

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

LCB File No. R058-14

July 31, 2014

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

AUTHORITY: §§1, 3, 7, 10, 12 and 14-18, NRS 641C.200; §2, NRS 641C.200, 641C.260 and 641C.530; §4, NRS 641C.200 and 641C.300; §§5 and 9, NRS 641C.200 and 641C.530; §6, NRS 641C.200 and 641C.470; §§8 and 11, NRS 641C.200, 641C.340, 641C.420 and 641C.440; §13, NRS 641C.200 and 641C.440.

A REGULATION relating to counselors for alcohol, drug and gambling addictions; revising provisions relating to applications for licensure or certification for counselors and counseling interns; revising provisions relating to certain fees charged and collected by the Board of Examiners for Alcohol, Drug and Gambling Counselors; clarifying the scope of certain licenses; revising provisions relating to the supervision of counseling interns; revising provisions relating to educational requirements for counseling interns; requiring certain continuing education courses and programs to be primarily related to the practice of counseling alcohol and drug abusers or problem gamblers; revising provisions relating to standards of practice for counseling alcohol and drug abusers or problem gamblers; prohibiting a counselor or intern from performing services outside the scope of his or her license, certificate, training or experience; revising provisions relating to certain notification of civil actions that must be provided to the Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Chapter 641C of NAC governs the licensure and certification of alcohol and drug abuse counselors, problem gambling counselors and counseling interns, and the practice of counseling alcohol and drug abusers and problem gamblers. This regulation makes a number of changes to that chapter.

Sections 1 and 16 of this regulation specify certain federal statutes and regulations whose standards of confidentiality must be adhered to by counselors and interns.

Under existing regulations, the staff of the Board of Examiners for Alcohol, Drug and Gambling Counselors may reject an application for licensure or certification as a counselor or intern if the applicant has not completed a term of parole or probation before the 2 years immediately preceding the date on which the application is submitted. (NAC 641C.215) **Section 3** of this regulation authorizes the rejection of an application if the applicant has not completed a term of supervised release before the 2 years immediately preceding the date on which the

application is submitted. **Section 3** also changes the deadline by which an application must be received from 90 days to 30 days before an examination for licensure or certification.

Section 4 of this regulation requires an applicant for licensure or certification who holds a license, certificate or other credential from another jurisdiction to submit to the Board the score received in any examination required for that credential in the other jurisdiction, if the applicant took an examination and the score is available.

Under existing regulations, licensed and certified counselors and interns must submit to the Board fingerprint cards and the fees charged for a criminal history check with the renewal application for every third biennial renewal period after the initial licensure or certification. (NAC 641C.235) **Section 5** of this regulation requires licensed and certified counselors and interns to submit to the Board a complete set of fingerprints and the fees charged for a criminal history check with each renewal application if the license or certificate is valid for 2 years, or with every second renewal application if the license or certificate is valid for 1 year.

Section 6 of this regulation increases certain fees charged and collected by the Board.

Existing regulations require fees and remittances to the Board to be made by money order, bank draft or check payable to the Board. (NAC 641C.245) **Section 7** of this regulation also authorizes payments to be made by credit card through the website of the Board.

Existing law defines the “clinical practice of counseling alcohol and drug abusers” to include the identification, evaluation, diagnosis and treatment of mental illness when a person with a mental illness is also an alcoholic or abuser of drugs, provided that the diagnosis or treatment is not for a psychotic disorder. (NRS 641C.065) **Section 8** of this regulation clarifies that the scope of a license to practice clinical counseling of alcohol and drug abusers includes counseling for a mental illness so long as the mental illness is not a psychotic disorder.

Existing law and regulations require services provided by a certified intern to be provided under the supervision of a licensed or certified counselor. (NRS 641C.340, 641C.420, 641C.440, NAC 641C.250) **Section 8** requires such services to be provided at a treatment agency or the practice of the licensed or certified counselor supervising the intern. Existing regulations also require any diagnosis or classification of a client by a certified intern to be substantiated in the clinical record of the client and countersigned by the licensed or certified counselor supervising the intern. (NAC 641C.250) **Section 8** requires any entry made by an intern in the clinical record of a client to also be substantiated in the clinical record and countersigned by the licensed or certified counselor supervising the intern.

