

LCB File No. R157-03

BOARD OF EXAMINERS FOR ALCOHOL,  
DRUG AND GAMBLING COUNSELORS

CHAPTER 641C - ALCOHOL AND DRUG ABUSE COUNSELORS

GENERAL PROVISIONS

<a href="#">641C.005</a>	Definitions.....	2
<a href="#">641C.010</a>	“Applicant” defined.....	2
<a href="#">641C.015</a>	“Board” defined.....	2
<a href="#">641C.020</a>	“Client” defined.....	2
<a href="#">641C.025</a>	“Complainant” defined.....	2
<a href="#">641C.030</a>	“Counselor” defined.....	2
<a href="#">641C.035</a>	“Detoxification” defined.....	2
<a href="#">641C.040</a>	“Hour of continuing education” defined.....	2
<a href="#">641C.045</a>	“Investigator” defined.....	2
<a href="#">641C.050</a>	“Legal counsel” defined.....	2
<a href="#">641C.055</a>	“Respondent” defined.....	2
<a href="#">641C.060</a>	“Staff” defined.....	2
<a href="#">641C.065</a>	“Treatment” defined.....	2
<a href="#">641C.070</a>	Interpretation of term field of social science.....	2
<a href="#">641C.075</a>	Severability.....	2
<a href="#">641C.080</a>	Applicability of provisions relating to acquisition, maintenance and disclosure of information relating to client.....	2

BOARD OF EXAMINERS FOR ALCOHOL AND  
DRUG ABUSE COUNSELORS

<a href="#">641C.100</a>	Duties of staff.....	2
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LICENSING AND CERTIFICATION; SUPERVISION

<a href="#">641C.200</a>	Application for license or certificate.....	2
<a href="#">641C.205</a>	Allowance of credit for college courses.....	2
<a href="#">641C.210</a>	Evidence of age.....	2
<a href="#">641C.215</a>	Action by staff or board upon receipt of application for license or certificate.....	2
<a href="#">641C.220</a>	Examinations.....	2
<a href="#">641C.225</a>	Licensure without examination.....	2
<a href="#">641C.230</a>	Authority of board following suspension, revocation or restriction of license or credential or disciplinary action of applicant in another jurisdiction.....	2
<a href="#">641C.235</a>	Application for renewal of license or certificate.....	2
<a href="#">641C.240</a>	Fees.....	2
<a href="#">641C.245</a>	Payment of fees and remittances; lapse of application.....	2
<a href="#">641C.250</a>	Authorized activities of counselor and certified intern.....	2
<a href="#">641C.255</a>	Evidence of license or certificate.....	2
<a href="#">641C.260</a>	Display of license or certificate by counselor.....	2
<a href="#">641C.265</a>	Display of certificate by counselor intern.....	2
<a href="#">641C.270</a>	List of licensed or certified persons; notice of change of professional address.....	2
<a href="#">641C.275</a>	Deactivation of license or certificate; procedure for reactivation; expiration and renewal.....	2
<a href="#">641C.280</a>	Supervisors of certified interns: Generally.....	2
<a href="#">641C.285</a>	Supervisors of certified interns: Duties.....	2
<a href="#">641C.290</a>	Supervisors of certified interns: Responsibilities related to education of certified interns.....	2
<a href="#">641C.295</a>	Supervisors of certified interns: Withdrawal of approval to supervise.....	2

**CONTINUING EDUCATION**

641C.300 Requirements for maintenance or renewal of license or certificate; grounds for disciplinary action.. 2  
641C.305 Affidavit of completion: Submission; verification of authenticity; maintenance of documentation... 2  
641C.310 Approval of course or program of education by board..... 2  
641C.315 Unacceptable courses and programs of education..... 2  
641C.320 Requirements for approval of course or program of education..... 2

**STANDARDS OF PRACTICE**

641C.400 Prohibitions: Use of license or certificate; misrepresentations..... 2  
641C.405 Professional responsibility..... 2  
641C.410 Responsibility to client..... 2  
641C.415 Informed consent of client..... 2  
641C.420 Financial arrangements and records..... 2  
641C.425 Confidentiality of information..... 2  
641C.430 Coordination of care..... 2  
641C.435 Research: Consent and protection of participants; credit for work..... 2  
641C.440 Unprofessional conduct..... 2  
641C.445 Professional incompetence interpreted..... 2  
641C.450 Acts constituting professional incompetence..... 2

**PRACTICE BEFORE BOARD OF EXAMINERS FOR  
ALCOHOL AND DRUG ABUSE COUNSELORS**

**Parties and Representatives**

641C.500 Classification of parties..... 2  
641C.505 Appearance by staff..... 2  
641C.510 Entry of appearance..... 2  
641C.515 Representation of parties..... 2  
641C.520 Service upon attorney..... 2  
641C.525 Withdrawal of attorney..... 2

**Pleadings, Motions and Discovery**

641C.530 Captions..... 2  
641C.535 Execution..... 2  
641C.540 Construction..... 2  
641C.545 Applications..... 2  
641C.550 Petitions..... 2  
641C.555 Complaints: Filing; response; review; investigation; records or other evidence;  
notice of hearing and accusation; answer; consolidation..... 2  
641C.560 Complaints: Confidentiality of information during investigation..... 2  
641C.565 Motions..... 2  
641C.570 Filing pleadings and motions..... 2  
641C.575 Method of service..... 2  
641C.580 Proof of service..... 2  
641C.585 Discovery of witnesses and evidence..... 2

**Hearings**

641C.590 Notice of hearing..... 2  
641C.595 Failure to appear..... 2  
641C.600 Preliminary procedure..... 2  
641C.605 Conduct..... 2  
641C.610 Consolidation..... 2  
641C.615 Stipulations..... 2  
641C.620 Official notice..... 2  
641C.625 Decision by board..... 2  
641C.630 Petition for rehearing..... 2

**Miscellaneous Petitions**

[641C.635](#) Petition for declaratory order or advisory opinion: Scope of Consideration..... 2  
[641C.640](#) Petition for declaratory order or advisory opinion: Action by board..... 2  
[641C.645](#) Petition for declaratory order or advisory opinion: Preparation of order or opinion; notice to petitioner..... 2  
[641C.650](#) Petition for declaratory order or advisory opinion: Violation of order or opinion..... 2  
[641C.655](#) Petition for adoption, amendment or repeal of regulation..... 2

**GENERAL PROVISIONS**

**NAC 641C.005 Definitions.** ([NRS 641C.200](#)) As used in this chapter, unless the context otherwise requires, the words and terms defined in [NAC 641C.010](#) to [641C.065](#), inclusive, have the meanings ascribed to them in those sections.

**NAC 641C.010 “Applicant” defined.** ([NRS 641C.200](#)) “Applicant” means a person who applies for any license, certificate or approval from the board.

**NAC 641C.015 “Board” defined.** ([NRS 641C.200](#)) “Board” means the board of examiners for alcohol, drug *and problem gambling* counselors.

**NAC 641C.020 “Client” defined.** ([NRS 641C.200](#)) “Client” means a natural person, couple or family who receives counseling services for alcohol, drug *and problem gambling counselors*.

**NAC 641C.025 “Complainant” defined.** ([NRS 641C.200](#)) “Complainant” means a person who complains to the board of any act of another person subject to the jurisdiction of the board.

**NAC 641C.030 “Counselor” defined.** ([NRS 641C.200](#)) (**SB351**)“Counselor” means a person who is licensed or certified as an alcohol, *drug or problem gambling* counselor.

**NAC 641C.035 “Detoxification” defined.** ([NRS 641C.200](#)) “Detoxification” means the monitoring of a person who is at risk of suffering from the adverse physiological or psychological effects of withdrawal from alcohol or another drug to bring the person safely to a state that is free of the drug.

**NAC 641C.040 “Hour of continuing education” defined.** ([NRS 641C.200](#)) “Hour of continuing education” means 50 minutes of instruction devoted to a program of continuing education which is related to the practice of counseling alcohol, drug *and problem gamblers*.

**NAC 641C.045 “Investigator” defined.** ([NRS 641C.200](#)) “Investigator” means an investigator of the board who is investigating a complaint filed with the board and includes, without limitation, any member of the board who is active in such an investigation.

***NAC641C.047 “Problem Gambling” defined. Problem gambling means persistent and recurrent maladaptive behavior relating to gambling that causes disruptions in any major life, including, without limitation, the psychological, social or vocational areas of life.***

**NAC 641C.050 “Legal counsel” defined.** ([NRS 641C.200](#)) “Legal counsel” means the legal counsel of the board.

**NAC 641C.055 “Respondent” defined.** ([NRS 641C.200](#)) “Respondent” means a person against whom a complaint is filed or an investigation is initiated.

**NAC 641C.060 “Staff” defined.** ([NRS 641C.200](#)) “Staff” means the staff of the board.

**NAC 641C.065 “Treatment” defined.** ([NRS 641C.200](#)) “Treatment” means the care of a person with a substance use disorder through detoxification, medication or counseling, or any combination thereof.

**NAC 641C.067 “Treatment” for problem gambling defined.** (language still being developed to cognize with the National board.)

**NAC 641C.070 Interpretation of term “field of social science.”** ([NRS 641C.200](#), [641C.350](#), [641C.390](#), [641C.420](#)) As used in this chapter and in [NRS 641C.350](#), [641C.390](#) and [641C.420](#), the board will interpret the term “field of social science” to mean any program in counseling alcohol and substance abusers, psychiatry, psychology, social work, marriage and family therapy, nursing, medicine or any other program related to the study of the human mind and mental illness.

*1. An applicant may submit course descriptions for a degree from an accredited university or college they have attend for the board to review to determine the applicability of the degree. The degree must have at least 24 semester or 32 quarter credit hours of counseling-related courses.*

**NAC 641C.075 Severability.** ([NRS 641C.200](#)) If any provision of this chapter or any application thereof to any person, thing or circumstance is held invalid, the board intends that such invalidity not affect the remaining provisions, or application of those provisions, to the extent that they can be given effect.

**NAC 641C.080 Applicability of provisions relating to acquisition, maintenance and disclosure of information relating to client.** ([NRS 641C.200](#)) The provisions of this chapter relating to the acquisition, maintenance and disclosure of information relating to a client apply:

1. To information that is not subject to 42 C.F.R. Part 2; and
2. If the information is subject to 42 C.F.R. Part 2, only to the extent that the provisions of this chapter relating to the acquisition, maintenance and disclosure of the information do not conflict with 42 C.F.R. Part 2.

## **BOARD OF EXAMINERS FOR ALCOHOL AND DRUG ABUSE COUNSELORS**

**NAC 641C.100 Duties of staff.** ([NRS 641C.200](#)) The staff shall carry out, on behalf of the board, any administrative or ministerial duties and tasks necessary for the implementation of this chapter and [chapter 641C of NRS](#), as delegated to the staff by the board.

## LICENSING AND CERTIFICATION; SUPERVISION *OF INTERNS*

### **NAC 641C.200 Application for license or certificate. ([NRS 641C.200](#), [641C.260](#))(**SB248 & SB351**)**

1. An applicant for a license or certificate as an alcohol and drug abuse counselor or a certificate as an alcohol and drug abuse counselor intern, *Native American Counselor or as problem gambling counselor or problem gambling counselor intern or a detoxification technician* must file a completed application which documents that the applicant meets the qualifications for the license or certificate for which he is applying. An applicant must include a nonrefundable fee for the materials required to apply for the type of licensure or certification sought. The amount of the fee required by this subsection is equal to the amount required by the testing company used by the board for those materials necessary to test the applicant.

*(a.) An alcohol and drug abuse intern must show proof of completion of ??? hours of educational training in substance abuse prior to their application being approved*

*1. Education must be specifically related to the knowledge and skills necessary to perform the tasks within the following performance domains:*

*a. Assessments*

*b. Counseling*

*c. Case management*

*d. Education and professional responsibilities*

*e. Ethics*

2. For good cause, the board may allow an applicant to present at a meeting of the board documentation and other evidence, in addition to the documentation and evidence which he has previously submitted with his application, to demonstrate further his qualifications for licensure or certification.

3. By submitting his application, an applicant for licensure or certification grants the board full authority to make any investigation or personal contact necessary for the board to verify the authenticity of the matters and information stated within the application. If the board so requests, an applicant shall supply such information as the board may require to verify the matter and information contained in his application.

4. If the board determines that it is necessary, the board will appoint a subcommittee to examine an application and make recommendations to the board concerning that application.

5. If the board determines that it is necessary, the board will require an applicant for licensure or certification to appear personally before the board. A personal appearance of an applicant for the purposes of this section may be conducted in an open or a closed session of the board as the board determines appropriate.

