

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

LCB File No. R058-14

**Legislative Subcommittee –proposed changes to the NAC 641C
(REVISIONS MADE BY SUBCOMMITTEE ON 04/14/2014)**

NAC 641C.200 Application for license or certificate:

Was: 1. An applicant for a license or certificate as a counselor or a certificate as a certified intern shall submit to the Board:

(a) A completed application which documents that the applicant meets the qualifications for the license or certificate for which he is applying.

(b) 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.

(c) The fingerprint cards required pursuant to NRS 641C.260 and the amount of the fees charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for the handling of the fingerprint cards and issuance of the reports of criminal histories.

Proposed changes: 1. an applicant for a license or certificate as a counselor or a certificate as a certified intern shall submit to the Board:

(a) A completed application which documents that the applicant meets the qualifications for the license or certificate for which he is applying.

(b) 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.

(c) The fingerprint cards required pursuant to NRS 641C.260 and the amount of the fees charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for the handling of the fingerprint cards and issuance of the reports of criminal histories.

d) documentation of completion of not less than 30 continuing education hours of training specific to the field of addictions and approved by the Board(6 hours of Confidentiality and 6 hours of Ethics included within the initial 30 hours);

-the reason for the addition was to make the requirements consistent with those for Gambling counselors and to ensure that potential candidates for the internship have a basic training completed before entering the field. This change would have no financial impact to the State of Nevada or to the Board itself.

NAC 641C.205 Allowance of credit for college courses.

Was: 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.

Proposed changes: 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 the required 4,000 hours of supervised counseling of drug and alcohol abusers, leaving balance of 1,500 hours of supervised counseling to be completed if the applicant has successfully completed (...) - the change was made in the verbiage for clarification purpose only, with no financial impact.

NAC 641C.215 Action by staff or Board upon receipt of application for license or certificate. (NRS 641C.200)

Was: (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;

Proposed changes: d)Has been convicted or on probation , parole or supervised release during the two 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-

“on probation, parole or supervises release” was added for clarification – the change will have no financial impact.

5 . **Was:** 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.

Proposed changes: An applicant for licensure or certification whose application is received less than 30 days before a regularly scheduled examination may not be scheduled to sit for that examination but will be scheduled to sit for the next available examination.

NAC 641C. 225 Licensure or certification without examination of applicant who holds license, certificate or other credential from another jurisdiction.

1) An applicant for licensure or certification without **written** examination as an alcohol and drug abuse counselor (...)

3) A detailed statement disclosing any past disciplinary actions taken against their license or certificate from another state or territory or possession of the United States if there has ever been such an action taken. – **This section was added to insure and enhance the quality of care and has no financial impact.**

h) The official test scores of any licensure or certification examination previously taken in another state or territory or possession of the United States. – **This section was added for clarification with no financial impact expected.**

f) The finger print cards and or **life scan** required – **the life scan was added to accommodate the applicants- no financial impact expected.**

NAC 641C.235 Application renewal of license or certificate.

Was: (c) Except as otherwise provided in this paragraph, the fingerprint cards required pursuant to NRS 641C.530 and the amount of the fees charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for the handling of the fingerprint cards and issuance of the reports of criminal histories. An applicant for the renewal of a license or certificate is only required to submit the fingerprint cards and the fees charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation with the application for renewal for the third biennial renewal period after the initial licensure or certification and every third biennial renewal period thereafter.

Proposed changes: c) Except as otherwise provided in this paragraph, the fingerprint cards required pursuant to NRS 641C.530 and the amount of the fees charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for the handling of the fingerprint cards and issuance of the reports of criminal histories. An applicant for the renewal of a license or certificate may be required to submit the fingerprint cards and the fees charged by the Central Repository for Nevada Record Criminal History (...) - with the application for renewal for the third biennial renewal period after the initial licensure or certification and every biennial renewal period thereafter.

the words “may be” were added for clarification only, with no financial impact expected; and every third biennial was changed to biennial to ensure regular background check.