Section 10 of this regulation clarifies that, to be eligible to supervise a certified intern, a person must have engaged in the practice of a licensed or certified counselor for at least 2 years.

Existing law authorizes a person who is enrolled in a program from which he or she will receive a degree in a field of social science approved by the Board to be certified as an alcohol and drug abuse counselor intern or as a problem gambling counselor intern. (NRS 641C.420, 641C.440) Existing regulations also require a licensed or certified counselor supervising an intern to prepare progress reports for each intern working under his or her supervision. (NAC

641C.285) **Section 11** of this regulation requires the progress report to include documentation of all completed coursework from the degree program in which the intern is enrolled.

Existing regulations require a certified intern to complete the education and training needed to become a licensed or certified counselor not later than 10 years after the date on which he or she initially applies to become certified. (NAC 641C.290) **Section 11** changes that deadline to 5 years after the initial application date. **Section 18** of this regulation provides that this change does not apply to a person who applied to become a certified intern before the effective date of this regulation.

Section 12 of this regulation reduces the number of hours of continuing education training an intern must receive during his or her first 6 months of certification and extends the deadline by which an intern must receive continuing education training pertaining to ethics and to standards of confidentiality.

Existing regulations require an application for renewal of a license or certificate as a counselor to be accompanied by an affidavit evidencing the completion by the counselor of the minimum number of required hours of continuing education. (NAC 641C.305) **Section 13** of this regulation authorizes such evidence also to be provided in a written statement signed under penalty of perjury.

Section 14 of this regulation provides that, for certain courses or programs to be approved by the Board for continuing education purposes, they must be primarily related to the various practices of counseling governed by chapter 641C of NRS and chapter 641C of NAC.

Section 15 of this regulation requires a counselor or intern to base his or her practice on the most current and generally accepted and recognized knowledge relevant to the practice. **Section 15** also requires a certain assessment of each client to be prepared by using the most current and generally accepted and recognized methods and tests in the practice of counseling alcohol and drug abusers and problem gamblers.

Existing regulations prohibit a counselor or intern from authorizing a person under his or her supervision to perform services that are outside the scope of the license, certificate, training or experience of the person performing the services. (NAC 641C.405) **Section 15** amends that prohibition to instead prohibit a counselor or intern from performing services that are outside the scope of his or her license, certificate, training or experience.

Section 15 also removes a requirement that a counselor or intern notify the Board in writing of any civil action filed against the counselor or intern; instead, a counselor or intern must only notify the Board of any civil action for malpractice.

Existing regulations require a counselor or intern to coordinate the care of a client with other persons or organizations providing treatment to the client. (NAC 641C.430) **Section 17** of this regulation amends that regulation to instead require the counselor to attempt to coordinate the care before providing any additional treatment.

Section 1. NAC 641C.080 is hereby amended to read as follows:

641C.080 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 *the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, as amended*, 42 C.F.R. Part 2 ~~§~~ and 45 C.F.R. Parts 160 and 164; and
2. If the information is subject to *the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, as amended*, 42 C.F.R. Part 2 ~~§~~ and 45 C.F.R. Parts 160 and 164, only to the extent that the provisions of this chapter relating to the acquisition, maintenance and disclosure of the information do not conflict with *the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, as amended*, 42 C.F.R. Part 2 ~~§~~ and 45 C.F.R. Parts 160 and 164.

Sec. 2. NAC 641C.200 is hereby amended to read as follows:

641C.200 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 or she 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 ~~fingerprints~~ *complete set of fingerprints* 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 ~~fingerprints~~ and issuance of the reports of criminal histories.

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 the applicant has previously submitted with his or her application, to demonstrate further his or her qualifications for licensure or certification.

3. By submitting his or her 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 the 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.

