet address <http://www.naadac.org/code-of-ethics>.

Sec. 2. NAC 641C.240 is hereby amended to read as follows:

NAC 641C.240 The Board will charge and collect the following fees:

1. For the initial application for a license or certificate \$150
2. For the application for a certificate as a supervisor of certified interns \$60
3. For the issuance of a provisional license or certificate \$125
4. For the issuance of an initial license or certificate \$60
5. For the issuance of a certificate as a supervisor of certified interns \$60
6. For the renewal of a license or certificate as a counselor \$250
7. For the renewal of a certificate as a certified intern \$75
8. For the renewal of a delinquent license or certificate \$75
9. For the restoration of an expired license or certificate \$150
10. For ~~the deactivation of~~ *placing* a license or certificate *on inactive status*
\$25
11. For the reactivation of a license or certificate *that was placed on inactive status*

\$ ~~25~~ 60

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| 12. For the replacement of a license or certificate | \$25 |
| 13. For the restoration or reinstatement of a suspended or revoked license or certificate | \$300 |
| 14. For the issuance of a license or certificate without examination | \$150 |
| 15. For an examination | \$100, |
- plus the amount required by a testing company, if any, used by the Board for testing

applicants.

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| 16. For the approval of a course of continuing education that includes: | |
| (a) Less than 10 hours of continuing education | \$30 |
| (b) At least 10 but less than 20 hours of continuing education | \$50 |
| (c) At least 20 but less than 30 hours of continuing education | \$75 |
| (d) At least 30 but less than 40 hours of continuing education | \$100 |
| (e) Forty or more hours of continuing education | \$150 |

17. The amount of the fees charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for the handling of the complete set of fingerprints and issuance of the reports of criminal histories.

Sec. 3. NAC 641.250 is hereby amended to read as follows:

NAC 641C.250 1. A person who is licensed or certified as an alcohol and drug abuse counselor may:

(a) Provide counseling for the abuse of alcohol and other drugs, including, without limitation:

- (1) Making a diagnosis or classification;
- (2) Providing a referral; or

(3) Planning a course of treatment;

(b) Provide counseling to a person who has a significant relationship with an identified or suspected abuser of alcohol or drugs, only to the extent necessary to treat the identified or suspected abuser or engage the identified or suspected abuser in treatment; and

(c) Conduct testing for which the counselor was trained.

2. A person who is licensed as a clinical alcohol and drug abuse counselor may:

(a) Provide counseling for the abuse of alcohol and other drugs, including, without limitation:

(1) Making a diagnosis or classification;

(2) Providing a referral; or

(3) Planning a course of treatment;

(b) Provide counseling for a mental illness to a person with mental illness so long as the person's mental illness is not a psychotic disorder and the person is also an alcoholic or abuser of drugs, including, without limitation:

(1) Making a diagnosis or classification;

(2) Providing a referral; or

(3) Planning a course of treatment;

(c) Provide counseling to a person who has a significant relationship with an identified or suspected abuser of alcohol or drugs, only to the extent necessary to treat the identified or suspected abuser or engage the identified or suspected abuser in treatment; and

(d) Conduct testing for which the counselor was trained.

3. A person who is certified as a problem gambling counselor may:

(a) Provide counseling for problem gambling, including, without limitation:

(1) Making a diagnosis or classification;

(2) Providing a referral; or

(3) Planning a course of treatment;

(b) Provide counseling to a person who has a significant relationship with an identified or suspected problem gambler, only to the extent necessary to treat the identified or suspected problem gambler or engage the identified or suspected problem gambler in treatment; and

(c) Conduct testing for which the counselor was trained.

4. A certified intern may provide any services allowed by law only at a treatment agency *while his or her supervisor is physically present at the treatment agency*, or the practice of the licensed or certified counselor supervising the certified intern, subject to the clinical supervision and allowance by the licensed or certified counselor supervising the certified intern. Any entry made by a certified intern in the clinical record of a client must be substantiated in the clinical record and countersigned by the licensed or certified counselor supervising the certified intern. *As used in this subsection, "treatment agency" means any public or private agency which provides for the treatment of alcohol and drug abusers or problem gamblers and includes satellite locations for the treatment agency.*

5. Except as otherwise provided in subsection 6 and in NRS 641C.130, the provision of counseling services related to alcohol and drug abuse or problem gambling to a client in this State through any means, including, without limitation, electronic means or by telephone, regardless of the location of the person providing that counseling, constitutes the practice of counseling alcohol and drug abusers, the clinical practice of counseling alcohol and drug abusers or the practice of counseling problem gamblers which is subject to the provisions of this chapter and chapter 641C of NRS.

