

**PROPOSED REGULATION OF THE
COMMITTEE ON DOMESTIC VIOLENCE**

Chapter 228 of NAC is hereby amended by adding thereto the provisions set forth as sections ____ and ____ of this regulation.

It is recommended that the following regulation be inserted immediately after NAC 228.104.

NAC 228.____ Certification of a program located in another state; attendance by a Nevada resident. (NRS 228.470)

1. The committee will authorize a person who lives in Nevada to obtain domestic violence counseling in a neighboring state if the neighboring state is the closest provider of certified domestic violence counseling.

2. The out of state program must comply with all requirements of NAC 228.104.

It is recommended that the following regulation be inserted under the heading of “Requirements of Treatment Programs” after NAC 228.200.

NAC 228.____ Requirements for retention of records. (NRS 228.470)

1. Records must be retained by the agency providing treatment for a period of 7 years from last date of treatment.

NAC 228.100 is hereby amended to read as follows:

NAC 228.100 Application; requirements; abbreviated application for additional program; verification of information. (NRS 200.485, NRS 228.470)

1. Except as otherwise provided in subsection 4, an organization which desires to obtain a certificate for a program must submit an application to the committee on a form provided by the committee, including, without limitation:

(a) Proof that the organization has satisfied the requirements of subsection 3; and

(b) A copy of the curriculum and the instructional materials that will be used in the program and that satisfy the requirements set forth in NAC 228.185.

2. The application must be signed by:

(a) The person who will manage and control the organization; and

(b) The person who will be the supervisor of treatment for the program.

3. To obtain a certificate, an organization which operates a program must:

(a) Employ, or retain as an independent contractor, one or more providers of treatment who are qualified pursuant to NAC 228.110 to treat persons who commit domestic violence;

(b) Employ, or retain as an independent contractor, at least one supervisor of treatment who is qualified pursuant to NAC 228.110 to supervise the treatment of persons who commit domestic violence;

(c) Satisfy the requirements of NAC 228.010 to 228.225, inclusive;

(d) Provide treatment:

(1) To persons who have been convicted of a first offense that constitutes domestic violence within the immediately preceding 7 years which includes, at a minimum, weekly counseling sessions which meet not less than 1 1/2 hours per week for not less than 6 months.

(2) However, a court may allow a person convicted of domestic violence who lives more than 70 miles from the nearest certified domestic violence treatment provider to participate in domestic violence counseling sessions every other week for the number of months required so long as the number of hours of counseling is not less than 6 hours per month.

(3) A person convicted of a first offense that constitutes domestic violence shall be allowed no more than 4 unexcused absences within the 6 month counseling period.

(e) Provide treatment:

(1) To persons who have been convicted of a second offense that constitutes domestic violence within the immediately preceding 7 years which includes, at a minimum, weekly counseling sessions which meet not less than 1 1/2 hours per week for 12 months.

(2) However, a court may allow a person convicted of domestic violence who lives more than 70 miles from the nearest certified domestic violence treatment provider to participate in domestic violence counseling sessions every other week for the number of months required so long as the number of hours of counseling is not less than 6 hours per month.

(3) A person convicted of a second offense that constitutes domestic violence shall be allowed no more than 8 unexcused absences within the 12 month counseling period.

4. In lieu of complying with the provisions of subsections 1 and 2, an organization that operates a program certified pursuant to this section and wishes to obtain a certificate for another program may submit an abbreviated application to the committee if the curriculum and instructional materials for the additional program are substantially similar to the curriculum and instructional materials used in the certified program. An application submitted pursuant to this subsection must be on a form provided by the committee and be signed by:

(a) The person who will manage and control the organization; and

(b) The person who will be the supervisor of treatment for the additional program.

5. By submitting an application pursuant to subsection 1 or 4, an applicant authorizes the committee to investigate as it determines is necessary to verify the information set forth in the application. Upon the request of the committee, the applicant must submit verification of that information.