Sec. 3. NAC 641C.215 is hereby amended to read as follows:

641C.215 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 the 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 a certified intern and the application is determined to be complete and it provides evidence that the applicant has satisfied all the requirements for certification as a certified intern, the Board will issue a certificate as an alcohol and drug abuse counselor intern, a clinical alcohol and drug abuse counselor intern or a problem gambling counselor intern to the applicant.

4. The staff may, not later than 90 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 or her license or certificate revoked by the Board;
- (d) Has been convicted during the 2 years immediately preceding the date on which he or she submitted the application of any crime other than a violation of a traffic law not involving alcohol or a controlled substance;

(e) Has not completed a term of parole , ~~for~~ probation *or supervised release* from a conviction obtained in this State, another state, a territory or possession of the United States, or the District of Columbia before the 2 years immediately preceding the date on which he or she submitted the application; or

(f) Has falsified any information provided in the application.

↪ 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~~ 30 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.

Sec. 4. NAC 641C.225 is hereby amended to read as follows:

641C.225 1. An applicant for licensure or certification without examination as an alcohol and drug abuse counselor or a clinical alcohol and drug abuse counselor pursuant to NRS 641C.300 or an applicant for certification without examination as a problem gambling counselor who holds a license or certificate as a problem gambling counselor in another state, a territory or possession of the United States, or the District of Columbia in which the requirements of that jurisdiction at the time the license or certificate was issued are deemed by the Board to be substantially equivalent to the requirements set forth in the provisions of this chapter and chapter 641C of NRS must submit to the Board:

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

(b) The applicable fee;

(c) Proof satisfactory to the Board that the license, certificate or other credential held by the applicant:

(1) Was issued by another state, a territory or possession of the United States, or the District of Columbia; and

(2) Is currently valid and in good standing;

(d) Proof satisfactory to the Board that the applicant had a bachelor's degree, master's degree or doctoral degree from an accredited college or university in a field of social science approved by the Board at the time the license, certificate or other credential was issued by another state, a territory or possession of the United States, or the District of Columbia;

(e) A statement concerning whether ~~the~~ :

(1) The license, certificate or other credential issued by another state, a territory or possession of the United States, or the District of Columbia has ever been suspended, revoked or otherwise restricted for any reason; and

(2) The applicant has been subject to any discipline by another state, territory or possession of the United States or the District of Columbia that did not result in the suspension, revocation or other restriction of the license, certificate or other credential.

(f) The ~~fingerprint cards~~ *complete set of fingerprints* 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~~ *fingerprints* and issuance of the reports of criminal histories; ~~and~~

(g) The score received by the applicant on any examination required for the license, certificate or other credential issued by another state, a territory or possession of the United States or the District of Columbia if the applicant took an examination and the score is available; and

(h) Proof satisfactory to the Board that the applicant has satisfied any other requirements set forth in this chapter and chapter 641C of NRS to engage in the practice of counseling alcohol and drug abusers, the clinical practice of counseling alcohol and drug abusers or the practice of counseling problem gamblers, including, without limitation, NRS 641C.330, 641C.350, 641C.390 and 641C.430 and NAC 641C.220.

2. If an applicant for licensure or certification without examination holds or previously held a similar license, certificate or other credential issued by another state, a territory or possession of the United States, or the District of Columbia which is or was suspended, revoked or otherwise restricted, or if the applicant has otherwise been subjected to any discipline for any reason by the entity which issued the license, certificate 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 without examination to the applicant or to deny his or her application for licensure or certification without examination.

Sec. 5. NAC 641C.235 is hereby amended to read as follows:

641C.235 1. To renew a license or certificate issued by the Board, the holder of the license or certificate must submit:

(a) An application for the renewal of a license or certificate on a form provided by the Board on or before the date on which the license or certificate expires.

(b) The appropriate renewal fee.

(c) ~~Except as otherwise provided in this paragraph, the fingerprint cards required pursuant to NRS 641C.530~~ Pursuant to the requirements set forth in subsection 2, a complete set of fingerprints 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.

2. 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 :

(a) *If a license or certificate is valid for 1 year*, with the application for renewal for the ~~third~~ *second* biennial renewal period after the initial licensure or certification and every ~~third~~ *second* biennial renewal period thereafter.