641C.240 NAC 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.....	\$150
2. For the application for a certificate as a supervisor of certified interns.....	\$60
3. For the issuance of a provisional license or certificate.....	\$125
4. For the issuance of an initial license or certificate.....	\$60
5. For the issuance of a certificate as a supervisor of certified interns.....	\$60
6. For the renewal of a license or certificate as a counselor.....	\$250
7. For the renewal of a certificate as a certified intern.....	\$75
8. For the renewal of a delinquent license or certificate.....	\$75
9. For the restoration of an expired license or certificate.....	\$150
10. For the deactivation of a license or certificate.....	\$25
11. For the reactivation of a license or certificate.....	\$25
12. For the replacement of a license or certificate.....	\$25
13. For the restoration or reinstatement of a suspended or revoked license or certificate.....	\$300
14. For the issuance of a license or certificate without examination.....	\$150
15. For an examination.....	\$100,

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

NAC 641C.245 Payment of fees and remittance; lapse of application.

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

Is: *1. Fees and remittance to the Board must be made by money order, bank draft or check or credit card through the board’s website. – This paragraph was added to reflect the new payment options via boards website; no financial impact- the transaction fees are covered by the applicants due to mandatory convenience fee of \$2 per transaction.*

NAC 641C.250 Authorized activities of counselor and certified intern; scope of practice of counseling.

Was: 3. A certified intern may provide any of the services described in subsection 1 subject to the clinical supervision and allowance by the licensed or certified 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 or certified counselor supervising the certified intern

Proposed changes: 3. A certified intern may provide any of the services described in subsection 1 only in a treatment agency setting or the private practice setting of a licensed alcohol and drug counselor and is subject to the clinical supervision and allowance by the licensed counselor supervising the certified intern; the entries into the clinical record of a client (including diagnosis or classification, treatment plan) must be countersigned by the licensed counselor supervising the certified intern.- this paragraph was altered to clarify the role of the intern, scope of practice as well as the role of the supervisor ; no financial impact is expected if the change is implemented.

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

Proposed changes: 5. b. A student of marriage and family therapy or any other person preparing for the profession of marriage and family therapy or clinical professional counselor under the supervision of a qualified marriage and family therapist or qualified clinical professional counselor in a training institution or facility recognized by the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors pursuant to chapter 641A of NRS.- the terms “ clinical professional counselor “ and “ qualified clinical professional counselor “ were added to clarify and include the new type of Licenses this Board is offering; no financial impact is expected.

2b) Provide counseling for a mental illness to a person with mental illness who is also an alcoholic or abuser of drugs, including, without limitation:

- (1) Making a diagnosis or classification
- (2) Providing a referral; or
- (3) Planning a course of treatment;

Proposed change as of 04/11/2014 is to add (4) with the exception of psychotic disorders

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

a. Licensed clinical alcohol and drug abuse, or use the initials “LCADC” after his name only if the counselor is licensed as such by the Board. - **This section was added for clarification and to include the new type of Licensure in the NAC; no financial impact expected.**

8 .b. A certified clinical alcohol and drug abuse counselor intern, or use the words ” LCADC intern” after his name , only if the certified clinical intern is certified as such by the Board; **clarification to include the new licensure type with no financial impact intended/ expected.**

NAC 641C. 280 Supervisors of certified Interns: Generally.

Was: c) Have engaged in the practice of counseling alcohol and drug abusers or the practice of counseling problem gamblers for at least two years.

Proposed changes: c) Have engaged in the practice of counseling alcohol and drug abusers as licensed or certified alcohol and drug abuse counselor or the practice of counseling problem gamblers as certified problem gambling counselor for at least two years.

- clarification due to confusions in the past; no financial impact. The purpose is to ensure that potential candidates for the supervisors have enough experience to provide mentoring and oversee the work of interns.

NAC 641C. 285 Supervisors of certified interns: Duties.

