

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

**LCB File No. R072-07**

Effective December 4, 2007

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §§1-3, NRS 641C.200.

A REGULATION relating to certain counselors of addicted persons; providing additional methods for obtaining continuing education; expanding certain provisions regarding responsibility to a client; and providing other matters properly relating thereto.

**Section 1.** NAC 641C.008 is hereby amended to read as follows:

641C.008 “Accredited college or university” means ~~[a]~~ :

*1. A college or university that is accredited by a national or regional accrediting agency that is recognized by the **Office of Postsecondary Education of the** United States Department of Education ~~[.]~~; and*

*2. A college or university that is accredited or approved by another state to award a diploma to students upon graduation, if approved by the Board.*

**Sec. 2.** NAC 641C.300 is hereby amended to read as follows:

641C.300 1. To maintain his licensure or certification, as appropriate, a counselor must ~~[attend]~~ *earn* at least 40 hours of continuing education during the 2-year period of licensure or certification, including, without limitation:

- (a) At least 3 hours of continuing education that pertain to ethics; and
- (b) At least 3 hours of continuing education that pertain to the standards of confidentiality required pursuant to NAC 641C.425 and, if applicable, the standards of confidentiality set forth

in 42 C.F.R. Part 2 and the related provisions of the Health Insurance Portability and Accountability Act of 1996 set forth in 45 C.F.R. Part 160.

2. To maintain and renew his certification as a certified intern, the certified intern must attend:

(a) At least 15 hours of training during his first 6 months of certification, including, without limitation:

(1) At least 6 hours of training during the first 3 months of certification that pertain to ethics; and

(2) At least 6 hours of training during the first 3 months of certification that pertain to the standards of confidentiality required pursuant to NAC 641C.425 and, if applicable, the standards of confidentiality set forth in the provisions of 42 C.F.R. Part 2 and the related provisions of the Health Insurance Portability and Accountability Act of 1996 set forth in 45 C.F.R. Part 160;

(b) A 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.

3. A counselor or certified intern shall submit to the Board a certificate of completion of any hours of continuing education or training completed by the counselor or certified intern pursuant to subsection 1 or 2.

4. If a certified intern attends any hours of training to satisfy the hours of training required pursuant to subsection 2, the certified intern may not apply the same hours of training toward:

(a) A degree at an accredited college or university necessary to qualify for initial licensure or certification as a counselor; or

(b) For licensed or certified alcohol and drug abuse counselors, the hours of supervised counseling of drug and alcohol abusers considered as completed pursuant to NAC 641C.205.

5. 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.

6. To maintain his certificate as a supervisor of certified interns, a licensed alcohol and drug abuse counselor or 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.

*7. A supervisor of certified interns may earn 1 hour of continuing education for each certified intern whom he supervises, for up to not more than 5 interns supervised at any time. Not more than 10 hours of continuing education may be earned for supervising certified interns during any 1 year. The hours earned pursuant to this subsection may not be used to satisfy the requirements to renew a certificate as a supervisor of certified interns pursuant to subsection 6.*

*8. A certified or licensed counselor may obtain 1 hour of continuing education for publishing an article in a peer-reviewed publication in the area of alcohol, drug or gambling counseling, and, upon approval by the Board, for writing and submitting an article for the newsletter published by the Board. Not more than 5 hours of continuing education may be earned pursuant to this subsection during the 2-year period of licensure or certification.*

*9. A certified or licensed counselor may obtain 1 hour of continuing education each time he participates as an examiner for an oral examination given pursuant to NRS 641C.290 for up to 5 hours of continuing education during a 2-year period of licensure or certification.*

~~[7.]~~ 10. 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.

**Sec. 3.** NAC 641C.410 is hereby amended to read as follows:

641C.410 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 or problem gambling.

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 ~~for~~ *treating the client, the* certified intern treating the client, *or the treatment program, facility or agency, if any*, the counselor or certified intern *treating the client, as well as any counselors and certified interns employed by the treatment program, facility or agency, if any*, 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 treatment for alcohol and drug abuse or treatment for 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.

**NOTICE OF ADOPTION OF PROPOSED REGULATION**  
**LCB File No. R072-07**

The Board of Examiners for Alcohol, Drug and Gambling Counselors adopted regulations assigned LCB File No. R072-07 which pertain to chapter 641C of the Nevada Administrative Code.

**INFORMATIONAL STATEMENT**

1. Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent by U.S. mail and email to persons who were known to have an interest in the subject relating to certain counselors of addicted persons. These documents were made available at the website of the Board of Examiners For Alcohol, Drug and Gambling Counselors, [www.alcohol.state.nv.us](http://www.alcohol.state.nv.us) , mailed to all county libraries in Nevada and posted at the following locations:

Board of Examiners For  
Alcohol, Drug & Gambling Counselors  
625 Fairview Drive, Ste. 124  
Carson City, NV 89701

Attorney General's Office  
100 No. Carson Street  
Carson City, NV 89701

Attorney General's Office  
Grant Sawyer Building  
555 E. Washington Blvd.  
Las Vegas, NV 89101

Legislative Counsel Bureau  
401 So. Carson Street  
Carson City, NV 89701

A workshop was held in conjunction with a meeting of the Board of Examiners For Alcohol, Drug & Gambling Counselors on January 26, 2007, and the minutes of that meeting, attached hereto, contain a summary of the discussion held regarding the proposed amendments. Thereafter, on or about September 28, 2007, the Executive Director of the Board of Examiners For Alcohol, Drug & Gambling Counselors issued a Notice of Intent to Act Upon a Regulation that incorporated the suggestions of the parties attending the January 26<sup>th</sup> workshop and recommendations of the Board of Examiners.

2. The number of persons who:
  - (a) Attended each hearing: January 26, 2007 – 5; November 2, 2007 – 4
  - (b) Testified at each hearing: January 26, 2007 – 1; November 2, 2007 – 1
  - (c) Submitted to the agency written comments: No written comments were submitted.
3. Comments were solicited from affected businesses in the same manner as they were solicited from the public. There were no comments from affected businesses.
4. The permanent regulation was adopted on November 2, 2007 and included changes suggested at the workshop meeting held on January 26, 2007.

5. (a) Both adverse and beneficial effects  
The adoption of the regulation will provide more flexibility for applicants to achieve educational requirements for licensure; additional methods for alcohol and drug counselors to obtaining continuing education; and the expansion of certain provisions regarding counselor responsibility to a client.  
  
(b) Both immediate and long-term effects.  
See Item # 5(a)
6. There is no additional cost to the agency for enforcement of this regulation.
7. There are no other state or government agency regulations that the proposed regulation duplicates.
8. N/A
9. N/A
10. The Executive Director has determined that the proposed regulation does not impose a direct and significant economic burden upon a small business or restrict the formation, operation or expansion of a small business. In making this determination the Director considered the fact that the proposed amendment only applies to individuals applying for licensure as an alcohol and drug abuse counselor or those licensed obtaining continuing education and imposes no direct requirements on any private businesses.