6. An applicant for licensure or certification who is a graduate of a foreign program must submit documentation to the board that demonstrates to the satisfaction of the board that the foreign program from which the applicant graduated is equivalent to a comparable program from an accredited college or university.

7. As used in this section, "accredited college or university" means a college or university that is accredited by a national or regional accrediting agency that is recognized by the United States Department of Education.

*8. (NRS641C.250, NRS641C.310, .350, 390 & 420.) The board or board staff has the authority to suspend any applicant upon documentation that an applicant has falsified any information on their application.*

*9. An individual on parole or probation will not be considered for certification or licensure until such time as they have finished and have been off parole or probation for a minimum of two-years.*

**NAC 641C.205 Allowance of credit for college courses.** (NRS 641C.200, 641C.350, 641C.390) For the purposes of this chapter, paragraph (d) of subsection 1 of NRS 641C.350 and paragraph (d) of subsection 1 of NRS 641C.390, the board will consider an applicant for a license or certificate as an alcohol and drug abuse counselor to have successfully completed 2,500 hours of supervised counseling of drug and alcohol abusers if the applicant has successfully completed:

1. A bachelor's degree in a field of social science approved by the board that included 18 semester hours, or 27 quarter hours, of study specifically related to the counseling of alcohol and drug abusers from an accredited college or university or has accrued the required 18 semester or 27 quarter hours in education following the completion of a bachelor's degree; or

2. A graduate degree in a field of social science approved by the board that included 12 semester hours, or 18 quarter hours, of study specifically related to the counseling of alcohol and drug abusers from an accredited college or university or has accrued the required 12 semester or 18 quarter hours in postgraduate education.

**NAC 641C.207. Conditional waiver of educational requirement of NRS 641C.390 (1)(c) for applicants for certificates to practice on Indian Reservations; limitations on clients and location of practice.**

*1. For purposes of this chapter and NRS 641C.390 (1)(c) the board will waive the requirement for a bachelor's degree if the applicant:*

*a) is of Native American descent or has contracted with or receives a grant from the Federal Government to provide services as an alcohol and drug abuse counselor to persons who are authorized to receive those services pursuant to 25 U.S.C. §§ 450 et seq. or 25 U.S.C. § 1601;*

*b) has received a high school diploma or a General Education Diploma;*

*c) has completed 4000 hours of supervised counseling of alcohol and drug abusers;*

*1) An associate degree in an approved social science field may be substituted for 1000 of the 4000 hours; and*

*d) has completed 270 hours of formal education.*

*1) Formal education is defined as formal, structured instruction received after completion of a high school diploma or General Education Diploma in the form of workshops, seminars, institutes, college or university credit courses and distance learning.*

*2. Persons holding a credential from another jurisdiction who seek certification without examination under NAC 641C.895 may, in lieu of complying with paragraphs (b), (c) and (d) of subsection 1 of this section, substitute a credential issued by Southwest Indian Certification or Northwest Indian Certification.*

*3. An alcohol and drug abuse counselor or intern certified pursuant to this section for whom the educational requirement set forth in paragraph (c) of subsection 1 of NRS 641C.390 is waived may provide services as an alcohol and drug abuse counselor only to those persons who are authorized to receive those services pursuant to 25 U.S.C. §§ 450*

*et seq. or 25 U.S.C. § 1601 et seq. The waiver provided by this section applies only to counselors, interns and clients on Indian Reservations and in the courts of this state when such courts exercise jurisdiction over a person who is authorized to receive those services pursuant to 25 U.S.C. §§ 450 et seq. or 25 U.S.C. § 1601 et seq.*

*4. Except as to the educational requirement waived by this section, an applicant who seeks the conditional waiver authorized by this section must comply with the provisions of NAC 641C.810 to 641C.910, inclusive.*

*5. A certificate based on the conditional waiver authorized by this section shall be denominated Native American Alcohol and Drug Abuse Counselor or Intern.*

**NAC 641C.210 Evidence of age.** ([NRS 641C.200](#)) The board will accept as satisfactory evidence of the age of the applicant a copy of his birth certificate, passport, baptismal certificate or driver's license, or any other documentation regarding age determined to be satisfactory to the board.

**NAC 641C.215 Action by staff or board upon receipt of application for license or certificate.** ([NRS 641C.200](#))

1. Upon receiving an application for licensure or certification as a counselor or certified intern, the staff shall review the application to determine whether the application is complete and the applicant satisfies all the requirements for the licensure or certification sought.

2. If the application is for licensure or certification as a counselor and the application is determined to be complete and it provides evidence that the applicant has satisfied all the requirements for the licensure or certification sought, the staff shall notify the applicant:

- (a) That his application is in order; and
- (b) Of the next date, time and place for the examination which the applicant must take.

3. If the application is for a certificate as an alcohol and drug abuse counselor intern and the application is determined to be complete and it provides evidence that the applicant has satisfied all the requirements for certification as an intern, the board will issue a certificate as an alcohol and drug abuse counselor intern to the applicant.

4. The staff may, not later than 30 days after the date on which it receives an application for licensure or certification, reject the application if the applicant:

- (a) Fails to complete the application as specified by the board;
- (b) Does not meet the minimum requirements for:
  - (1) The license or certificate for which the applicant is applying; or
  - (2) The examination for the license or certificate for which the applicant is applying;
- (c) Has previously had his license or certificate revoked by the board; or
- (d) Has been convicted during the 2 years immediately preceding the date on which he submitted the application of any crime other than a violation of a traffic law not involving alcohol or a controlled substance.

*(e) If applicable provide proof that the applicant has been off parole and/or probation for a minimum of two years.*

If the staff rejects an application for licensure or certification, the staff shall forthwith notify the applicant in writing that the application has been rejected.

5. An applicant for licensure or certification whose application is received less than 90 days before a regularly scheduled examination will not be scheduled to sit for that examination but will be scheduled to sit for the next following regularly scheduled examination.

**NAC 641C.220 Examinations.** ([NRS 641C.200](#), [641C.290](#))(**SB248 & SB351 Sect 7.f**)

1. An applicant for licensure or certification as a counselor, *Native American alcohol and drug abuse counselor or a problem gambling counselor* must pass the examination required by the board with an average score of at least 70 percent.

2. The board will mail the results of the written and oral examinations taken by an applicant for licensure or certification to the applicant at his last known address.

3. An applicant for licensure or certification who fails the examination may retake the examination when it is next offered if the applicant applies to the board to retake the examination and submits a nonrefundable fee. The amount of the fee required by this subsection is equal to the amount required by the testing company used by the board for those materials necessary to test the applicant.

4. An applicant for licensure or certification who fails an examination and who does not retake the examination when it is next offered must submit a new application if he wants to take the examination again.

5. An applicant for licensure or certification who fails the examination for licensure or certification three times may not take the examination again until he has appeared before the board. The board will examine the qualifications of such an applicant to sit for an additional examination. The board may condition the applicant's taking of an additional examination as the board deems necessary and appropriate.

**NAC 641C.225 Licensure without examination of applicant who holds license or other credential from another jurisdiction.** ([NRS 641C.200](#), [641C.300](#)) An applicant for licensure *or certification* without examination pursuant to [NRS 641C.300](#) must submit to the board:

1. A written application on a form prescribed by the board;
2. The applicable fee;
3. Proof satisfactory to the board that the license or other credential held by the applicant:
  - (a) Was issued by another state, a territory or possession of the United States, or the District of Columbia;

(b) Is currently valid and in good standing; and

~~(c) Has never been suspended, revoked or otherwise restricted for any reason; and~~

*4. A statement of whether a license or other credential has ever been suspended, revoked or otherwise restricted for any reason.*

*a. The board will review each applicant on an individual basis and will consider the circumstances before and after the time the certificate or license was suspended, revoked or otherwise restricted for any reason;*

*5. Fingerprint cards and the appropriate fees.*

~~(6)(4)~~ Proof satisfactory to the board that the applicant is otherwise qualified to engage in the practice of counseling alcohol and drug abusers *or problem gamblers: (SB351-sect 19.2)*

*(a) Applicant must have had a masters or bachelor's degree in an appropriate social science field at the time application was made in another state, territory or possession of the United States, or the District of Columbia.*

*(b) For alcohol and drug abuse counselors an applicant must have had a minimum of 4,000 hours practical experience providing alcohol and drug abuse counseling.*

*(c) For problem gambling counselors an applicant must have had a minimum of 2,000 hours practical experience providing problem gambling counseling and a minimum of 60 hours of training pertaining to problem gambling.*

*(d) For alcohol and drug abuse counselors an applicant must have passed a written and oral examination from a national testing organization, equal to the level used by the Board of Examiners for Alcohol, Drug and Gambling Counselors with a minimum of a score of 70% overall in both the written and oral examinations.*

*(e) For problem gambling counselors an applicant must have passed the examination required by the board from a national testing organization, equal to the level used by the Board of Examiners for Alcohol, Drug and Gambling Counselors must pass the examinations required with an average score of at least 70%.*

**NAC 641C.230 Authority of board following suspension, revocation or restriction of license or credential or disciplinary action of applicant in another jurisdiction.** ([NRS 641C.200](#), [641C.310](#)) If an applicant for licensure or certification holds or previously held a similar license or credential issued by *Nevada*, another state, a territory or possession of the United States or the District of Columbia which is or was suspended, revoked or restricted, or if the applicant has otherwise been subjected to any discipline for any reason by the entity which issued the license or other credential, the board will review and consider the specific facts and circumstances surrounding the suspension, revocation, restriction or disciplinary action, and may use this review and consideration in determining whether to issue a license or certificate to the applicant or deny his application for licensure or certification.

**NAC 641C.235 Application for renewal of license or certificate.** ([NRS 641C.200](#), [641C.450](#))(**SB 248**).

1. An application for the renewal of a license or certificate must be completed on a form provided by the board and submitted to the board on or before the date on which the license or certificate expires. An application for the renewal of a license or certificate must be accompanied by the appropriate renewal fee *and fingerprint cards*. *Finger print cards must be submitted every fifth year prior to the renewal of an application.*

2. If a complete application for the renewal of a license or certificate, including the required fee, is not postmarked on or before the last day for submitting the application for the renewal of the license or certificate, the license or certificate becomes delinquent.

**NAC 641C.240 Fees.** ([NRS 641C.200](#), [641C.470](#)) The board will charge and collect the following fees:

1. For the initial application for a license or certificate.....	\$60	<b>120</b>
2. For the application for a certificate as a supervisor of certified interns...20		<b>30</b>
3. For the issuance of a provisional license or certificate.....	\$60	<b>125</b>
4. For the issuance of an initial license or certificate.....	\$60	
5. For the issuance of a certificate as a supervisor of certified interns.....	\$20	<b>30</b>
6. For the renewal of a license or certificate as an alcohol and drug abuse counselor	\$150	<b>200</b>
7. For the renewal of a certificate as an alcohol and drug abuse counselor intern.	\$70	<b>75</b>
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 a license or certificate.....	\$20	<b>25</b>
11. For the reactivation of a license or certificate.....	\$20	<b>25</b>
12. For the replacement of a license or certificate.....	\$20	<b>25</b>
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.....	\$125	<b>150</b>
15. For an examination.....	\$60, --	<b>-80</b>

plus the amount required by a testing company, if any, used by the board for testing applicants

*16. (NRS 641C.200 & 641C.470) For the approval of a course of continuing education for training providers up to \$150 for courses 21 hours or more*

*17. (SB 248) The amount required by the FBI and the Department of Public Safety to process fingerprint cards*

**NAC 641C.245 Payment of fees and remittances; lapse of application. (NRS 641C.200)**

1. Fees and remittances to the board must be made by money order, bank draft or check payable to the board.

2. Payment in full of all required fees must accompany each application for licensure or certification and each application for the renewal of licensure or certification.

3. The board will consider an application for licensure or certification to have lapsed if no action has been taken by the applicant for 1 year after the date on which the board received the application. If an applicant for licensure or certification whose application has lapsed pursuant to this subsection subsequently wishes to receive a license or certificate from the board, the applicant must submit a new application for licensure or certification accompanied by the required fees.

*4. Board staff may grant a waiver of the waiver of examination fee for those making application to be problem gambling counselors or Native American Alcohol and Drug Abuse Counselors and have met the waiver of examination requirements as defined in NAC 641C.225.6 or NAC 641C. for a period of three months from the date of approval, ending date of the waiver would be March 30, 2004.*

**NAC 641C.250 Authorized activities of counselor and certified intern: *Scope of Practice Defined* (NRS 641C.200)**

1. A 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;

**There have been requests to strengthen the definition for the scope of practice per level. Denise is going to work on this area.**

**Add scope for nicotine = Kevin working on this area**

(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 certified intern may provide any of the services described in subsection 1 subject to the clinical supervision and allowance by the licensed counselor supervising the certified intern. If a certified intern diagnoses or classifies a client, the diagnosis or classification must be substantiated in the clinical record of the client and countersigned by the licensed counselor supervising the certified intern.