6. The practice of counseling alcohol and drug abusers, the clinical practice of counseling alcohol and drug abusers and the practice of counseling problem gamblers in this State does not include counseling activities or services provided by the following persons:

(a) A student of psychology or any other person preparing for the profession of psychology under the supervision of a qualified psychologist in a training institution or facility recognized by the Board of Psychological Examiners pursuant to the provisions of chapter 641 of NRS. Such a student or person must be designated by the title “psychological trainee,” “psychological intern,” “psychological resident” or “psychological assistant,” or any other title which clearly indicates his or her training status.

(b) A student of marriage and family therapy or clinical professional counseling, or any other person preparing for the profession of marriage and family therapy or clinical professional counseling, under the supervision of a qualified marriage and family therapist or a qualified clinical professional counselor in a training institution or facility recognized by the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors pursuant to chapter 641A of NRS. Such a student or person must be designated by the title “intern in marriage and family therapy,” “intern in clinical professional counseling” or any other title which clearly indicates his or her training status.

(c) A student of social work or 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 of Examiners for Social Workers pursuant to chapter 641B of NRS. 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 or her training status.

7. A person who engages in the practice of counseling alcohol and drug abusers may represent himself or herself as:

(a) A licensed alcohol and drug abuse counselor, or use the initials “LADC” after his or her name, only if the counselor is licensed as such by the Board.

(b) A certified alcohol and drug abuse counselor, or use the initials “CADC” after his or her name, only if the counselor is certified as such by the Board.

(c) If the person is issued a certificate as an alcohol and drug abuse counselor pursuant to NAC 641C.276 or 641C.277, a Native American certified alcohol and drug abuse counselor, or use the initials “NACADC” after his or her name.

8. A person who engages in the clinical practice of counseling alcohol and drug abusers may represent himself or herself as a licensed clinical alcohol and drug abuse counselor, or use the initials “LCADC” after his or her name, only if the counselor is licensed as such by the Board.

9. A person who engages in the practice of counseling problem gamblers may represent himself or herself as a certified problem gambling counselor, or use the initials “CPGC” after his or her name, only if the counselor is certified as such by the Board.

10. Except as otherwise provided in subsection 11, a certified intern may represent himself or herself as:

(a) A certified alcohol and drug abuse counselor intern, or use the words “CADC Intern” after his or her name, only if the certified intern is certified as such by the Board.

(b) A certified clinical alcohol and drug abuse counselor intern, or use the words “CCADC Intern” after his or her name, only if the certified intern is certified as such by the Board.

(c) A certified problem gambling counselor intern, or use the words “CPGC Intern” after his or her name, only if the certified intern is certified as such by the Board.

11. The representation used by a certified intern must ensure that a client does not confuse or misunderstand the fact that the certified intern is not a licensed or certified counselor.

Sec. 4. NAC 641C.275 is hereby amended to read as follows:

NAC 641C.275 1. A counselor or certified intern may ~~{deactivate}~~ *place* his or her license or certificate ~~{for a 12-month period}~~ *on inactive status for a period of 5 years*. To ~~{deactivate}~~ *place* his or her license or certificate *on inactive status*, a counselor or certified intern must ~~{submit}~~ :

(a) Be in good standing with the Board;

(b) Submit to the Board a written application on a form prescribed by the Board ; *and*

(c) Pay the fee set forth in NAC 641C.240.

2. A counselor or certified intern may reactivate his or her license or certificate at any time during the period in which the license or certificate is ~~{deactivated}~~ *inactive*. To reactivate his or her license or certificate, a counselor or certified intern must submit to the Board:

(a) A written application on a form prescribed by the Board; and

(b) Proof of completion of any hours of continuing education required to be completed pursuant to NAC 641C.300 for the period in which the license or certificate was ~~{deactivated}~~ *inactive*.

3. If a ~~{deactivated}~~ license or certificate *that was placed on inactive status* is not reactivated before the end of the *5 year* period ~~{for which the license or certificate is deactivated}~~ , the Board will consider the license or certificate to have expired and the license or certificate may only be renewed pursuant to NRS 641C.460.