Was: 4. A licensed alcohol and drug abuse counselor or a certified problem gambling counselor who is supervising a certified intern:

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

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

Proposed changes: 4. A licensed alcohol and drug abuse counselor or a certified problem gambling counselor who is supervising a certified intern:

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

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

c. Must countersign all diagnoses or classifications made by a certified intern under their supervision.-

-addition was made to clarify and underline the importance of countersigning the work of the interns; no financial impact of this change is expected.

NAC 641C.290 Education and training of certified intern; change of supervisor.

Was: 3. 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 or certified problem gambling counselor supervising the certified intern shall ensure that the certified intern is properly enrolled in that program of education during each semester within the certification period. 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 alcohol and drug abuse counselor or certified problem gambling counselor supervising the certified intern is not required to ensure that the certified intern is enrolled in the program of education for the new semester.

Proposed changes : 3. 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, masters degree or doctoral degree in a field of social science, the licensed alcohol and drug abuse counselor or certified problem gambling counselor supervising the certified intern and the certified intern shall ensure that the certified intern is properly enrolled in that program of education during each semester within the certification period by including documentation of all completed academic coursework or enrollment with each progress report. 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 alcohol and drug abuse counselor or certified problem gambling counselor supervising the certified intern is not required to ensure that the certified intern is enrolled in the program of education for the new semester.

- the addition was made for clarification purposes with no financial impact expected.

Was: 5. 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.

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

- clarification only with no financial impact intended.

NAC 641C. 300 Requirements for maintenance or renewal of license or certificate; grounds for disciplinary action.

Was: 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.

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

(a) At least 12 hours of training during his first 6 months of certification, including, without limitation:

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

2) At least 6 hours of training during the first 6 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.

- the change was made in the hours of training from 15 to 12 and in the deadline from 3 to 6 months; to accommodate the interns and to be in conjunction with the Training offered by the CASAT in Reno and Las Vegas- no financial impact anticipated.

NAC641C.305 Affidavit of completion: Submission; verification of authenticity; maintenance of documentation.

Was: 1. An application for the renewal of a license or certificate as a 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.

Proposed changes: 1. An application for the renewal of license or certificate as a counselor must be accompanied by an affidavit or statement 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 term “or statement” was added for clarification purposes with no financial impact expected.

NAC 641C.320 Requirements for approval of course or program of education.

Was: 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 Division of Public and Behavioral Health or the Addiction Technology Transfer Center will be deemed as being approved as a course of continuing education.

Proposed changes: 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 or Mental Health Divisions of the Department of Health and Human Services or the Addiction Technology Transfer Center will be deemed as being approved as a course of continuing education. - The term “and Mental Health “was added for clarification and with no financial impact expected.

Was: 5. Except as otherwise provided in this section, a course or program of education related to alcohol and drug abuse counseling, addiction, codependency or other issues related to the practice of counseling alcohol and drug abusers or a course or program of education related to problem gambling counseling or other issues related to the practice of counseling 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:

Proposed changes: 5. Except as otherwise provided in this section, a course or program of education that is primarily related to alcohol and drug abuse counseling , addiction, codependency, or other issues primarily related to the practice of counseling alcohol and drug abusers or a course or program of education primarily related to problem gambling counseling or other issues primarily related to the practice of counseling problem gamblers will be deemed as being approved by the Board as a course of continuing education if the course of program of education has been approved(...)- the word “ primarily” was added for clarification; no financial impact expected.

NAC 641C. 405 Professional responsibility.

Was: 10. Shall base his practice upon the recognized knowledge relevant to the practice of counseling alcohol and drug abusers or the practice of counseling problem gamblers.

Proposed changes: 10. Shall base his practice upon current generally accepted and recognized knowledge relevant to the practice of counseling alcohol and drug abusers or the practice of counseling problem gamblers- the term “ current generally accepted” was added for clarification purposed and with no financial impact expected.

Was : 12 (3)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 or the patterns of problem gambling and associated impairments in functioning of a client that is based upon comprehensive biopsychosocial information about the client.

Proposed changes: 12 (3) 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 or the patterns of problem gambling and associated impairments in functioning of a client that is based upon comprehensive biopsychosocial information about the client using the most current editions of generally accepted and recognized tools and tests commonly used and widely accepted in the field of practicing alcohol and drug abuse counseling or problem gambling counseling.