NAC 228.110 is hereby amended to read as follows:

NAC 228.110 Qualifications for supervisors of treatment and providers of treatment. (NRS 228.470)

1. Except as otherwise provided in subsection 2, a person may be employed, or retained as an independent contractor, in the position of a supervisor of treatment at a program if he:

(a) Possesses a master's or doctorate degree in a field of clinical human services from an accredited college or university;

(b) Except as otherwise provided in subsection 3, is licensed in good standing in this state:

(1) As a psychologist pursuant to chapter 641 of NRS;

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

(3) As a clinical social worker pursuant to chapter 641B of NRS; or

(4) To practice medicine pursuant to chapter 630 of NRS and practices psychiatry;

(c) Has at least 2 years of experience in a supervisory capacity in the provision of services to victims of domestic violence or in the treatment of persons who commit domestic violence;

(d) Has satisfactorily completed at least 60 hours of formal training in domestic violence which includes at least 30 hours of training in the provision of services to victims of domestic

violence and at least 30 hours of training in the provision of treatment to persons who commit domestic violence.

- (e) Has satisfactorily completed at least 60 hours of in-service training;
- (f) Has never been convicted of a crime. ~~[involving moral turpitude;]~~
- (g) Is free of violence in his life; and
- (h) Is not currently an abuser of ~~[drugs or]~~ alcohol~~[.]~~ *or prescription drugs or a user of illegal drugs.*

(i) The above requirements are subject to the review and approval of the Committee.

2. The provisions of paragraphs (c) and (e) of subsection 1 do not apply to a person who is employed, or retained as an independent contractor, in the position of a supervisor of treatment at a program on August 1, 2000.

3. A person who does not comply with the requirements of paragraph (b) of subsection 1 may be employed, or retained as an independent contractor, in the position of a supervisor of treatment at a program if:

(a) He submits a written request to the committee that includes, without limitation, a statement concerning his work history, education and experience;

(b) He participates in an interview with the committee; and

(c) The committee determines that he is qualified to be employed, or retained as an independent contractor, in the position of a supervisor of treatment at a program.

4. Within 120 days after the committee receives a request pursuant to subsection 3, the committee will provide written notice of its approval or denial of the request to the person who submitted the request. If the committee denies the request, the notice will include the reasons for the denial of the request.

5. A person who is employed, or retained as an independent contractor, in the position of a supervisor of treatment at a program pursuant to subsection 3 is qualified as a supervisor of treatment until he is no longer employed, or retained as an independent contractor, by an organization that operates a program if he meets the annual continuing education requirements set forth in NAC 228.210.

6. Except as otherwise provided in subsection 7, a person may be employed, or retained as an independent contractor, in the position of a provider of treatment at a program if he:

(a) Possesses a bachelor's degree or more advanced degree;

(b) Is supervised by a supervisor of treatment who is qualified pursuant to subsection 1, 2 or 3 and that supervision includes, without limitation, meeting with the supervisor of treatment in person at least once each month and having the supervisor of treatment submit annual reports of satisfactory performance to the committee;

(c) Has satisfactorily completed at least 60 hours of formal training in domestic violence that includes, without limitation, at least 30 hours of training in the provision of services to victims of domestic violence and at least 30 hours of training in the provision of treatment to persons who commit domestic violence. (d) Has satisfactorily completed at least 60 hours of in-service training;

(e) Has never been convicted of a crime. ~~[involving moral turpitude;]~~

(f) Is free of violence in his life; and

(g) Is not currently an abuser of ~~[drugs or]~~ alcohol~~[.]~~ *or prescription drugs or a user of illegal drugs.*

(h) The above requirements are subject to the review and approval of the Committee.

7. A person may be employed, or retained as an independent contractor, in the position of a provider of treatment at a program although he does not meet the requirements of paragraph (a) of subsection 6, if the program is located in a county whose population is less than 50,000 and the person proves, to the satisfaction of the committee, that:

- (a) There is not another program located within a 50-mile radius of the program, or within the city or county in which the program is located;
- (b) He possesses the necessary skills and training to perform his job; and
- (c) He has satisfied all other requirements of this section.

8. A person who is employed, or retained as an independent contractor, in the position of a provider of treatment at a program pursuant to subsection 7 is qualified as a provider of treatment for a period which ends on the expiration date of the certificate issued for the program pursuant to NAC 228.100.