*3. Scope of practice in NRS 641C.100 does not include actions by a student of social work, marriage and family therapy, psychology or human services counseling and any other person preparing for the one of these professions under the supervision of a qualified supervisor in a training institution or facility recognized by the appropriate board that is applicable or by the board.*

*Such a student must be designated by the title “student of social work”, “trainee in social work,” “student of marriage and family therapy”, “trainee in marriage and family therapy”, “student of psychology”, “trainee in psychology”, “student of human services counseling or community counseling” or “trainee in human services counseling or community counseling”.*

~~[3.]~~ **4.** Except as otherwise provided in [NRS 641C.130](#), the provision of counseling services 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 *or problem gamblers* which is subject to the provisions of this chapter and [chapter 641C of NRS](#).

~~[4.]~~ **5.** A person who engages in the practice of counseling alcohol and drug abusers may represent himself as:

(a) A licensed counselor, or use the initials “LADC” after his name, only if the counselor is licensed as such by the board.

(b) A certified counselor, or use the initials “CADC” after his name, only if he is certified as such by the board.

~~[5.]~~ **6.** A certified intern may represent himself as a certified alcohol and drug abuse counselor intern, including using the designation “CADC Intern,” except that his representation must ensure that a client does not confuse or misunderstand the fact that the certified intern is not a licensed or certified counselor.

*7. A person who engages in the practice of counseling problem gamblers may represent himself as:*

*(b) A certified problem gambling counselor, or use the initials “????” after his name, only if he is certified as such by the board.*

*8. A certified intern may represent himself as a certified problem gambling counselor intern, including using the designation “???? Intern,” except that his representation must ensure that a client does not confuse or misunderstand the fact that the certified intern is not a certified counselor.*

*9. (SB351 Sect 5 & 6) Practice of counseling problem gamblers means the application of counseling to reduce or eliminate problem gambling*

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

**NAC 641C.255 Evidence of license or certificate.** ([NRS 641C.200](#)) Whenever a person subject to the jurisdiction of the board provides counseling to alcohol or drug abusers *or problem gamblers*, the person shall carry evidence that is satisfactory to the board that he holds a license or certificate issued by the board which entitles him to engage in the practice of counseling alcohol and drug abusers *or problem gamblers*.

**NAC 641C.260 Display of license or certificate by counselor.** ([NRS 641C.200](#)) A counselor shall prominently display at all times in his primary place of employment or practice the license or certificate issued to him by the board, or a notarized copy thereof.

**NAC 641C.265 Display of certificate by counselor intern.** ([NRS 641C.200](#)) A certificate as an alcohol and drug abuse counselor intern issued by the board to a certified intern *or problem gambling*

*counselors* must be prominently displayed at all times at each location where the intern is engaging in his internship.

**NAC 641C.270 List of licensed or certified persons; notice of change of ~~professional~~ address of record with the Board.** (NRS 641C.200, 641C.210)

1. A copy of the list of names and ~~professional addresses~~ *address of record* of each person licensed or certified by the board may be obtained from the board upon written request and payment of the cost of reproduction.

2. If a person licensed or certified by the board changes his *address of record* ~~professional address~~, the person shall furnish the board with his new ~~professional~~ address not later than 10 days after the change.

**NAC 641C.275 Deactivation of license or certificate; procedure for reactivation; expiration and renewal.** (NRS 641C.200)

1. A counselor or certified intern may deactivate his license or certificate for a 12-month period. To deactivate his license or certificate, a counselor or certified intern must submit to the board a written application on a form prescribed by the board.

2. A counselor or certified intern may reactivate his license or certificate at any time during the period in which the license or certificate is deactivated. To reactivate his license or certificate, a counselor or certified intern must submit to the board a written application on a form prescribed by the board *plus proof of completion of the approved continuing education units for the period they were inactive.*

3. If a deactivated license or certificate is not reactivated before the end of the 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](#).

**NAC 641C.280 Supervisors of certified interns: Generally.** (NRS 641C.200)(**SB351 Sect 22**)

1. To be eligible to supervise a certified intern, a licensed *alcohol and drug abuse* counselor *or certified problem gambling counselor* must:

(a) Be licensed *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 engaged in the practice of counseling alcohol and drug abusers *or problem gamblers* for at least 2 years.

2. A licensed *alcohol and drug abuse* counselor may not supervise a certified *alcohol and drug abuse* intern *or a problem gambling counselor may not supervise a certified problem gambling counselor intern* until he 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 application and he has been issued a certificate as a supervisor of certified interns.

3. The board will maintain a list of the names of the licensed counselors who have been approved to supervise interns and, upon request, will provide a copy of that list to any applicant for certification as an alcohol and drug abuse counselor intern.

4. A licensed *alcohol and drug abuse* counselor *or certified problem gambling counselors* 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 *and 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 *or certified problem gambling counselor*.

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

**NAC 641C.285 Supervisors of certified interns: Duties. (NRS 641C.200) (SB 351 Sect 22)**

1. A licensed counselor licensed *alcohol and drug abuse* counselor *and 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 professional identity;

(d) The certified intern has gained the skills required to manage his 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 *or 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, which* are relevant to his area of practice.

2. A licensed *alcohol and drug abuse* counselor *or certified problem gambling counselor* who is supervising a certified intern shall:

(a) Communicate with the certified *alcohol and drug abuse* 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 intern in his practice. *Communicate with the certified problem gambling counselor intern on an individual basis for at least 2 one-hour sessions per month for a minimum of twelve months.*

(b) Prepare a progress report for each period of certification in which the licensed *alcohol and drug abuse* counselor *and certified problem gambling counselor* supervises the certified intern, on forms provided by the board, concerning the progress of the certified intern in his practice.

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

3. Upon the completion of the period of certification, if the certified intern seeks to renew his certification as an alcohol and drug abuse counselor intern *or problem gambling counselor intern* continue his practice as a certified intern under the supervision of the licensed *alcohol and drug abuse* counselor *or certified problem gambling counselor*, the licensed *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 *and 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 internship, or if the supervision of the certified intern by the licensed counselor ceases or is otherwise terminated, the licensed *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 supervision of the certified intern ends.

4. A licensed 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.

**NAC 641C.290 Supervisors of certified interns: Responsibilities related to education of certified interns. (NRS 641C.200) (Sect. 22 SB351)**

1. Any hours which a certified intern accumulates while:

- (a) Working under the supervision of a counselor who has not been approved by the board to supervise alcohol and drug abuse counselor interns *or problem gambling counselor interns*;
- (b) Working in an arrangement covered by an agreement relating to the supervision of the intern if the agreement has not been approved by the board; or
- (c) Engaged in any activities that are not within the scope of the practice of counseling alcohol and drug abusers *or problem gamblers*, or the provision of any services relating thereto, will not be counted toward the number of hours necessary to become a licensed or certified *alcohol and drug abuse* counselor *or problem gambling counselor*.

*(d) An intern shall submit a new supervision agreement not later than five working days after the date on which his supervisor has changed. Hours worked out of compliance with this chapter will not counted.*

2. Except as otherwise provided in this subsection, if, at the time when a certified intern received his most current certification from the board, the certified intern is enrolled in a program of education from which he 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 *and 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. If a certified intern completes and receives his degree from his 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 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.

3. 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 he has withdrawn from his courses such that he 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.

4. A certified intern must complete the education and training necessary to become a licensed or certified counselor not later than 10 years after the date on which he initially applies to become a certified intern.

**NAC 641C.295 Supervisors of certified interns: Withdrawal of approval to supervise.** ([NRS 641C.200](#)) The board will withdraw its approval for a licensed *alcohol and drug abuse* counselor *and certified problem gambling counselor* to supervise certified interns if:

1. The licensed *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 *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 *and 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 *and certified problem gambling counselor* to supervise certified interns is appropriate under the circumstances.

(Added to NAC by Bd. of Exam'rs for Alcohol & Drug Abuse Counselors by R097-00, eff. 8-9-2000)

## CONTINUING EDUCATION

**NAC 641C.300 Requirements for maintenance or renewal of license or certificate; grounds for disciplinary action.** ([NRS 641C.200](#)) (**SB 351**)

1. To maintain his licensure or certification, as appropriate, a counselor must attend at least 40 hours of continuing education during the 2-year period of licensure or certification.

2. To maintain and renew his certification as an alcohol and drug abuse counselor intern *or problem gambling intern*, a certified intern must attend:

(a) At least 15 hours of training during his first 6 months of certification;

(b) At least 10 hours of training during his second 6 months of certification; and

(c) At least 20 hours of training during each subsequent year of certification.

(d) *Credit for training will not be given for college course work if the intern is working on a degree to qualify for the examination for certification or licensure or to reduce their practical experience as defined in NAC 641C.205.*

3. A counselor who takes a program of continuing education which presents the same material that he took during the previous 2-year period will not get credit for taking the subsequent program of continuing education.

4. To maintain his certificate as a supervisor of certified interns, a licensed *alcohol and drug abuse* counselor *and certified problem gambling counselor* must attend at least 10 hours of continuing

education that pertain to counseling, supervision, ethics and Nevada law during the 2-year period of certification. These hours may be included in the hours required to maintain his license as a counselor pursuant to subsection 1.

5. A counselor is subject to disciplinary action by the board if he:

(a) Fails to provide to the board information regarding his participation in a program of continuing education within 30 days after receiving a request from the board; or

(b) Submits to the board false or inaccurate information regarding his participation in a program of continuing education.

**NAC 641C.305 Affidavit of completion: Submission; verification of authenticity; maintenance of documentation. ([NRS 641C.200](#), [641C.450](#))**

1. An application for the renewal of a license or certificate as an alcohol and drug abuse counselor *or certified problem gambling counselor* must be accompanied by an affidavit evidencing the completion by the counselor of at least the minimum number of required hours of continuing education during the 2 years immediately preceding the date of the application. The board will randomly select such affidavits to verify the authenticity of the information set forth in the affidavit.

2. A counselor shall maintain sufficient documentation verifying the information which he includes in his affidavit relating to his continuing education for at least 3 years after the date on which the affidavit is executed. A counselor will not be given credit for any hours of continuing education that are not supported by documentation.

**NAC 641C.310 Approval of course or program of education by board. ([NRS 641C.200](#))**

1. A counselor will receive credit for hours of continuing education only if the course or program of education from which the counselor obtained the hours of continuing education has been approved by the board.

2. The provider of a course or program of education may request the approval of the board for the purposes of continuing education.

3. A counselor may request the approval of a course or program of education which is not currently approved by the board for the purposes of this section by submitting to the board a request for the approval of the course or program of education as a course of continuing education. The request must contain such information as is necessary for the board to review the course or program of education pursuant to this section and [NAC 641C.315](#) and [641C.320](#).

4. The board will use the same criteria in its review and evaluation of a course or program of education as a course of continuing education, regardless of whether the request for approval was submitted by a counselor or the provider of the course or program of education.

**NAC 641C.315 Unacceptable courses and programs of education. ([NRS 641C.200](#))** The board will not approve any of the following types of courses and programs of education as a course of continuing education:

1. An orientation program for new employees.

2. An on-the-job training program presented by an agency whose primary purpose is to disseminate information on the policies or procedures of the agency.

3. An audio or a video learning tape or home study course for which there is no independent verification of successful completion.

4. A program for self-improvement.

**NAC 641C.320 Requirements for approval of course or program of education.**  
**(NRS 641C.200)**

1. Before the board will approve, or a committee of the board may recommend approval of, a course or program of education as a course of continuing education, the board or committee must be satisfied that the course or program of education:

(a) Will be taught by a competent instructor as demonstrated by the educational, professional and teaching experience of the instructor;

(b) Contains current and relevant educational material which concerns alcohol and drug abuse ~~and~~ *or problem gambling and* is applicable to the practice of counseling alcohol and drug abusers *or problem gamblers*;

(c) Is of professional quality;

(d) Is appropriately designed for instructional purposes; and

(e) Includes a written evaluation, to be completed by each counselor taking the course, of the content and presentation of the course or program and the relevance of the course or program to continuing education.

2. The board will consider a course or program of education presented in the form of lectures, seminars, workshops, academic courses at an institution of higher education *or* correspondence courses. ~~that do~~ *Such courses may* not lead to a degree ~~and~~ *or* on-the-job training as being appropriately designed for instructional purposes.