Sec. 5. NAC 641C.280 is hereby amended to read as follows:

NAC 641C.280 1. To be eligible to supervise a certified intern, a counselor must:

(a) Be licensed as an alcohol and drug abuse counselor, licensed as a clinical alcohol and drug abuse counselor, *certified as an alcohol and drug abuse counselor*, or certified as a problem gambling counselor by the Board and be in good standing with the Board and not under any investigation by the Board;

(b) Have satisfactorily completed a course approved by the Board for the training of supervisors; and

(c) ~~Have~~ *If he or she is:*

(1) Licensed as an alcohol and drug abuse counselor, licensed as a clinical alcohol and drug abuse counselor, or certified as a problem gambling counselor, has engaged, as a licensed or certified counselor, in the practice of counseling alcohol and drug abusers, the clinical practice of counseling alcohol and drug abusers or the practice of counseling problem gamblers for at least 2 years ~~H~~; or

(2) Certified as an alcohol and drug abuse counselor, has engaged, as a certified alcohol and drug abuse counselor, in the practice of counseling alcohol and drug abusers as a certified alcohol and drug abuse counselor for at least 3 years.

2. A licensed alcohol and drug abuse counselor, a licensed clinical alcohol and drug abuse counselor, *certified alcohol and drug abuse counselor*, or a certified problem gambling counselor may not supervise a certified intern until he or she has:

(a) Submitted a completed application for a certificate as a supervisor of certified interns to the Board on a form provided by the Board; and

(b) Received notification from the Board that it has approved his or her application and he or she has been issued a certificate as a supervisor of certified interns.

3. The Board will maintain a list of the names of the licensed alcohol and drug abuse counselors, licensed clinical alcohol and drug abuse counselors , *certified alcohol and drug abuse counselors*, and certified problem gambling counselors who have been approved to supervise certified interns and, upon request, will provide a copy of that list to any applicant for certification as a certified intern.

4. A licensed alcohol and drug abuse counselor, a licensed clinical alcohol and drug abuse counselor , *certified alcohol and drug abuse counselor*, or a certified problem gambling counselor who is supervising a certified intern shall not:

(a) Reside with the certified intern, have an intimate relationship with the certified intern or be related to the certified intern by blood or marriage;

(b) Have had the certified intern as a client; or

(c) Supervise more than five certified interns at one time without the prior approval of the Board.

5. A licensed alcohol and drug abuse counselor, a licensed clinical alcohol and drug abuse counselor , *certified alcohol and drug abuse counselor*, or a certified problem gambling counselor who is supervising a certified intern is subject to disciplinary action by the Board for any violation of this chapter and chapter 641C of NRS committed by the certified intern while the certified intern is working under the supervision of the licensed alcohol and drug abuse counselor, licensed clinical alcohol and drug abuse counselor , *certified alcohol and drug abuse counselor*, or certified problem gambling counselor.

6. A licensed alcohol and drug abuse counselor, a licensed clinical alcohol and drug abuse counselor, *certified alcohol and drug abuse counselor*, or a certified problem gambling counselor who is supervising a certified intern shall inform the Board in writing of any termination or cessation of his or her supervision of the certified intern not later than 5 working days after the date on which his or her supervision of the certified intern terminates or ceases.

Sec. 6. NAC 641C.285 is hereby amended to read as follows:

NAC 641C.285 1. A licensed alcohol and drug abuse counselor, a licensed clinical alcohol and drug abuse counselor, *certified alcohol and drug abuse counselor*, or a certified problem gambling counselor who is supervising a certified intern shall ensure that:

- (a) The work of the certified intern is conducted in an appropriate professional setting;
- (b) The work of the certified intern is consistent with the standards of the profession;
- (c) The certified intern is assisted with the development of his or her professional identity;
- (d) The certified intern has gained the skills required to manage his or her practice;
- (e) The certified intern has gained the skills required for continuing competency;
- (f) The certified intern has gained knowledge of the laws and regulations applicable to the practice of counseling alcohol and drug abusers, the clinical practice of counseling alcohol and drug abusers or the practice of counseling problem gamblers; and
- (g) The certified intern is familiar with the current literature concerning those areas of alcohol and drug abuse counseling or problem gambling counseling which are relevant to his or her area of practice.