– Clarification only, with no financial impact expected.

Was: 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.

Proposed changes: 15. A counselor or certified intern shall not 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.

- Clarification only, no financial impact.

Was: 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 or the practice of counseling problem gamblers.

Proposed changes : d) A civil action, for malpractice is filed against the counselor or certified intern; or

(e) A settlement or judgment is made in an action for malpractice, or in any case filed against the counselor or certified intern for any act relating to the practice of counseling alcohol and drug abusers or the practice of counseling problem gamblers.

- Clarification only, no financial impact.

NAC 641C. 425 Confidentiality of information.

Was: 1. A licensed or certified alcohol and drug abuse counselor or certified alcohol and drug abuse counselor intern shall 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 licensed or certified alcohol and drug abuse counselor or certified alcohol and drug abuse counselor 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 licensed or certified alcohol and drug abuse counselor or certified alcohol and drug abuse counselor intern.

Proposed changes: 1. A licensed or certified alcohol and drug abuse counselor or certified alcohol and drug abuse confidentiality set forth in the provisions of 42 C.F.R. Part 2 and HIPPA as set forth in the provisions of 45 C.F.R. Part 160 and Part 164 in compliance with those provisions . Failure by a license or certified alcohol and drug abuse counselor or intern to maintain the confidentiality of information in accordance with this section and 42 C.F.R. Part 2 or 45 C.F.R. Part 164 are grounds for disciplinary action by the Board against the licensed or certified alcohol and drug abuse counselor or certified alcohol and drug abuse counselor intern. - The adjustment to this paragraph was made to make it consistent with the federal regulations; with no financial impact expected.

Was: 2. A certified problem gambling counselor or certified problem gambling counselor intern shall maintain the confidentiality of information subject to standards of confidentiality that are equivalent to the standards set forth in the provisions of 42 C.F.R. Part 2 for the confidentiality of alcohol and drug abuse patient records. Failure by a certified problem gambling counselor or certified problem gambling counselor intern to maintain the confidentiality of information in accordance with this section is a ground for disciplinary action by the Board against the certified problem gambling counselor or certified problem gambling counselor intern.

Proposed changes : 2 A certified problem gambling counselor or certified problem gambling counselor intern shall maintain the confidentiality of information subject to standards of confidentiality that are equivalent to the standards set forth in the provisions of 42 C.F.R. Part 2 and 45 C.F.R. Part 160 and Part 164 for the confidentiality of alcohol and drug abuse patient record. (..)- The paragraph was expended by the “or 45 C.F.R. Part 160 and Part 164” to correspond with the Federal regulations.

NAC 641 C. 430 Coordination of care.

Was : 1 If a counselor or certified intern becomes aware that a client is receiving treatment for alcohol and drug abuse or treatment for 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.

Proposed changes: 1 If a counselor or certified intern becomes aware that a client is receiving treatment for alcohol and drug abuse or treatment for 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 first attempting to coordinate the care with the other person or organization providing care to the client.- clarification to ensure the quality of care with no financial impact intended.

NRS641C.420 Requirements for issuance of certificate; period certificate is valid; scope of practice authorized by certificate.

1. The Board shall issue a certificate as an alcohol and drug abuse counselor intern to a person who:
 - Is not less than 21 years of age; (a)
 - Is a citizen of the United States or is lawfully (b) entitled to remain and work in the United States;
 - (c)Has:
 - 1.A high school diploma; or
 - 2.A general equivalency diploma or an equivalent document;

Proposed change is to remove c1 has a high school diploma if the candidate has a proof of Bachelors or Masters degree at the time of applying.

PROPOSED CHANGE AS OF 04/14/2014 IS TO ADD to the paragraph 2.) :” to include 18 credits (or more) in addiction specific studies. And to paragraph 1)

Is enrolled in a program from which he or she completed 60 credits towards bachelor’s degree, or is working towards master’s degree or doctoral degree in a field of social science approved by the Board; or