3. A provider of a course or program of education is responsible for the format and presentation of the course or program. A provider of a course or program of education that has been approved by the board as a course of continuing education may restrict the format in which the material in the course or program is presented, except that if the restriction of the format in which the material is presented changes the nature or content of the course or program of education, the board may withdraw its approval of the course or program and, if the approval of the course or program is withdrawn, a counselor will not be given credit for any hours of continuing education obtained in that course or program of education.

4. Except as otherwise provided in this section, a course or program of education presented or approved by the National Association of Alcoholism and Drug Abuse Counselors, the health division of the department of human resources or the Addiction Technology Transfer Center will be deemed as being approved as a course of continuing education.

5. Except as otherwise provided in this section, a course or program of education related to alcohol and drug abuse counseling, addiction, codependency, *problem gambling* or other issues related to the practice of counseling alcohol and drug abusers *or problem gamblers* will be deemed as being approved by the board as a course of continuing education if the course or program of education has been approved by:

(a) The board of psychological examiners;

(b) The board of examiners for marriage and family therapists;

(c) The board of examiners for social workers;

(d) The board of medical examiners;

(e) The state board of osteopathic medicine;

(f) The state board of nursing; or

(g) Any other similar occupational licensing board in another state, territory, protectorate or the District of Columbia.

*(h) The National Council on Problem Gambling, Inc*

## STANDARDS OF PRACTICE

**NAC 641C.400 Prohibitions: Use of license or certificate; misrepresentations.** ([NRS 641C.200](#))  
**(SB 351 Sect. 18.1-2c )**

1. The status of a person as a licensed or certified counselor or a certified intern must not be used to support any claim, promise or guarantee of successful service, nor may the possession of a license or certificate issued by the board be used to imply that a counselor or certified intern to whom that license or certificate was issued has competence in another profession.

2. A counselor or certified intern shall not misrepresent, directly, indirectly or by implication, his own professional qualifications, affiliations and licenses, or the qualifications, affiliations or licenses of the institutions and organizations with which he is associated. A counselor or certified intern shall provide accurate information concerning his credentials, education, training and experience upon the request of a client or potential client. If a counselor or certified intern holds more than one occupational license or certificate, the counselor or certified intern shall disclose to his client orally and in writing which of the licenses or certificates apply to the service he is rendering to the client. If a counselor or certified intern is providing services that are not services related to the practice of counseling alcohol and drug abusers, the counselor or certified intern must disclose to the client orally and in writing the type of service that is being provided and that the service is not within the scope of the practice of counseling alcohol and drug abusers.

**NAC 641C.405 Professional responsibility.** ([NRS 641C.200](#)) A counselor or certified intern:

1. Shall not misrepresent, in advertising or otherwise, his education, training, type of license or certificate, qualifications, competence or service, or the results to be achieved if he provides service to a client.

2. Shall not engage in the practice of counseling alcohol and drug abusers *or problem gamblers* while he is impaired by:

(a) Alcohol, drugs or any other chemical; or

(b) A mental or physical condition that prevents him from safely engaging in the practice of counseling of alcohol and drug abusers *or problem gamblers*.

3. Shall not use his relationship with a client to further his own personal, religious, political or business interests.

4. Shall set and maintain professional boundaries with clients, interns and persons with whom he works.

5. Shall not give or receive, directly or indirectly, a fee, commission, rebate or other compensation for professional services that he has not actually and personally provided.

6. Shall not knowingly offer service to a client who is receiving treatment from another counselor or certified intern, or a licensee or holder of a certificate issued by any other similar board, without prior consultation between the client and the other counselor, certified intern, licensee or holder of a certificate.

7. Except as otherwise provided in subsection 8, shall not disparage the qualifications of any colleague.

8. Shall report to the board any unlicensed, unauthorized, unqualified or unethical practice of counseling alcohol and drug abusers *or problem gamblers* that is occurring.

9. Shall not attempt to diagnose, prescribe for, treat or provide advice for any problem which is outside of his field of competence, the scope of the practice of counseling alcohol and drug abusers *or problem gambling* or the scope of his license or certificate.

10. Shall base his practice upon the recognized knowledge relevant to alcohol and drug abuse counseling *or problem gambling*.

11. Shall critically examine and keep current with emerging knowledge relevant to the practice of counseling alcohol and drug abusers *or problem gambling*.

12. Based upon recognized knowledge and standards for the practice of counseling alcohol and drug abusers, *or problem gamblers*, shall prepare and maintain in a timely manner a record for each of his clients which:

(a) Sets forth his assessment of the problems of the client, plan of action for the client, course of treatment to that client and progress notes regarding the course of treatment of the client; and

(b) Includes copies of other relevant documentation, including, without limitation:

(1) All documents relating to the informed consent given by the client;

(2) All documents relating to the release of information regarding the client; and

(3) All other legal documents regarding the client.

As used in this subsection, “assessment” means an evaluation of the patterns of substance abuse and associated impairments in functioning of a client that is based upon comprehensive biopsychosocial information about the client.

**\*\*\**(c) (SB351 Sect 5 & 6) Practice of counseling problem gamblers means the application of counseling to reduce or eliminate problem gambling.***

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

13. Shall complete and submit any reports required by this chapter and [chapter 641C of NRS](#), or pursuant to any rule, order or instruction of a court of competent jurisdiction in a timely manner.

14. Shall comply with the provisions of this chapter and [chapter 641C of NRS](#) and all other applicable federal laws and regulations.

15. Shall not authorize a person under the supervision of the counselor or certified intern to perform services that are outside of the scope of the license, certificate, training or experience of the person performing the services, or allow such a person to hold himself out as having expertise in a field or activity in which that person is not qualified.

16. Shall notify the board in writing within 10 days after:

(a) An action is taken against any license, certification, registration or other credential held by the counselor or certified intern that was issued by another state or territory of the United States;

(b) A criminal charge is filed against the counselor or certified intern;

(c) The counselor or certified intern is convicted of a criminal offense, other than a traffic offense which is a misdemeanor that does not involve alcohol or controlled substances;

(d) A civil action, including, without limitation, an action for malpractice, is filed against the counselor or certified intern; or

(e) A settlement or judgment is made in any civil action, including, without limitation, an action for malpractice, in any case filed against the counselor or certified intern for any act relating to the practice of counseling alcohol and drug abusers.

**NAC 641C.410 Responsibility to client. ([NRS 641C.200](#))**

1. A counselor or certified intern shall serve his clients with professional skill and competence.

2. If a counselor or certified intern must act on behalf of a client who has been declared to be incompetent or if a client is otherwise found by the board to be incapable of acting in his own best interest, the counselor or certified intern shall safeguard the interests and rights of that client.

3. If another person has been legally authorized to act on behalf of an incompetent client, a counselor or certified intern shall deal with the legal representative of the client in accordance with the best interest of the client.

4. A counselor or certified intern shall not practice, condone, facilitate or collaborate with any form of discrimination on the basis of race, color, sex, sexual orientation, age, religion, national origin, social, economic, health or marital status, political belief, diagnosis or physical disability, or on the basis of any preference or personal characteristic, condition or status of a person.

5. A counselor or certified intern shall not misrepresent to a client the efficacy of his service or the results to be achieved.

6. A counselor or certified intern shall apprise each of his clients of the risks, rights, opportunities and obligations, financial or otherwise, associated with the provision of services to the client for counseling for alcohol and drug abuse.

7. A counselor or certified intern shall seek the advice and counsel of his colleagues and supervisors when such a consultation is in the best interest of the client.

8. A counselor or certified intern shall terminate service to a client and a professional relationship with a client when the service and relationship are no longer required or no longer serve the needs of the client.

9. A counselor or certified intern shall not withdraw his counseling services precipitously, except under unusual circumstances and after giving careful consideration to all factors in the situation and taking care to minimize possible adverse effects to the client.

10. A counselor or certified intern who anticipates the termination or interruption of service to a client shall notify the client as promptly as possible and seek the transfer, referral or continuation of service in relation to the needs and preferences of the client.

11. A counselor or certified intern shall not influence or attempt to influence a client in any manner which could be reasonably anticipated in his deriving benefits of an unprofessional nature from the client during the time that the client is receiving professional services from the counselor or certified intern and for 2 years after the termination of those services.

12. Throughout the period of treatment of a client and for the 2 years immediately following the termination of the professional relationship between the client and the counselor or certified intern treating the client, the counselor or certified intern shall not:

(a) Enter into a close personal relationship with the client, including, without limitation, sponsorship of the client in a group for self-help, or a romantic or sexual relationship;

(b) Enter into, or attempt to enter into, a financial relationship with the client that is unrelated to a primary prevention service or a clinical service for abuse of alcohol and other drugs *or treatment of problem gambling*; or

(c) Enter into a romantic or sexual relationship with any person who was in a romantic or sexual relationship with the client during the time that the counselor or certified intern was providing primary prevention service or clinical service to the client.

13. Within the 2 years immediately following the termination of a professional relationship with, internship for or supervision of a client, certified intern or other person, a counselor or certified intern shall not solicit or enter into a dual relationship with the client, certified intern or other person if it is foreseeable that such a relationship would harm or exploit the client, certified intern or other person.

**NAC 641C.415 Informed consent of client.** ([NRS 641C.200](#)) A person who is providing a clinical service for the abuse of alcohol and other drugs *or problem gambling* that is subject to the

jurisdiction of the board, other than a service for civil protective custody, may provide that service only with the informed consent of the client who will be receiving that service.

**NAC 641C.420 Financial arrangements and records.** ([NRS 641C.200](#)) A counselor or certified intern:

1. Shall inform prospective clients of financial arrangements for payment of services before he provides any service to that client.
2. Shall maintain accurate records of:
  - (a) The fees which he charges a client; and
  - (b) Any payments made by the client.
3. Shall make his records maintained pursuant to subsection 2 available to the client for review upon the request of the client.
4. Shall not give or receive any commission or other form of remuneration for the referral of any client from the person or entity to whom the client is referred.

**NAC 641C.425 Confidentiality of information.** ([NRS 641C.200](#))

1. A counselor or certified intern *or problem gambling counselor or problem gambling counselor intern* shall:

(a) Maintain the confidentiality of information subject to the standards of confidentiality set forth in the provisions of 42 C.F.R. Part 2 in compliance with those provisions. Failure by a counselor or certified intern to maintain the confidentiality of information in accordance with this section and 42 C.F.R. Part 2 is a ground for disciplinary action by the board against the counselor or certified intern.

(b) Inform and obtain the authorization of a client if:

- (1) The counselor or certified intern intends to record any interview with the client; or
- (2) A person other than the counselor or certified intern will be observing an interview between the counselor or certified intern and the client.

2. A counselor or certified intern shall ensure that he informs his clients about the limits of confidentiality.

3. Except as otherwise provided by state or federal law, a counselor or certified intern shall not communicate any information contained in the confidential record of a client with any other person without the consent of the client. Except as otherwise prohibited by federal law, if a counselor or certified intern determines, based on the information contained in the confidential file of a client, that a clear and immediate danger to a person or to society exists, the counselor or certified intern may release that information only to members of the family of the client, other professional workers or public authorities.

*4. A counselor or counselor intern for problem gambling must comply with the provisions of 42 C.F.R. Part 2 in the same manner as required for an alcohol and drug abuse counselor.*

**NAC 641C.430 Coordination of care.** ([NRS 641C.200](#)) If a counselor or certified intern becomes aware that a client is receiving treatment for the abuse of alcohol or other drugs *or problem gambling* from another person or organization, or is receiving treatment for any other condition that could affect the treatment that the counselor or certified intern is or would provide to the client, the counselor or certified intern shall not provide that treatment to the client without the coordination of care with the other person or organization providing care to the client.

**NAC 641C.435 Research: Consent and protection of participants; credit for work. ([NRS 641C.200](#))**

1. Before engaging in research involving persons, a counselor or certified intern must obtain the voluntary and informed consent of the persons who will be participating in the research without any implied deprivation or penalty to the person if the person chooses not to participate in the research.

2. A counselor or certified intern who is engaging in research involving persons shall protect persons participating in the research from unwarranted physical and mental discomfort, distress, harm, danger or deprivation.

3. A counselor or certified intern shall treat information obtained from or about persons participating in his research as confidential information.

4. A counselor or certified intern shall only take credit for work which he actually does in connection with his research and shall give credit for contributions to his research which are made by other persons or entities.

**NAC 641C.440 Unprofessional conduct. ([NRS 641C.200](#), [641C.700](#))**

1. Any violation of this chapter by a counselor or certified intern constitutes unprofessional conduct and subjects the counselor or certified intern to disciplinary action by the board.

2. If a counselor or certified intern violates any provision of this chapter or engages in any other kind of unprofessional conduct while his license or certificate is in effect, the board will take disciplinary action against the counselor or certified intern, including, without limitation, taking action against the counselor or certified intern after his license or certificate has expired or been suspended.