9. One-~~third~~ *half* of the in-service training required by this section may be completed by observing ~~via videotape of~~ a group counseling session *via distance media* if:

- (a) The in-service training is completed in a county whose population is less than 50,000 and which is located more than 50 miles from a program;
- (b) The ~~videotape~~ *media* has been approved by the committee; and
- (c) The person receiving the in-service training meets in person *or via telephone* with at least one provider of treatment or supervisor of treatment who is familiar with the contents of the ~~videotape~~ *media* to discuss the group counseling session that was recorded ~~on the videotape~~ *or broadcasted*.

10. As used in this section:

- (a) "Free of violence in his life" means that a person:
 - (1) Does not engage in acts of physical violence;
 - (2) Does not verbally abuse, threaten, coerce or intimidate other persons on a regular basis;
 - (3) Does not deny personal responsibility for his actions or blame other persons for his mistakes on a regular basis; and
 - (4) Lives his life in a manner that is capable of serving as a model of nonviolent behavior.
- (b) "In-service training":
 - (1) Means participation or observation of a group counseling session that:
 - (I) Is conducted for offenders in a program;
 - (II) Complies with the requirements of NAC 228.010 to 228.225, inclusive; and
 - (III) Includes a discussion reviewing the group counseling session that is conducted in person with both providers of treatment or the provider of treatment and the supervisor of treatment acting as a provider of treatment who conducted the group counseling session.
 - (2) Does not include the conducting of a group counseling session by a provider of treatment or a supervisor of treatment acting as a provider of treatment.

NAC 228.115 is hereby amended to read as follows:

NAC 228.115 Duties of supervisors of treatment. (NRS 228.470) The organization that operates a program shall ensure that each supervisor of treatment:

- 1. Meets individually at least once each month with each provider of treatment he supervises;
- 2. Is available by telephone to consult with each provider of treatment he supervises;
- 3. Reviews, at least once each month, a random sample of at least 10 percent of the records of the offenders who are receiving treatment from each provider of treatment he supervises, *and logs these files on a Committee approved form*;

4. Observes, at least once every 3 months, a group counseling session conducted by each team of two providers of treatment he supervises who conduct counseling sessions for the program; and

5. Prepares an annual report concerning the performance of each provider of treatment he supervises.

NAC 228.125 is hereby amended to read as follows:

NAC 228.125 Changes to program; approval of committee. (NRS 228.470)

1. Except as otherwise provided in subsection 5, an organization that operates a program shall request, *in writing*, approval from the committee at least ~~15~~ 10 days before making any change *to the information submitted* pursuant to NAC 228.100, including, without limitation:

- (a) An addition of a provider of treatment or supervisor of treatment;
- (b) A substantial change in the program;
- (c) A relocation of the program;
- (d) The discontinuance of the program; or
- (e) Any other change that relates to the certification of the program.

2. If the committee receives the request at least 30 days before the next regularly scheduled meeting of the committee, the committee will include the request on the agenda for that meeting. If the committee receives the request less than 30 days before its next regularly scheduled meeting, the committee will include the request on the agenda for the first regular meeting that is scheduled to be held more than 30 days after the committee receives the request.

3. Within 15 days after the committee renders its decision concerning the request, it will provide written notice to the organization of its approval or denial of the request. If the committee denies the request, the notice will include the reasons for the denial.

4. The certification of the program remains in effect until the committee provides notice to the organization in the manner prescribed by NAC 228.150.

5. If an organization that operates a program loses a provider of treatment or supervisor of treatment, the organization:

(a) Shall notify the committee, *in writing*, of the loss within 10 days after losing the provider of treatment or supervisor of treatment; and

(b) May replace the provider of treatment or supervisor of treatment immediately if the organization requests approval from the committee, *in writing*, within 10 days after replacing the provider of treatment or supervisor of treatment.

6. If an organization that operates a program falls out of compliance by loss of its only supervisor or the only male or female co-facilitator, the organization:

(a) Shall submit within 10 days a correction plan for remedy of the deficiency within 45 days.

NAC 228.170 is hereby amended to read as follows:

NAC 228.170 Method and standards of treatment. (NRS 228.470)

An organization that operates a program shall ensure that:

1. The program holds an offender accountable for accepting responsibility for his violence and for changing his violent behavior, including, without limitation, developing concern and empathy for a person who is a victim of domestic violence.