(b) *If a license or certificate is valid for 2 years, with each application for renewal after the initial licensure and certification.*

~~2.~~ 3. If a complete application for the renewal of a license or certificate, including the required renewal fee and ~~fingerprint cards and fees,~~ *a complete set of fingerprints*, if applicable, 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.

Sec. 6. NAC 641C.240 is hereby amended to read as follows:

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

1. For the initial application for a license or certificate ~~120~~ *150*
2. For the application for a certificate as a supervisor of certified interns..... ~~30~~ *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 ~~30~~ *60*
6. For the renewal of a license or certificate as a counselor ~~200~~ *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..... ~~[\$80,]~~ **\$100,**
 - plus the amount required by a testing company,
 - if any, used by the Board for testing applicants.
- 16. For the approval of a course of continuing education that includes:
 - (a) Less than 10 hours of continuing education \$30
 - (b) At least 10 but less than 20 hours of continuing education..... \$50
 - (c) At least 20 but less than 30 hours of continuing education \$75
 - (d) At least 30 but less than 40 hours of continuing education..... \$100
 - (e) Forty or more hours of continuing education \$150
- 17. The amount of the fees charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for the handling of the ~~{fingerprint cards}~~ **complete set of fingerprints** and issuance of the reports of criminal histories.

Sec. 7. NAC 641C.245 is hereby amended to read as follows:

641C.245 1. Fees and remittances to the Board must be made by money order, bank draft , ~~{or}~~ check payable to the Board ~~{}~~ **or credit card through the website of 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.

Sec. 8. NAC 641C.250 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

- (3) Planning a course of treatment;
 - (b) Provide counseling for a mental illness to a person with mental illness ~~who~~ *so long as the person's mental illness is not a psychotic disorder and the person* is also an alcoholic or abuser of drugs, including, without limitation:
 - (1) Making a diagnosis or classification;
 - (2) Providing a referral; or
 - (3) Planning a course of treatment;
 - (c) Provide counseling to a person who has a significant relationship with an identified or suspected abuser of alcohol or drugs, only to the extent necessary to treat the identified or suspected abuser or engage the identified or suspected abuser in treatment; and
 - (d) Conduct testing for which the counselor was trained.
3. A person who is certified as a problem gambling counselor may:
- (a) Provide counseling for problem gambling, including, without limitation:
 - (1) Making a diagnosis or classification;
 - (2) Providing a referral; or
 - (3) Planning a course of treatment;
 - (b) Provide counseling to a person who has a significant relationship with an identified or suspected problem gambler, only to the extent necessary to treat the identified or suspected problem gambler or engage the identified or suspected problem gambler in treatment; and
 - (c) Conduct testing for which the counselor was trained.
4. A certified intern may provide any services allowed by law *only at a treatment agency or the practice of the licensed or certified counselor supervising the certified intern*, subject to the clinical supervision and allowance by the licensed or certified counselor supervising the certified

intern. ~~[[~~ *Any entry made by* a certified intern ~~{diagnoses or classifies}~~ *in the clinical record of* 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.

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

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

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

(b) A student of marriage and family therapy or clinical professional counseling, or any other person preparing for the profession of marriage and family therapy or clinical professional counseling, under the supervision of a qualified marriage and family therapist or a *qualified* clinical professional counselor in a training institution or facility recognized by the Board of

Examiners for Marriage and Family Therapists and Clinical Professional Counselors pursuant to chapter 641A of NRS. Such a student or person must be designated by the title “intern in marriage and family therapy,” “intern in clinical professional counseling” or any other title which clearly indicates his or her training status.

(c) A student of social work or any other person preparing for the profession of social work under the supervision of a qualified social worker in a training institution or facility recognized by the Board of Examiners for Social Workers pursuant to chapter 641B of NRS. Such a student must be designated by the title “student of social work” or “trainee in social work,” or any other title which clearly indicates his or her training status.