3. If a board or entity in this state or in another state which has issued a license, certificate, registration or other credential to a counselor or certified intern for the practice of counseling alcohol and drug abusers *or problem gamblers* or a related field revokes or suspends the license, certificate, registration or other credential, or takes any other disciplinary action against the counselor or certified intern, the revocation, suspension or disciplinary action is a ground for disciplinary action by the board against the counselor or certified intern for unprofessional conduct.

4. The failure of a counselor or certified intern to comply with a stipulation, agreement, advisory opinion or order issued by the board constitutes unprofessional conduct and is a ground for disciplinary action by the board against the counselor or certified intern.

**NAC 641C.445 “Professional incompetence” interpreted. ([NRS 641C.200](#), [641C.700](#))**

1. For the purposes of subsection 4 of [NRS 641C.700](#), the board will interpret the term “professional incompetence” to mean a lack of knowledge, skill or ability in discharging a professional obligation, and includes, without limitation, malpractice, *negligence* and gross negligence.

2. As used in this section:

(a) “Gross negligence” means conduct in the practice of counseling alcohol and drug abusers *or problem gamblers* which represents an extreme departure from the standard of care required from a counselor or certified intern under the circumstances.

(b) “Malpractice” means conduct in the practice of counseling alcohol and drug abusers *or problem gamblers* which falls below the standard of care required from a counselor or certified intern under the circumstances.

**NAC 641C.450 Acts constituting professional incompetence. ([NRS 641C.200](#), [641C.700](#))** For the purposes of subsection 4 of [NRS 641C.700](#), the board will consider the following acts by a counselor or certified intern to constitute professional incompetence:

1. Performing services for alcohol and drug abuse counseling *or problem gambling* as a certified intern without being enrolled in course work as required by this chapter and [chapter 641C of NRS](#).
2. Performing services for alcohol and drug abuse counseling *or problem gambling* as a counselor or certified intern under a license or certificate that has lapsed or been deactivated.
3. Failing to cooperate with any investigation of a complaint filed against the counselor or certified intern, including, without limitation, denying or failing to cooperate with a request for records made by the board.

## **PRACTICE BEFORE BOARD OF EXAMINERS FOR ALCOHOL AND DRUG ABUSE COUNSELORS**

### **Parties and Representatives**

**NAC 641C.500 Classification of parties.** ([NRS 641C.200](#)) Parties to proceedings before the board must be styled the “applicant,” “complainant,” “petitioner,” “protestant” or “respondent,” according to the nature of the proceedings and the relationship of the parties. In any proceeding initiated by the board, the board will be styled the “staff.”

**NAC 641C.505 Appearance by staff.** ([NRS 641C.200](#)) Any member of the staff may appear at any proceeding before the board and may participate as a party to a proceeding.

**NAC 641C.510 Entry of appearance.** ([NRS 641C.200](#)) A party shall enter his appearance in a proceeding before the board at the beginning of the hearing or at any other time designated by the presiding officer of the board. A party shall enter his appearance by entering his name and address and stating his position or interest on the matter to the presiding officer of the board.

**NAC 641C.515 Representation of parties.** ([NRS 641C.200](#))

1. A person may appear in person before the board or may be represented by an attorney.
2. An attorney who appears as counsel on behalf of a party in a proceeding before the board must be an attorney at law who is admitted to practice law and is in good standing before the supreme court of Nevada. An attorney who is not admitted to practice law before the supreme court of Nevada may appear as counsel if he is associated with an attorney who is admitted and entitled to practice law before the supreme court of Nevada.

**NAC 641C.520 Service upon attorney.** ([NRS 641C.200](#)) After the entry of an appearance by an attorney for a party in a proceeding before the board, all notices, pleadings and orders to be served thereafter on the party represented by the attorney must be served upon the attorney, and such service is, for all purposes, valid service on the party which the attorney represents.

**NAC 641C.525 Withdrawal of attorney.** ([NRS 641C.200](#)) An attorney of record who wishes to withdraw from a proceeding before the board must, in writing, immediately notify the board or its presiding officer, the party whom the attorney represents and all other parties to the proceeding.

## Pleadings, Motions and Discovery

**NAC 641C.530 Captions.** ([NRS 641C.200](#)) A pleading before the board must be styled as an “application,” “petition,” “complaint” or “answer” according to the nature of the pleading.

**NAC 641C.535 Execution.** ([NRS 641C.200](#)) A pleading, other than a petition, must be signed by the person who is submitting the pleading.

**NAC 641C.540 Construction.** ([NRS 641C.200](#)) The board will construe all pleadings so as to administer justice between the parties, and the board will, and its presiding officer shall, at every stage of any proceeding, disregard errors or defects in the pleadings or proceeding which do not affect the substantive rights of the parties involved in the proceeding.

**NAC 641C.545 Applications.** ([NRS 641C.200](#)) A pleading which requests a license or certificate or approval from the board must be styled as an “application.” Such a pleading must set forth the full name and address of the applicant and must contain such facts and exhibits as may be required by this chapter and [chapter 641C of NRS](#).

### **NAC 641C.550 Petitions.** ([NRS 641C.200](#))

1. A pleading in which a party prays for affirmative relief, excluding an application, complaint or answer but including a request for a declaratory order, an advisory opinion or the adoption, amendment or repeal of any regulation of the board, must be styled a “petition.”

b. A petition must contain the full name and address of the petitioner and be signed by the petitioner.

*3. A petition under NRS 233B.120 may be processed as the formal complaint described in NAC 641C.555 and must be preceded by an informal complaint processed as described in that section*

### **NAC 641C.555 Complaints: Filing and resolution.** ([NRS 641C.200](#), [641C.720](#))

1. A person may file an accusation with the board concerning the acts or services provided by a counselor or certified intern. The board will initially consider any accusation regarding a counselor or certified intern as an informal complaint. Such an informal complaint filed with the board must be on a form provided by the board. A complainant shall include in his informal complaint information that is sufficiently detailed so as to enable the respondent to prepare a response. If a complainant is the client of and is complaining about his treatment by a counselor or certified intern, the board will provide the complainant with a form for a limited waiver of confidentiality regarding his records which the complainant must sign and return to the board. Such an informal complaint will not be further reviewed or processed by the staff or legal counsel until the signed limited waiver is received by the staff.

2. Upon receipt of an informal complaint, the staff shall examine the complaint to determine whether it:

(a) Has been properly verified; and

(b) Alleges sufficient facts to warrant further proceedings.

3. If the board’s staff determines that the informal complaint against a counselor or certified intern has been properly verified and alleges sufficient facts to warrant further proceedings, the staff shall notify the respondent by sending a copy or summary of the informal complaint to the counselor or certified intern by certified mail. The notification must set forth the potential violations of a provision of this chapter or [chapter 641C of NRS](#) arising in the informal complaint and request a response for the

review by the board before a hearing is set. The transmission of the copy or summary of the informal complaint will be deemed to be a notice of intended action pursuant to subsection 3 of [NRS 233B.127](#). Upon the receipt of a copy or summary of an informal complaint that has been filed against him, a counselor or certified intern shall submit to the board a written response to the informal complaint within 15 days after the date on which the informal complaint was served.

*The date of service of the informal complaint is the date the complaint is deposited in the mail addressed to the address of record of the licensee.*

A response to an informal complaint must respond to the allegations made in the informal complaint and be accompanied with all documentation that would be useful to the staff and legal counsel in their review of the allegations made in the informal complaint and the responses made by the counselor or certified intern to those allegations. Failure by a counselor or certified intern to cooperate with the board during an investigation of an informal complaint, including, without limitation, failing to timely respond to the board regarding a copy or summary of the informal complaint sent to the counselor by the staff pursuant to this subsection is a ground for disciplinary action by the board against the counselor or certified intern.

4. If a counselor or certified intern fails to respond as required pursuant to subsection 3, he shall be deemed to have admitted the allegations in the informal complaint. Based on these admissions, the board may impose appropriate discipline on the counselor or certified intern at the hearing on the informal complaint.

5. In cases where a response is filed as required pursuant to subsection 3, the staff and legal counsel shall review the informal complaint and the responses made thereto, may enlist the aid of a member of the board or other qualified persons in such review and may take any other reasonable action necessary to further the review. After their review of the informal complaint and the responses made thereto, the staff and legal counsel may:

- (a) Investigate the allegations and employ such people as they deem necessary to further the investigations;
- (b) Consult with experts in the appropriate field, including, without limitation, employing such persons for the purposes of an investigation or a hearing;
- (c) Investigate new leads and allegations that may come to their knowledge in the course of the investigation;
- (d) Enlist the aid of a member of the board or other qualified person in the conduct of the investigation; and
- (e) Take any other reasonable action necessary to further the investigation.

6. If the staff and the legal counsel determine that the preliminary information from its investigation of an informal complaint reasonably indicates that a program in which a counselor or certified intern is employed or otherwise treating clients may have also violated any statutes or regulations applicable to the operation of the program, the staff and legal counsel may:

- (a) Coordinate with and seek the assistance of the health division of the department of human resources in the investigation of the alleged violations; and
- (b) Request the health division to share with the staff and legal counsel any findings made by and information in the possession of the division, to the fullest extent allowable under 42 C.F.R. Part 2.

7. During an investigation of an informal complaint, the staff, legal counsel or investigator, if any, may demand that a counselor or certified intern produce his records or other evidence for inspection or copying, with or without prior notice to the counselor or certified intern, and with or without a subpoena. A counselor or certified intern shall not deny any such request for records or other evidence if the record or other evidence is not subject to the provisions of 42 C.F.R. Part 2. If a counselor or

certified intern refuses or fails to cooperate with a request for records in violation of this section, the board may immediately suspend his license or certificate until the counselor or certified intern complies with the request for records or other evidence. If the counselor or certified intern continues to refuse or fail to cooperate with a request for records or other evidence in violation of this section, the board may take such further disciplinary action against the counselor or certified intern as the board determines necessary.

8. If the staff, legal counsel or investigator, if any, determines that a specific record or other specific evidence is material to or necessary for an investigation, the staff, legal counsel or investigator may remove the record or evidence and provide a copy of the record or evidence to the respondent. If a record or other evidence can be readily copied at the location where the record or evidence is located, the staff, legal counsel or investigator shall make a copy of the record and evidence at that location. If a record or other evidence cannot be readily copied at the location where the record or evidence is located, the staff, legal counsel or investigator may remove the record or evidence from that location to copy the record or evidence. If the staff, legal counsel or investigator removes a record or other evidence to be copied, the staff, legal counsel or investigator shall provide the person to whom the record or evidence being removed belongs with a receipt for the record or evidence and, not later than 5 business days after the record or evidence is removed, provide a copy of the record or evidence to that person.

9. When an investigation of an informal complaint is complete, the staff, legal counsel and investigator, if any, shall determine whether substantial evidence exists to sustain the alleged violation of a statute or regulation set forth in the informal complaint. If the staff, legal counsel and investigator determine that no allegation of a violation of a statute or regulation set forth in the informal complaint can be sustained, the staff shall notify, in writing, the complainant and the respondent of this determination. If the staff, legal counsel and investigator determine that a violation of a statute or regulation as alleged in the informal complaint can be sustained, the legal counsel shall:

- (a) Offer mediation, settlement agreements, stipulations of facts and liability or informal hearings;
- or
- (b) Prepare a notice of hearing and a formal complaint.

10. A notice of hearing and a formal complaint must:

- (a) Be a plain statement of the facts and applicable provisions of statutes and regulations regarding the alleged acts of the respondent alleged to be in violation of the statutes and regulations governing the practice of counseling alcohol and drug abusers *or problem gambling*;

- (b) Include the date, time and place that the board will hear the matter, if this information is known at the time when the notice of hearing and a formal complaint is sent to the respondent; and

- (c) Be signed by the legal counsel and, if a member of the board was active in the investigation, by that member of the board.

11. The staff shall send a notice of hearing and a formal complaint prepared pursuant to subsection 10 to the respondent named in the notice of hearing and the formal complaint by certified mail.

*The date of service of the formal complaint is the date the complaint is deposited in the mail addressed to the address of record of the licensee.*

12. A respondent who receives a notice of hearing and a formal complaint must file his answer to the notice of hearing and the formal complaint not later than 15 days after the date on which the notice of hearing and the formal complaint were served. An answer to a notice of hearing and a formal complaint filed by a respondent must include a response to each allegation and statement made in the notice of hearing and the formal complaint by either admitting to or denying the allegation or statement. If the counselor or certified intern fails to file an answer as required pursuant to this

subsection, he shall be deemed to have admitted each allegation and statement contained in the notice of hearing and the formal complaint. Based on these admissions, the board may enter a finding and impose appropriate discipline on the counselor or certified intern in the same manner as if the allegations had been proven by substantial evidence at a board hearing held on the formal complaint.