2. A provider of treatment:

- (a) Evaluates individually each offender for whom he will provide treatment upon the admission of the offender to the program;
 - (b) Develops a written plan of treatment for the offender that includes, without limitation:
 - (1) Treatment relating to a history of domestic violence, child abuse, sexual abuse or the abuse of drugs or alcohol by the offender and treatment relating to the evaluation of the offender by the provider of treatment; and
 - (2) A mechanism for measuring the progress of the offender in the program, including, without limitation, his attendance and participation in group counseling sessions, completion of assignments, and behavior and attitudinal changes;
 - ~~[(c) Reviews, at least once each month, the written plan of treatment of each offender for whom he is providing treatment;]~~
 - (d) Develops, in consultation with the offender, a written plan of control for the offender to deter the offender from engaging in violent behavior or behavior that is harmful to himself or other persons;
 - (e) Reports evidence of child abuse or neglect to an agency which provides child welfare services or to a law enforcement agency; and
 - (f) Reports evidence of abuse, neglect, exploitation or isolation of an older person to an entity described in NRS 200.5093.
3. A provider of treatment prepares a written report of the results of the evaluation conducted pursuant to subsection 2 that includes, without limitation:
- (a) A profile of information relating to the violent behavior of the offender that includes, without limitation, descriptions of the violent behavior obtained from a victim of domestic violence by the offender, an agency of criminal justice or another provider of treatment, if applicable;
 - (b) Observations regarding the mental status of the offender, if the provider of treatment determines that it is appropriate to include those observations in the evaluation;
 - (c) An assessment of the degree to which the offender is likely to harm himself or other persons;
 - (d) The medical and psychological history of the offender, if the provider of treatment determines that it is appropriate to include that information in the evaluation;
 - (e) A description of any abuse of drugs or alcohol by the offender and the effect that the abuse had on the offender and his family; and
 - (f) The social and cultural history of the offender as it relates to domestic violence.
4. Upon the admission of an offender to the program, the program requires a written agreement that sets forth the responsibilities of the offender and the provider of treatment and includes the provisions set forth in NAC 228.175. The agreement must be signed by:
- (a) The offender in the presence of a provider of treatment; and
 - (b) The provider of treatment who witnessed the signature pursuant to paragraph (a).

NAC 228.165 Group counseling. (NRS 228.470)

1. An organization that operates a program shall ensure that:
- (a) The treatment provided to an offender by the program is provided in a group counseling session that:
 - (1) Is conducted by:
 - (I) Two providers of treatment, one of whom is male and one of whom is female; or

(II) A provider of treatment and a supervisor of treatment who is acting as a provider of treatment, one of whom is male and one of whom is female;

(III) Only one provider of treatment on an emergency basis for not more than 4 sessions in 26 weeks or 8 sessions in 52 weeks.

(2) Is conducted for the gender of the offenders in the group counseling session; and

(3) Except as otherwise provided in subsection 2, consists of not less than 3 offenders or more than 24 offenders.

(b) If a supervisor of treatment determines that an offender cannot be treated in a group counseling session because the offender has a physical or mental limitation that is not related to the abuse of drugs or alcohol, the offender is referred to an appropriate provider of health care or other services.

(c) A supervisor of treatment who is making a determination pursuant to paragraph (b) has provided reasonable accommodation to the known physical or mental limitations of an offender with a disability who is otherwise eligible to obtain treatment in a group counseling session, unless the supervisor of treatment can demonstrate that such accommodation would result in a fundamental alteration of the program or an undue financial or administrative burden.

(d) If an offender does not receive treatment by the program because of a determination made pursuant to paragraph (b), the supervisor of treatment notifies the court that sentenced the offender of that fact and advises the offender to do the same.

(e) Except as otherwise provided in subsection 2, a separate group counseling session is provided for an offender who is under the age of 18 years and for whom an adult session is not suitable.

2. The chairman of the committee may waive the requirements set forth in subparagraph (3) of paragraph (a) of subsection 1 or paragraph (e) of subsection 1 if he determines that it would be impracticable or impossible for an organization that operates a program to comply with those requirements.

3. As used in this section, "provider of health care or other services" includes:

(a) A physician or a physician assistant who is licensed pursuant to chapter 630 of NRS;

(b) A psychologist who is licensed pursuant to chapter 641 of NRS;

(c) A marriage and family therapist who is licensed pursuant to chapter 641A of NRS; and

(d) A clinical social worker who is licensed pursuant to chapter 641B of NRS.