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

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

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

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

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

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

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

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

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

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

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

Sec. 9. NAC 641C.277 is hereby amended to read as follows:

641C.277 1. An applicant for a certificate as an alcohol and drug abuse counselor described in NAC 641C.276 who is applying for certification without examination pursuant to NRS 641C.300 must submit to the Board:

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

(b) The applicable fee.

(c) Proof satisfactory to the Board that the applicant was issued a credential to provide counseling services relating to alcohol and drug abuse by the Southwest Indian Substance Abuse Certification Board or the Northwest Indian Council on Chemical Dependency that is currently valid and in good standing.

(d) A statement concerning whether the credential issued by the Southwest Indian Substance Abuse Certification Board or the Northwest Indian Council on Chemical Dependency has ever been suspended, revoked or otherwise restricted for any reason.

(e) The ~~fingerprint cards~~ *complete set of fingerprints* 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~~ *fingerprints* and issuance of the reports of criminal histories.

(f) Proof satisfactory to the Board that the applicant has satisfied any other requirements set forth in this chapter and chapter 641C of NRS to engage in the practice of counseling alcohol and drug abusers authorized to receive those services pursuant to 25 U.S.C. §§ 450 et seq. or 25 U.S.C. §§ 1601 et seq.

2. If an applicant for a certificate as an alcohol and drug abuse counselor described in paragraph (b) of subsection 2 of NAC 641C.276 applies for certification without examination and holds or previously held a credential issued by the Southwest Indian Substance Abuse Certification Board or the Northwest Indian Council on Chemical Dependency which is or was suspended, revoked or otherwise restricted, or if the applicant has otherwise been subjected to any discipline for any reason by the entity which issued the 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 certificate without examination to the applicant or to deny his or her application for certification without examination.

Sec. 10. NAC 641C.280 is hereby amended to read as follows:

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

(a) Be licensed as an alcohol and drug abuse counselor, licensed as a clinical alcohol and drug abuse counselor 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 , *as a licensed or certified counselor*, in the practice of counseling alcohol and drug abusers, the clinical practice of counseling alcohol and drug abusers or the practice of counseling problem gamblers for at least 2 years.

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

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

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

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

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

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

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

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

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

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

Sec. 11. NAC 641C.290 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

intern is not required to ensure that the certified intern is enrolled in the program of education for the new semester.

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

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

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

5. A certified intern must complete the education and training necessary to become a licensed or certified counselor not later than ~~10~~ 5 years after the date on which he or she initially applies to become a certified intern.

Sec. 12. NAC 641C.300 is hereby amended to read as follows:

641C.300 1. To maintain his or her licensure or certification, as appropriate, a counselor must 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}~~ *Parts* 160 ~~{}~~ *and 164*.

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

(a) At least ~~{5}~~ *12* hours of training during his or her first 6 months of certification, including, without limitation:

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

(2) At least 6 hours of training during the first ~~{3}~~ *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}~~ *Parts* 160 ~~{}~~ *and 164*;

(b) At least 10 hours of training during his or her 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 persons applying to be licensed or certified alcohol and drug abuse counselors or licensed clinical alcohol and drug abuse counselors, a degree or semester or quarter hours as identified in NAC 641C.205.

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

6. To maintain his or her certificate as a supervisor of certified interns, a licensed alcohol and drug abuse counselor, a licensed clinical alcohol and drug abuse counselor or a 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 or her license or certificate 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 or she supervises, for up to not more than five interns supervised at any time. Not more than 10 hours of continuing education may be earned for supervising certified interns during any one 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 or she 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.

10. A counselor is subject to disciplinary action by the Board if the counselor:

(a) Fails to provide to the Board information regarding his or her 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 or her participation in a program of continuing education.

Sec. 13. NAC 641C.305 is hereby amended to read as follows:

641C.305 1. An application for the renewal of a license or certificate as a counselor must be accompanied by an affidavit *or other written statement signed under penalty of perjury* 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 *or statements* to verify the authenticity of the information set forth in the affidavit ~~or~~ *or statement*.

2. A counselor shall maintain sufficient documentation verifying the information which the counselor includes in his or her affidavit relating to his or her 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.