13. Not later than 10 days after the filing of the response by the respondent, the legal counsel and the respondent shall exchange a list of the evidence and witnesses that will be used at the hearing. A party may not present evidence it obtains after the date the exchange was required pursuant to this subsection unless it demonstrates to the board that the evidence or witness was not available upon diligent investigation before the date the exchange was required and that the evidence or witness was given or communicated to the other party immediately after it was obtained.

14. The board may join two or more formal complaints into one formal complaint if:

(a) The causes of action of each formal complaint are against the same person and deal with substantially the same or similar violations of statutes and regulations; and

(b) The joining of the formal complaints will serve the best interest of the board, complainants and respondent.

**NAC 641C.560 Complaints: Confidentiality of information during investigation.**  
([NRS 641C.200](#), [641C.760](#))

1. Except as otherwise provided in this subsection, the staff, legal counsel and investigator, if any, shall keep all information gathered during an investigation of a complaint confidential during the investigation. Except as otherwise provided in this section, nothing in this subsection prohibits the staff, legal counsel or investigator from:

(a) Communicating confidential information, or otherwise cooperating, with another agency or board that:

(1) Is investigating a person licensed or certified by the board;

(2) Is investigating a program in which a person licensed or certified by the board is engaging in the practice of counseling alcohol and drug abusers *or problem gamblers*; or

(3) Regulates or has jurisdiction over the violations of law alleged in a complaint, if the confidential information to be communicated is relevant to the investigation or regulation of the person or program by the other agency or board; or

(b) Communicating confidential information with the operator of a program, or his designee, if the complaint to which the confidential information relates:

(1) Is filed against a person who is a member of the staff of that program; and

(2) Alleges the existence of a condition which poses a significant hazard to the health or safety of the clients and staff of, and the visitors to, the program.

2. Notwithstanding any provision of this section to the contrary, information which is subject to the standards of confidentiality set forth in 42 C.F.R. Part 2 may be communicated by the board, staff, legal counsel or investigator, if any, only if such communication does not violate those standards of confidentiality.

**NAC 641C.565 Motions.** ([NRS 641C.200](#))

1. A motion concerning any matter before the board must be made in writing, unless the motion is made during the hearing on that matter. The board may deny a motion made during a hearing if the motion could have reasonably been made before the hearing.

2. A written motion must set forth the nature of the relief sought by and the grounds for the motion.

3. A party may oppose a written motion by filing and serving a written response to the motion with the board and all the parties to the proceeding to which the motion relates.

4. If a written response to a motion is filed pursuant to subsection 3, the party who made the motion may file and serve a written reply to the response.

5. The presiding officer of the board shall rule on all written motions on a matter at or before the hearing scheduled on the matter. The presiding officer may rule on a motion without oral argument or may allow oral arguments to be made before ruling on the motion. If the presiding officer allows oral arguments on a written motion to be made, the presiding officer shall set a time and date for hearing the oral arguments.

**NAC 641C.570 Filing pleadings and motions.** ([NRS 641C.200](#)) An original and two legible copies of each pleading, motion or other paper related to any proceeding or hearing before the board must be filed with the board. The board may direct a party who is filing a pleading, motion or other paper to make a copy of the pleading, motion or paper available to any other person who the board determines may be affected by the proceeding or hearing and who wishes to have a copy.

**NAC 641C.575 Method of service.** ([NRS 641C.200](#)) The board will serve a notice, advisory opinion, declaratory order or other document by mail or in person. If the board serves a notice, advisory opinion, declaratory order or other document by mail, the board will consider service to be complete when a true copy of the document is deposited in the United States mail, postage prepaid and addressed to the last known address in the records of the person to be served.

**NAC 641C.580 Proof of service.** ([NRS 641C.200](#)) Each document filed with the board in a matter before the board must include an acknowledgment or proof of service to all other parties involved in the matter.

~~[NAC 641C.585 Discovery of witnesses and evidence. (NRS 641C.200)~~

~~—1. Not less than 20 days before a matter is scheduled for a disciplinary hearing before the board, a party to the matter may serve upon any other party to the matter a written demand for:~~

~~—(a) Copies of all documents that are reasonably available to the other party which the other party reasonably anticipates will be used in support of his position.~~

~~—(b) A written list of the names of the persons whom the other party reasonably anticipates will testify at the disciplinary hearing in support of his position. The list must include the name and address of each such person and a general description of the anticipated subject matter of his testimony.~~

~~—2. A party who receives a written demand for documents or information pursuant to subsection 1 shall:~~

~~—(a) Respond to the written demand within 5 days after receiving the written demand; and~~

~~—(b) If, after responding to or updating a written demand, the party reasonably anticipates that other documents or witnesses will be used in support of his position, or if any of the documents or information previously provided changes, promptly supplement and update his response to the written demand.~~

~~—3. If a party fails to provide any documentation or information in response to a written demand in violation of the provisions of this section, the presiding officer of the board may exclude the undisclosed document or the testimony of the witness at the hearing.~~

~~—4. Except as otherwise required by law, discovery may only be done in accordance with the provisions of this section.]~~

*NAC 641C.587 Discovery of witnesses and evidence; pre-hearing conference; motions.*

*1. Not less than 10 days after the filing of the response by the respondent to the formal complaint, a party to the matter must serve upon any other party to the matter:*

*(a) Copies of all documents that are reasonably available to the party which the party reasonably anticipates will be used in support of his position; and*

*(b) A written list of the names of the persons whom the party reasonably anticipates will testify at the disciplinary hearing in support of his position. The list must include the name and address of each such person and a general description of the anticipated subject matter of his testimony.*

*2. A party who provides documents or information pursuant to these regulations shall promptly supplement and update his submission to the other parties if, after initially providing the documents and information, the party reasonably anticipates that other documents or witnesses will be used in support of his position, or if any of the documents or information previously provided changes.*

*3. If a party fails to provide any documentation or information as required in this section the presiding officer will exclude the undisclosed document or the testimony of the witness at the hearing, unless the party demonstrates to the board that the evidence or witness was not available upon diligent investigation before the date the exchange was required and that the evidence or witness was given or communicated to the other party immediately after it was obtained.*

*4. Discovery may only be done in accordance with the provisions of this section. Depositions will not be allowed by the board.*

*5. The presiding officer of the board may order a pre-hearing conference and may enter such pre-hearing orders to the parties as the officer determines are appropriate for the efficient conduct of the hearing, including without limitation,*

*a) the exchange of written direct testimony of witnesses;*

*b) the exclusion of particular testimony or other evidence;*

*c) the admission of particular testimony and other exhibits by agreement of the parties;*

*d) the advance marking of all exhibits;*

*e) the exchange of written pre-hearing statements or briefs by the parties similar to pretrial statements filed in district court; and*

*f) settlement negotiations. Settlement negotiations and statements of parties made at a pre-hearing conference are not admissible in evidence unless the parties agree and the agreement is incorporated in a pre-hearing order.*

*6. A motion concerning any matter before the board must be made in writing, unless the motion is made during the hearing on that matter. The presiding officer may deny as untimely a motion made during a hearing if the motion could have reasonably been made before the hearing. The presiding officer may deny as untimely a motion that is filed on a date that does not provide opposing parties a reasonable time to respond.*

*7. A written motion must set forth the nature of the relief sought by and the grounds for the motion.*

*8. A party may oppose a written motion by filing and serving within 10 days a written response to the motion with the board and all the parties to the proceeding to which the motion relates.*

*9. If a written response to a motion is filed, the party who made the motion may file and serve a written reply to the response.*

*10. The presiding officer of the board shall rule on all written motions on a matter at or before the hearing scheduled on the matter. The presiding officer may rule on a motion without oral argument or may allow oral arguments to be made before ruling on the motion. If the presiding*

*officer allows oral arguments on a written motion to be made, the presiding officer shall set a time and date for hearing the oral arguments.*

*11. The presiding officer may require the board to vote to decide a motion.*

*12. As used in this section, "parties" to a disciplinary proceeding include, without limitation:*

*(a) A licensee who has been served with a formal complaint alleging a disciplinary violation;*

*(b) The attorney, if any, representing the licensee; and*

*(c) The legal counsel for the board.*

## **Hearings**

### **NAC 641C.590 Notice of hearing. (NRS 641C.200)**

1. The board will serve a notice of a hearing at least 10 days before the date set for the hearing. A hearing which has previously been continued may be reset for hearing on advance notice of at least 3 days.

2. If a notice of hearing and accusation and a complaint are served at the same time, they may be considered together for the purposes of [chapter 233B of NRS](#).

### **NAC 641C.595 Failure to appear. (NRS 641C.200)**

1. If a party in a matter before the board fails to appear at a hearing scheduled for the matter and no continuance for the hearing has been granted, the board may hold the hearing without the absent party, hear the testimony of the witnesses who have appeared, and consider and dispose of the matter based on evidence presented.

~~[2. If the board has disposed of a matter pursuant to subsection 1 and the absence of the party was because of an accident, sickness or other reasonable and unforeseeable cause, the party may, not later than 10 days after the date on which the hearing was scheduled, apply to the board to reopen the proceedings and rehear the matter. Upon finding sufficient and reasonable cause, the board will set a new time and place for a rehearing on the matter and give the parties notice of the rehearing. A witness who testified at the previous hearing is not required to appear at the rehearing unless he is directed to do so by the board.]~~

### **3. Repeal existing text of NAC 641C.595 (2) and replace it with:**

*2. Subject to the provisions of subsections 3 and 4, a party may appear at a hearing in person or by an attorney.*

*3. A party must attend a hearing on the merits in person unless the chairman or presiding officer waives the requirement of the attendance of the party.*

*4. If a party who is required to attend a hearing in person fails to do so without having obtained a waiver of the requirement of his attendance pursuant to subsection 3, the board may:*

*(a) Determine that his failure to attend the hearing in person shall be deemed:*

*(1) An admission of all matters and facts contained in the record with respect to the party; and*

*(2) A waiver of the right to an evidentiary hearing; and*

*(b) Take action based upon such admission or upon any other evidence, including affidavits, without any further notice or a hearing.*

*5. If a party retains an attorney to represent him before the board, the attorney shall so notify the board not later than 10 days after he is retained. Thereafter:*

*(a) The attorney shall sign all motions, oppositions, notices, requests, and other papers, including requests for subpoenas; and*

*(b) The board will serve all notices, motions, orders, decisions, and any other papers or pleadings upon the attorney.*

*6. An attorney who is not a member of the State Bar of Nevada may represent a party before the board if the attorney is otherwise authorized to practice law in this state pursuant to the rules of the supreme court.*

**NAC 641C.600** ~~[Preliminary procedure.]~~ *Order of presentation in proceedings.* (NRS 641C.200) ~~[The presiding officer of the board in a hearing shall call the hearing to order, take the appearances of witnesses and act upon any pending motions or petitions. Upon the completion of this action by the presiding officer of the board, each party may make an opening statement.]~~

*1. The chairman or presiding officer will call the hearing to order and proceed to take the appearances on behalf of the board, the applicant or licensee.*

*2. The notice of hearing, any petition, answer, response or written stipulation, and, if the hearing concerns a disciplinary proceeding, the complaint or any other responsive pleading, becomes a part of the record without being read into the record. A party may request that a document be read into the record.*

*3. The legal counsel for the board will present the evidence for the board first and, if the board allows closing arguments, will present the closing arguments for the board last.*

*4. The member of the board presiding over a single or consolidated hearing will determine the order of evidence for the hearing. Unless otherwise ordered the order of presentation shall be as follows:*

*(a) opening statement by board counsel*

*(b) opening statement by respondent's counsel, who may choose to make the opening statement at the beginning of respondent's case.*

*(c) for each witness offered by board counsel,*

*(1) direct examination by board counsel*

*(2) cross-examination by respondent's counsel*

*(3) redirect examination by board counsel*

*(4) recross examination by respondent's counsel*

*(5) examination by board members*

*a) A member of the board may, at any time:*

*(a) Question a witness; and*

*(b) Request or allow additional evidence, including additional rebuttal or documentary evidence.*

*(c) for each witness offered by respondent's counsel, the same opening statement and order as for board counsel's witnesses;*

*(d) in a consolidated hearing, the same order as provided above with the order of the parties to be at the discretion of the presiding officer;*

*(e) closing arguments by respondent's counsel*

*(f) closing arguments by board counsel*

*(g) post-hearing briefs may be allowed at the discretion of the presiding officer or by vote of the board. If the board allows closing briefs to be submitted, the board will establish a time for the submission of the closing briefs.*

***NAC 641C.598 Procedural and pre-hearing matters.***

***1. The chairman or the person designated as the presiding officer to preside over a hearing may issue rulings on all preliminary matters, including, without limitation, scheduling matters, protective orders, the admissibility of evidence, and other procedural or prehearing matters.***

***2. A ruling on a preliminary matter is subject to reconsideration by the entire board upon the request of a board member or the motion of a party.***

***3. The failure of a party who is affected by a ruling on a preliminary matter to move for reconsideration of the ruling does not constitute:***

***(a) Consent to the ruling; or***

***(b) Waiver of any objection previously made to the ruling.***

***4. For the purposes of this section, a matter is preliminary if it is not dispositive of a contested case or a substantive issue therein.***

**NAC 641C.605 Conduct.** ([NRS 641C.200](#)) At a hearing or any other proceeding before the board, the parties, their counsels, if any, the witnesses and any spectators shall conduct themselves in a respectful manner.