2. A licensed alcohol and drug abuse counselor who is supervising a certified alcohol and drug abuse counselor intern shall communicate with the certified alcohol and drug abuse

counselor intern on an individual basis for at least 1 hour every week, unless the Board specifically directs a different schedule or frequency for the meetings, to discuss and evaluate the performance of the certified alcohol and drug abuse counselor intern in his or her practice.

3. A licensed clinical alcohol and drug abuse counselor who is supervising a certified clinical alcohol and drug abuse counselor intern or a certified alcohol and drug abuse counselor intern shall communicate with the certified clinical alcohol and drug abuse counselor intern or the certified alcohol and drug abuse counselor intern on an individual basis for at least 1 hour every week, unless the Board specifically directs a different schedule or frequency for the meetings, to discuss and evaluate the performance of the certified clinical alcohol and drug abuse counselor intern or the certified alcohol and drug abuse counselor intern in his or her practice.

4. *A certified alcohol and drug abuse counselor who is supervising a certified alcohol and drug abuse counselor intern shall communicate with the certified alcohol and drug abuse counselor intern on an individual basis for at least 1 hour every week, unless the Board specifically directs a different schedule or frequency for the meetings, to discuss and evaluate the performance of the certified clinical alcohol and drug abuse counselor intern or the certified alcohol and drug abuse counselor intern in his or her practice.*

5. A certified problem gambling counselor who is supervising a certified problem gambling counselor intern shall communicate with the certified problem gambling counselor intern on an individual basis for at least two sessions of 1 hour each every month for a minimum of 12 months, unless the Board specifically directs a different schedule or frequency for the meetings, to discuss and evaluate the performance of the certified problem gambling counselor intern in his or her practice.

~~15.1~~ 6. A licensed alcohol and drug abuse counselor, a licensed clinical alcohol and drug abuse counselor, *certified alcohol and drug abuse counselor*, or a certified problem gambling counselor who is supervising a certified intern:

(a) Shall prepare a progress report for each period of certification in which the licensed alcohol and drug abuse counselor, licensed clinical alcohol and drug abuse counselor, *certified alcohol and drug abuse counselor*, or certified problem gambling counselor supervises the certified intern, on forms provided by the Board, concerning the progress of the certified intern in his or her practice.

(b) Must be available to consult with the Board about a certified intern being supervised by the licensed alcohol and drug abuse counselor, licensed clinical alcohol and drug abuse counselor, *certified alcohol and drug abuse counselor*, or certified problem gambling counselor concerning the record, competence in practice, emotional and mental stability, and professional and ethical conduct of the certified intern.

~~16.1~~ 7. Upon the completion of the period of certification, if the certified intern seeks to renew his or her certification as a certified intern and continue practice as a certified intern under the supervision of the licensed alcohol and drug abuse counselor, licensed clinical alcohol and drug abuse counselor, *certified alcohol and drug abuse counselor*, or certified problem gambling counselor, the licensed alcohol and drug abuse counselor, licensed clinical alcohol and drug abuse counselor, *certified alcohol and drug abuse counselor*, or certified problem gambling counselor shall ensure that the progress report prepared by the licensed alcohol and drug abuse counselor, licensed clinical alcohol and drug abuse counselor or certified problem gambling counselor pursuant to this section is included in the application for the renewal of the certificate for the certified intern. If, upon the completion of the period of certification, the

certified intern has completed his or her internship, or if the supervision of the certified intern by the licensed alcohol and drug abuse counselor, licensed clinical alcohol and drug abuse counselor , *certified alcohol and drug abuse counselor*, or certified problem gambling counselor ceases or is otherwise terminated, the licensed alcohol and drug abuse counselor, licensed clinical alcohol and drug abuse counselor , *certified alcohol and drug abuse counselor*, or certified problem gambling counselor shall submit a progress report for that last period of certification to the Board as soon as practicable after his or her supervision of the certified intern ends.

~~7~~ 8. A licensed alcohol and drug abuse counselor, a licensed clinical alcohol and drug abuse counselor , *certified alcohol and drug abuse counselor*, or a certified problem gambling counselor who is supervising a certified intern shall analyze the performance of the certified intern through information obtained:

(a) By observing or participating in the practice of the certified intern at least once a month; and

(b) From the notes taken by the certified intern.