Sec. 14. NAC 641C.320 is hereby amended to read as follows:

641C.320 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:

(1) Alcohol and drug abuse and is applicable to the practice of counseling alcohol and drug abusers or the clinical practice of counseling alcohol and drug abusers; or

(2) Problem gambling and is applicable to the practice of counseling 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. The Board will not approve a course or program of education for the purposes of continuing education if the hours of education that make up the course or program constitute the same hours that are applied toward the completion of a degree or on-the-job training.

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 NAADAC, ~~the Association for Addiction Professionals,~~ the ~~Health~~ Division *of Public and Behavioral Health* of the Department of Health and Human Services, the International Gambling Counselor Certification Board, the Nevada Council on Problem Gambling 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 *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 the clinical 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 or program of education has been approved by:

- (a) The Board of Psychological Examiners;
- (b) The Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors;
- (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;
- (g) The National Council on Problem Gambling; or

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

Sec. 15. NAC 641C.405 is hereby amended to read as follows:

641C.405 A counselor or certified intern:

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

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

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

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

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

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

5. Shall not give or receive, directly or indirectly, a fee, commission, rebate or other compensation for professional services that he or she 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, clinical practice of counseling alcohol and drug abusers or practice of counseling 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 or her field of competence, the scope of the practice of counseling alcohol and drug abusers, the scope of the clinical practice of counseling alcohol and drug abusers, the scope of the practice of counseling problem gamblers or the scope of his or her license or certificate.

10. Shall base his or her practice upon the *most current and generally accepted and* recognized knowledge relevant to the practice of counseling alcohol and drug abusers, the clinical practice of counseling alcohol and drug abusers or the practice of counseling problem gamblers.

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

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

(a) Sets forth his or her 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 or the patterns of problem gambling and associated impairments in functioning of a client that is based upon comprehensive biopsychosocial information about the client.

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~~ *his or her* license, certificate, training or experience, ~~of the person performing the services,~~ or ~~allow such a person to~~ hold himself or herself out as having expertise in a field or activity in which ~~that person~~ *he or she* 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, the clinical practice of counseling alcohol and drug abusers or the practice of counseling problem gamblers.

Sec. 16. NAC 641C.425 is hereby amended to read as follows:

641C.425 1. A licensed or certified alcohol and drug abuse counselor, a licensed clinical alcohol and drug abuse counselor, a certified alcohol and drug abuse counselor intern or a certified clinical alcohol and drug abuse counselor intern shall maintain the confidentiality of information subject to the standards of confidentiality set forth in the provisions of *the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, as amended*, 42 C.F.R. Part 2 ~~[in compliance with those provisions.]~~ *and 45 C.F.R. Parts 160 and 164*. Failure by a licensed or certified alcohol and drug abuse counselor, a licensed clinical alcohol and drug abuse counselor, a certified alcohol and drug abuse counselor intern or a certified clinical alcohol and drug abuse counselor intern to maintain the confidentiality of information in accordance with this section ~~[and]~~, *the Health Insurance Portability and Accountability Act of 1996, Public*

Law 104-191, as amended, 42 C.F.R. Part 2 *and 45 C.F.R. Parts 160 and 164* is a ground for disciplinary action by the Board against the licensed or certified alcohol and drug abuse counselor, licensed clinical alcohol and drug abuse counselor, certified alcohol and drug abuse counselor intern or certified clinical alcohol and drug abuse counselor intern.

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 *the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, as amended*, 42 C.F.R. Part 2 *and 45 C.F.R. Parts 160 and 164* 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.

3. A counselor or certified intern shall inform and obtain the authorization of a client if:

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

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

5. 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.

Sec. 17. NAC 641C.430 is hereby amended to read as follows:

641C.430 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~~ *first attempting to coordinate the* care with the other person or organization providing care to the client.

Sec. 18. The amendatory provisions of subsection 5 of NAC 641C.290, as amended by section 11 of this regulation, do not apply to a person who applied to become a certified intern before the effective date of this regulation.