~~[NAC 641C.610 Consolidation. (NRS 641C.200) The presiding officer of the board may consolidate two or more matters into one hearing if it appears that the issues involved in each of the individual matters are the same and the interests of the parties will not be prejudiced by such a consolidation.]~~

**NAC 641C.615 Stipulations.** ([NRS 641C.200](#)) With the approval of the presiding officer of the board, parties to a matter before the board may stipulate to any fact at issue by a written stipulation introduced into evidence as an exhibit or by an oral statement shown upon the record. Except as otherwise provided in this section, upon the approval of a stipulation by the board, the stipulation becomes binding on all the parties who agreed to the stipulation, and the stipulation may be treated as evidence at the hearing. The presiding officer of the board may, at any time during a hearing, require evidential proof of any facts to which the parties have stipulated.

**NAC 641C.620 Official notice.** ([NRS 641C.200](#)) In addition to the materials set forth in subsection 5 of [NRS 233B.123](#), the board may take official notice of regulations, official reports, decisions, orders, standards, records or files of the board, of any state agency in this state and of any court of record.

**NAC 641C.625 Decision by board.** ([NRS 641C.200](#))

1. After the board has publicly deliberated and voted upon a matter before the board, the presiding officer of the board may direct a party to the matter to draft the findings of fact, conclusions of law and any orders made by the board on the matter, consistent with the oral deliberation and vote of the board.

2. Upon a determination that a draft of the findings of fact, conclusions of law and any orders made pursuant to subsection 1 accurately reflects the matter as it was heard and decided upon by the board, the presiding officer of the board shall approve and execute the findings of fact, conclusions of law and any orders made. The staff shall mail a copy of the approved and executed findings of fact, conclusions of law and any orders of the board to:

(a) Its legal counsel by regular mail; and

(b) Each party involved in the matter by certified mail.

**NAC 641C.627 Final order or decision.**

1. After a hearing on the merits in a disciplinary proceeding, if the board finds that the licensee is:

a) Not guilty as charged in the formal complaint, the board will issue a final order dismissing the charges and notify the licensee that the charges have been dismissed.

b) Guilty as charged in the formal complaint, the board will:

(1) Before agreeing on a punishment, consider all relevant factors, including, without limitation:

- (a) The danger to the health or safety of the public from the violation;
- (b) The economic benefit received by the licensee from the violation;
- (c) Any mitigation or aggravation by the licensee of the effects of the violation;
- (d) The extent to which the licensee demonstrates his good faith;
- (e) Any previous history of violations by the licensee;
- f) Whether the licensee knew or, as a competent person, should have known that the action complained of violated a law, a regulation or a condition on his license;
- (g) Whether the licensee has initiated remedial measures to prevent similar violations;
- (h) The magnitude of penalties imposed on other licensees for similar violations;
- (i) The proportionality of the penalty in relation to the misconduct; and
- (j) If the licensee offered evidence of mitigating factors, all such evidence.

(2) Agree on punishment that may, in addition to any sanction authorized pursuant to this chapter or NRS 641C, require the licensee to:

- (a) Fulfill certain training or educational requirements ordered by the board; and
  - (b) Pay all costs incurred by the board relating to his disciplinary proceedings; and
- (3) Issue and serve its final order or decision on the licensee.

2. A decision or order in a disciplinary proceeding adverse to a licensee must:

- (a) Be in writing;
- (b) Except as otherwise provided in subsection 5 of NRS 233B.121, include findings of fact and conclusions of law; and
- (c) Specifically set forth the punishment imposed on the licensee.

3. An order or decision of the board is effective upon:

- a) being personally served on the licensee;
- b) being posted at the premises occupied by the licensee; or
- c) three days after being deposited in the U.S. mail as certified mail addressed to the licensee's address of record, whichever occurs first.

**NAC 641C.630 Petition for rehearing. (NRS 641C.200)**

1. Not later than 10 days after the date on which the board decides or issues an order on a matter before the board, a party who is aggrieved by the decision or order may apply for a rehearing by filing with the board a written petition that sets forth sufficient information that:

- (a) A material mistake or fraud occurred which affected the decision or order of the board; or
- (b) Previously unavailable material evidence has been discovered.

The board will not consider any other grounds or information in determining whether to grant a petition for a rehearing.

2. The board will act on a petition for a rehearing not later than 30 days after the date on which the petition for a rehearing was filed with the board. If the board does not act on a petition for a rehearing within the 30-day period, the board will consider the petition for a rehearing to be denied.

3. The filing of a petition for a rehearing on a matter with the board does not excuse the parties to the matter from complying with any decision or order made by the board concerning that matter, or suspend the effectiveness of such a decision or order, unless the board, by order, excuses the parties from compliance with, or declares the suspension of, the decision or order.

### Miscellaneous Petitions

**NAC 641C.635 Petition for declaratory order or advisory opinion: Scope of consideration.** ([NRS 641C.200](#)) The board will consider petitions for declaratory orders or advisory opinions regarding the applicability of any statutory provision or any regulation or order of the board.

**NAC 641C.640 Petition for declaratory order or advisory opinion: Action by board.** ([NRS 641C.200](#))

1. Upon receiving a petition for a declaratory order or an advisory opinion, the board will place the matter on the agenda for discussion at the next regularly scheduled meeting of the board. If a petition for a declaratory order or an advisory opinion is filed with the board within the 10 days immediately preceding the date of the next regularly scheduled meeting of the board, the petition will be placed on the agenda for discussion at the following regularly scheduled meeting of the board.

2. After discussing and considering a petition for a declaratory order or an advisory opinion at its meeting, the board will grant or deny the petition. If the board denies a petition for a declaratory order or an advisory opinion, the board will take no further action on the matter.

3. If the board grants a petition for a declaratory order or an advisory opinion, the board will issue a declaratory order or an advisory opinion on the matters raised in the petition for a declaratory order or an advisory opinion not later than 90 days after the date on which the board grants the petition, except that the board may extend the period by which it will issue the declaratory order or advisory opinion to not more than 120 days if good cause exists for such an extension. The board may schedule a hearing on any issue raised in a petition for a declaratory order or an advisory opinion before the board issues its declaratory order or advisory opinion. The board will consider such a hearing as being sufficient good cause to warrant an extension for issuing its declaratory order or advisory opinion.

**NAC 641C.645 Petition for declaratory order or advisory opinion: Preparation of order or opinion; notice to petitioner.** ([NRS 641C.200](#))

1. If the board determines that it should address any issue set forth in a petition for a declaratory order or an advisory opinion, the presiding officer of the board shall assign one member of the board to write a *draft* declaratory order or an advisory opinion on the issue.

2. Within 60 days immediately following the date on which a member of the board is assigned to write a *draft* declaratory order or an advisory opinion on an issue, the member of the board shall:

- (a) Review the comments of all members of the board on the issue;
- (b) Research the issue and, if necessary, seek the assistance of the attorney general; and
- (c) Submit a draft of his declaratory order or advisory opinion to the board for its approval.

3. Upon the issuance of a declaratory order or an advisory opinion by the board, the staff shall give notice of that order or opinion to the petitioner who filed the petition for the declaratory order or advisory opinion.

**NAC 641C.650 Petition for declaratory order or advisory opinion: Violation of order or opinion.** ([NRS 641C.200](#)) Any act by a counselor or certified intern in contradiction to or violation of a finding of fact, conclusion of law or order made by the board, or of a declaratory order or advisory opinion issued by board constitutes unprofessional conduct.

**NAC 641C.655 Petition for adoption, amendment or repeal of regulation.** ([NRS 641C.200](#))

1. A petition for the adoption, amendment or repeal of a regulation of the board must be in writing, prepared in a form approved by the board and filed with the board.

2. Except as otherwise provided in this section, if the board receives a petition for the adoption, amendment or repeal of a regulation of the board:

(a) More than 30 days before the next regularly scheduled meeting of the board, the board will place the petition on the agenda of the next regularly scheduled meeting of the board; or

(b) Within the 30 days immediately preceding the next regularly scheduled meeting of the board, the board will place the petition on the agenda for the following regularly scheduled meeting of the board,

for discussion to determine whether the petition should be denied or procedures for the adoption, amendment or repeal of a regulation should be commenced.

3. The board may call a special meeting to consider a petition for the adoption, amendment or repeal of a regulation if the board determines that such a special meeting is necessary.

*Certification of Native American Alcohol and Drug Abuse Counselors, Interns and Supervision of Interns:*

### *General Provisions*

*NAC 641C.810 (from NRS641C.250) A Certificate is revocable privilege; holder acquires no vested right. A certificate issued pursuant to the provisions of this chapter is a privilege that may be revoked in accordance with the disciplinary procedures set forth in this chapter and in regulations adopted by the board pursuant thereto, and no holder of such a certificate acquires thereby any vested right.*

*NAC 641C.815 Application for a certificate. (NRS 641C.200, 641C.260)(SB248 section 6.2)*

*1. An applicant for a certificate as a Native American Counselor or Native American Counselor Intern must file a completed application that documents that the applicant meets the qualifications for the certificate for which he is applying. An applicant must include a nonrefundable fee for the materials required to apply for the type of certification sought.*

*2. For good cause, the board may allow an applicant to present at a meeting of the board documentation and other evidence, in addition to the documentation and evidence which he has previously submitted with his application, to demonstrate further his qualifications for certification.*

*3. By submitting his application, an applicant for certification grants the board full authority to make any investigation or personal contact necessary for the board to verify the authenticity of the matters and information stated within the application. If the board so requests, an applicant shall supply such information as the board may require to verify the matter and information contained in his application.*

4. *If the board determines that it is necessary, the board will appoint a subcommittee to examine an application and make recommendations to the board concerning that application.*

5. *If the board determines that it is necessary, the board will require an applicant for certification to appear personally before the board. A personal appearance of an applicant for the purposes of this section may be conducted in an open or a closed session of the board as the board determines appropriate.*

6. *An applicant for certification who is a graduate of a foreign program must submit documentation to the board that demonstrates to the satisfaction of the board that the foreign program from which the applicant graduated is equivalent to a comparable program from an accredited college or university.*

7. *As used in this section, “accredited college or university” means a college or university that is accredited by a national or regional accrediting agency that is recognized by the United States Department of Education.*

8. *The board or board staff has the authority to suspend any applicant upon documentation that an applicant has falsified any information on their application.*

10. *An individual on parole or probation will not be considered for certification until such time as they have finished and have been off parole or probation for a minimum of two-years.*

a. *if applicable provide proof that the applicant has been off parole & probation for a minimum of two years.*

10. *(from SB248 section 5.2 and section 6.2) An applicant must submit fingerprint cards and the appropriate fees.*

#### *NAC 641C.820. Conditional Waiver of Educational Requirement of NRS 641C.390.1C*

*Each applicant for a certification examination must submit to the board: (from NRS 641C.260, SB248 section 6.2)*

1. *An application on a form provided by the board:*

(a) *Proof the applicant is not less than 21 years of age;*

(b) *Proof the applicant is of Native American descent*

(c) *Proof that the applicant is a citizen of the United States or lawfully entitled to remain and work in the United States;*

(d) *Proof the applicant has received a high school diploma or a General Education Diploma;*

(e) *Proof the applicant has completed 4,000 hours of supervised counseling of alcohol and drug abusers. An associate’s degree in an approved social science field maybe substituted for 1,000 hours of practical experience.*

(f) *Proof that the applicant has passed the written and oral examinations prescribed by the board pursuant to NRS 641C.290; and*

(g) *Proof that the applicant has paid the fees required pursuant to NRS 641C.470 and NAC 641C.240*

2. *Proof of the completion of 270 hours of education. Education is defined as formal, structured instruction in the form of workshops, seminars, and institutes, college/university credit courses and distance learning. Education must be specifically related to the knowledge and skills necessary to perform the tasks within the following performance domains:*