Sec. 7. NAC 641C.290 is hereby amended to read as follows:

NAC 641C.290 1. Any hours which a certified intern accumulates while:

(a) Working under the supervision of a licensed alcohol and drug abuse counselor, a licensed clinical alcohol and drug abuse counselor , *certified alcohol and drug abuse counselor*, or a certified problem gambling counselor who has not been approved by the Board to supervise certified interns;

(b) Working in an arrangement covered by an agreement relating to the supervision of the certified intern if the agreement has not been approved by the Board;

(c) Engaged in any activities that are not within the scope of the practice of counseling alcohol and drug abusers, the clinical practice of counseling alcohol and drug abusers, the practice of counseling problem gamblers or the provision of any services relating thereto; or

(d) Not in compliance with the requirements of this chapter and chapter 641C of NRS concerning certified interns,

Ê will not be counted toward the number of hours necessary to become a licensed or certified counselor.

2. If the supervisor of a certified intern changes, the certified intern must submit a new agreement concerning the supervision of the certified intern by the new supervisor to the Board for its approval not later than 5 working days after the date on which the supervisor has changed.

3. Except as otherwise provided in this subsection, if, at the time when a certified intern received his or her most current certification from the Board, the certified intern is enrolled in a program of education from which he or she will receive an associate's degree, bachelor's degree, master's degree or doctoral degree in a field of social science, the licensed alcohol and drug abuse counselor, licensed clinical alcohol and drug abuse counselor, *certified alcohol and drug abuse counselor*, or certified problem gambling counselor supervising the certified intern shall ensure that the certified intern is properly enrolled in that program of education during each semester within the certification period and shall include documentation of all completed course work from the program of education in each progress report required pursuant to NAC 641C.285. If a certified intern completes and receives his or her degree from his or her program of education during a certification period and a new semester for that program of education begins before the end of the certification period, the licensed alcohol and drug abuse counselor, licensed clinical alcohol and drug abuse counselor, *certified alcohol and drug abuse counselor*,

or certified problem gambling counselor supervising the certified intern is not required to ensure that the certified intern is enrolled in the program of education for the new semester.

4. Except as otherwise provided in this subsection, a certified intern may not accumulate any hours necessary to become a licensed or certified counselor during the remainder of any semester from which the certified intern has withdrawn from his or her courses such that he or she is no longer enrolled in at least 3 credit hours for a given semester. Upon request of a certified intern, the Board may waive the provisions of this subsection if the Board determines the existence of good cause, including, without limitation, extreme illness of the certified intern or the cancellation of classes by a college or university. To obtain a waiver, the certified intern:

(a) Must provide the Board with documentation of any requested waiver within 30 days after each occurrence; and

(b) May be requested to appear before the Board to determine if a waiver should be granted.

5. A certified intern must complete the education and training necessary to become a licensed or certified counselor not later than 5 years after the date on which he or she initially applies to become a certified intern.

Sec. 8. NAC 641C.295 is hereby amended to read as follows:

NAC 64C.295 The Board will withdraw its approval for a licensed alcohol and drug abuse counselor, a licensed clinical alcohol and drug abuse counselor , *certified alcohol and drug abuse counselor*, or a certified problem gambling counselor to supervise certified interns if:

1. The licensed alcohol and drug abuse counselor, licensed clinical alcohol and drug abuse counselor , *certified alcohol and drug abuse counselor*, or certified problem gambling counselor:

(a) Fails to supervise a certified intern adequately;

(b) Fails to comply with the provisions of this chapter and chapter 641C of NRS relating to the supervision of certified interns;

(c) Fails to ensure that two or more consecutive progress reports regarding the progress of each certified intern under the supervision of the licensed alcohol and drug abuse counselor, licensed clinical alcohol and drug abuse counselor, *certified alcohol and drug abuse counselor*, or certified problem gambling counselor is submitted to the Board as required in NAC 641C.285;
or

(d) Knowingly allows a certified intern under the supervision of the licensed alcohol and drug abuse counselor, licensed clinical alcohol and drug abuse counselor, *certified alcohol and drug abuse counselor*, or certified problem gambling counselor to violate any provision of this chapter or chapter 641C of NRS; and

2. The Board determines that the withdrawal of its approval for the licensed alcohol and drug abuse counselor, licensed clinical alcohol and drug abuse counselor, *certified alcohol and drug abuse counselor*, or certified problem gambling counselor to supervise certified interns is appropriate under the circumstances.