A. *Assessments*

B. *Counseling*

a. *Case management*

b. *Education and professional responsibilities*

*c. Ethics*

*d. Twelve Core Functions. A minimum of 10 hours each is required in each of the twelve core functions:*

- 1. Screening*
- 2. Intake*
- 3. Orientation*
- 4. Assessment*
- 5. Treatment planning*
- 6. Counseling*
- 7. Case management*
- 8. Crisis intervention*
- 9. Client education*
- 10. Referral*
- 11. Reports and record keeping*
- 12. Consultation with other professionals*

*NAC 641C.825 (from NRS641C.269, SB 248 sect. 2.2, sect.6.2) Each applicant for a certificate as a Native American Counselor Intern must submit to the Board:*

- 1. An application on a form provided by the board, including:*
  - (a) Proof the applicant is not less than 21 years of age;*
  - (b) Proof the applicant is of Native American descent,*
  - (c) Proof the applicant is a citizen of the United States or lawfully entitled to remain and work in the United States,*
  - (d) Proof the applicant has received a high school diploma or a General Education Diploma;*
  - (e) Proof the applicant has completed of ?? hours of educational training in substance abuse prior to their application being approved. Education must be specifically related to the knowledge and skills necessary to perform the tasks within the following domains:*
    - 1. Assessments*
    - 2. Counseling*
    - 3. Case management*
    - 4. Education and professional responsibilities*
    - 5. Ethics*
- 6. Proof of a supervision agreement documenting that the intern is under the supervision of a certified alcohol and drug abuse supervisor as specified in NAC 641C.280.*
- 7. Proof the applicant has paid the fees required pursuant to NRS 641C.470 and NAC641C.240*

*NAC 641C.830 (From NRS 641C.270) Application must include social security number of applicant. [Expires by limitation on the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.] An application for a certificate must set forth the social security number of the applicant.*

*NAC 641C.840 (from NRS641C.280) Payment of child support: Statement by applicant for a certificate; grounds for denial of certificate; duty of board. [Expires by limitation on the date of the*

*repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]*

*1. An applicant for the issuance, renewal, reinstatement or restoration of a certificate shall submit to the board the statement prescribed by the welfare division of the department of human resources pursuant to NRS 425.520. The statement must be completed and signed by the applicant.*

*2. The board shall include the statement required pursuant to subsection 1 in:*

*(a) The application or any other forms that must be submitted for the issuance, renewal, reinstatement or restoration of the license or certificate; or*

*(b) A separate form prescribed by the board.*

*3. A certificate may not be issued, renewed, reinstated or restored by the board if the applicant:*

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

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

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

*NAC 641C.845 Application for renewal of a certificate. (NRS 641C.200, NRS 641C.450 and NAC641C.235)(SB 248 section 6.2)*

*1. An application for the renewal of a certificate must be completed on a form provided by the board and submitted to the board on or before the date on which the license or certificate expires. An application for the renewal of a license or certificate must be accompanied by the appropriate renewal fee and fingerprint cards. Finger print cards will be submitted every fifth year prior to the renewal of an application.*

*2. If a complete application for the renewal of a certificate, including the required fee, is not postmarked on or before the last day for submitting the application for the renewal of the certificate, the certificate becomes delinquent.*

*3. An applicant for the renewal of a certificate must meet the required continuing education units as described in NAC641C.300-320.*

*NAC 641C.847 Payment of fees and remittances; lapse of application. (NRS 641C.200)*

*1. Fees and remittances to the board must be made by money order, bank draft or check payable to the board.*

*2. Payment in full of all required fees must accompany each application for certification and each application for the renewal of certification.*

*3. The board will consider an application for certification to have lapsed if no action has been taken by the applicant for 1 year after the date on which the board received the application. If an applicant for certification whose application has lapsed pursuant to this subsection subsequently wishes to receive a certificate from the board, the applicant must submit a new application for certification accompanied by the required fees.*

*NAC 641C.850 Examination required for a certificate. (from SB248 sect 6.2 and NRS 641C.290)*

*1. Each applicant for a certificate as a Native American 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 provisions of this NRS 641C and any regulations adopted by the board pursuant to the provisions of this chapter and NRS 641C.*

*2. The board shall:*

*A. Pass any applicant who obtains an average score of at least 70% in both the written and oral examinations,*

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

*(c) Establish the time and place for the examinations.*

*d) Provide such books and forms as may be necessary to conduct the examinations.*

*e) Establish, by regulation, the requirements for passing the examination.*

*3. The board may employ other persons to conduct the examinations.*

*4. Each applicant must pay the fees required pursuant to NRS641C,470, NRS641C.200 and NAC641C.240.*

*NAC 641C.860 Investigation and hearings related to applications for a certificate; grounds for denial of a certificate.(from SB248 section6.2 and NRS641C.310)*

*1. The board may hold hearings and conduct investigations concerning any matter related to an application for a certificate. In the hearings and investigations, the board may require the presentation of evidence.*

*2. The board may refuse to issue a certificate to an applicant if the board determines that the applicant:*

*(a) Is not of good moral character as it relates to the practice of counseling alcohol and drug abusers;*

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

*(c) Has been disciplined in another state, in Nevada, a possession or territory of the United States or the District of Columbia in connection with the practice of counseling alcohol and drug abusers;*

*(d) Has committed an act in another state, a possession or territory of the United States or the District of Columbia in connection with the practice of counseling alcohol and drug abusers that would be a violation of the provisions of this chapter if the act were committed in this state; or*

*(f) Has failed to comply with any of the requirements for a certificate.*

#### *Additional Conditions and Limitations Concerning Certified Native American Counselors??*

*NAC 641C.880 Period certificate is valid; scope of practice authorized by certificate and other authorized activities of a Native American Counselor (from NRS 641C.200, NAC641C.250 & SB248 sect. 6.2)*

*1. A certificate as a Native American alcohol and drug abuse counselor is valid for 2 years and may be renewed upon meeting the requirements as described in NAC 641C.300-320.*

*2. A certified Native American counselor or certified Native American Counselor Intern may provide counseling services to individuals who are authorized to receive services as pursuant to 25 U.S.C. §§ 450 et seq., 25 U.S.C. §§ 1601 and 25 U.S.C. §§ 1603.*

*Such persons are defined as follows:*

*Indians or Indian, unless otherwise designated, means any person who is a member of an Indian Tribe, irrespective of whether he or she lives on or near a reservation, is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside, or who is a descendant, in the first or second degree, of any such member or is an Eskimo or Aleut or other Alaska Native, or is considered by the Secretary of the Interior to be an Indian for any purpose.*

*3. A certified counselor or intern may:*

- a. Engage in the practice of counseling alcohol and drug abusers;*
- b.) Diagnose or classify a person as an alcoholic or abuser of drugs; and*
- c.) Planning a course of treatment*

*4. Except as otherwise provided in NRS 641C.130, the provision of counseling services 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 which is subject to the provisions of this chapter and chapter 641C of NRS.*

*5. A certificate as a Native American Alcohol and Drug Abuse Counselor Intern is valid for a period of one year and may be renewed upon meeting the requirements as described in NAC 641C.300-320.*

*NAC 641C.887 Display of certificate by counselor. (NRS 641C.200, SB 248 sect 6.2 and NAC641C.260) A counselor shall prominently display at all times in his primary place of employment or practice the certificate issued to him by the board, or a notarized copy thereof.*

*NAC 641C.889 Display of certificate by counselor intern. (NRS 641C.200, SB248 sect 6.2 and NAC641C.265) A certificate as an alcohol and drug abuse counselor intern issued by the board to a certified intern must be prominently displayed at all times at each location where the intern is engaging in his internship.*

*NAC 641C.890 (from NAC641C.250) Authorized activities of counselor and certified interns.*

*1. A person who engages in the practice of counseling alcohol and drug abusers as a Native American Alcohol and Drug Abuse Counselor may represent himself as:*

*(a) A certified Native American counselor, or use the initials "NACADC" after his name, only if the counselor is certified as such by the board.*

*(b) A certified Native American counselor intern, or use the initials "NACADC Intern" after his name, only if the counselor is certified as such by the board.*

*NAC 641C.892 Examinations. (NRS 641C.200, 641C.290)(SB248 section 6.2)*

*1. An applicant for certification as a counselor must pass the written and oral examinations required by the board with an average score of at least 70 percent.*

*2. The board will mail the results of the examinations to the applicant at his last known address.*

*3. An applicant for certification who fails the examination may retake the examination when it is next offered if the applicant applies to the board to retake the examination and submits a nonrefundable fee. The amount of the fee required by this subsection is equal to the amount*

*required by the testing company used by the board for those materials necessary to test the applicant.*

*4. An applicant for certification who fails an examination and who does not retake the examination when it is next offered must submit a new application if he wants to take the examination again.*

*5. An applicant for certification who fails the examination for certification three times may not take the examination again until he has appeared before the board. The board will examine the qualifications of such an applicant to sit for an additional examination. The board may condition the applicant's taking of an additional examination as the board deems necessary and appropriate.*

*NAC 641C.895 Certification for Native American Counselors without examination of an applicant who holds a credential from another jurisdiction. (NRS 641C.200, 641C.300 & SB 248 sect 6.2) An applicant for certification without examination must submit to the board:*

- 1. A written application on a form prescribed by the board;*
- 2. The applicable fee;*
- 3. Proof satisfactory to the board that the certificate or other credential held by the applicant:*
  - (a) Was issued by South West Indian Certification or North West Indian Certification;*
  - (b) An applicant must have passed the written and oral examinations with average score of at least 70 least.*

*(b) Is currently valid and in good standing; and*

*(c) Has never been suspended, revoked or otherwise restricted for any reason; and*

*(1.) The board will review each applicant on an individual basis and consider an application if the certificate has been suspended, revoked or otherwise restricted for any reason.*

*4. Proof satisfactory to the board that the applicant is otherwise qualified to engage in the practice of counseling alcohol and drug abusers*

*NAC 641C.900 Issuance of a Provisional Certificate: (NRS641C.200, .320 and SB248 section 6.2)*

*1. The board may issue a provisional certificate as a Native American Alcohol and Drug Abuse Counselor to a person who has applied to the board to take the examination for certification and is otherwise eligible for that certificate pursuant to NRS641C.350 and SB248 section 6.2)*

*2. A provisional certificate is valid for not more than one year and may not be renewed.*

*NAC641C.905 Supervision of Native American Counselor Interns: (from SB 248, NRS641C.360.C & NAC641C.280 through 295)*

*Supervisors of interns must adhere to the standards as defined in NRS641C.360 and NAC641C.280 through 295.*

*NAC641C.910 Standards of Practice. (from SB248 sect. 6.2 and NRS641C.700-910.)*

*Must adhere to the standards as defined in NAC641C.400 – 655 and NRS641C.700-910.*

*NAC 641C.920 List of certified persons; notice of change of address of record with the Board. (NRS 641C.200, 641C.210)*

*1. A copy of the list of names and professional addresses of each person certified by the board may be obtained from the board upon written request and payment of the cost of reproduction.*

2. *If a person certified by the board changes his address of record, the person shall furnish the board with his new address not later than 10 days after the change.*

*NAC 641C.930 Fees. (NRS 641C.200, 641C.470) (SB 248) The board will charge and collect the following fees:*

1. *For the initial application for a certificate..... \$120*
2. *For the application for a certificate as a supervisor of certified interns..... \$30*
3. *For the issuance of a provisional certificate..... \$125*
4. *For the issuance of an initial certificate..... \$60*
5. *For the issuance of a certificate as a supervisor of certified interns..... \$30*
6. *For the renewal of a certificate as an alcohol and drug abuse counselor \$200*
7. *For the renewal of a certificate as an alcohol and drug abuse counselor intern...\$75*
8. *For the renewal of a delinquent certificate..... \$75*
9. *For the restoration of an expired certificate..... \$150*
10. *For the deactivation of a license or certificate..... \$25*
11. *For the reactivation of a certificate... \$25*
12. *For the replacement of a certificate..... \$25*
13. *For the restoration or reinstatement of a suspended or revoked or certificate..... \$300*
14. *For the issuance of a certificate without examination..... \$ 150*
18. *For an examination..... \$ 80*

*plus the amount required by a testing company, if any, used by the board for testing applicants*

19. *(NRS 641C.200 & 641C.470)For the approval of a course of continuing education for training providers up to \$150 for courses 21 hours or more*

20. *(SB 248) The amount required by the FBI and the Department of Public Safety to process fingerprint cards*

*NAC 641C.930 Board staff may grant a waiver of the waiver of examination fee for a period of three months from the date of approval of the regulations with an ending date of the waiver would be March 30, 2004.*

**NAC 641C.935 – Language being developed to meet Sec 4 of SB248**