

**PROPOSED REGULATION OF THE DIVISION OF PUBLIC AND  
BEHAVIORAL HEALTH OF THE DEPARTMENT  
OF HEALTH AND HUMAN SERVICES**

**LCB File No. R120-16**

A REGULATION to establish licensure requirements for Peer Support Recovery Organizations in the state of Nevada pursuant to Senate Bill 489 of the 78<sup>th</sup> Session of the Nevada Legislature.

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

**Section 1.** *“Certificate of training completion” defined. “Certificate of training completion” means the document recognized by the Division to qualify individuals who have successfully completed the training process to offer peer support services.*

**Sec. 2.** *“Client” defined. “Client” means a person who receives the provision of peer support services.*

**Sec. 3.** *“Peer support services” defined. “Peer support services” has the meaning ascribed to it in section 3 of SB 489 of the 78th Session of the Nevada Legislature.*

**Sec. 4.** *“Peer support recovery organization” defined. “Peer support services organization” has the meaning ascribed to it in section 2 of SB 489 of the 78th Session of the Nevada Legislature.*

**Sec. 5.**

- 1. Except as otherwise provided in this subsection, each license issued to operate a peer support recovery organization is separate and distinct and is issued to the specific entity designated on the license to operate the organization at a specific location.*
- 2. The name of the administrator who is designated as responsible for the conduct of the peer support recovery organization must appear on the face of the license.*
- 3. Each peer support recovery organization must retain proof that it is adequately covered against liabilities resulting from claims incurred in the course of operation.*
- 4. The proof of liability coverage and compliance with state statutes required by subsection 3 must be verified at the time the peer support recovery organization submits its initial application to the Division for a license and upon request by the Division.*

**Sec. 6.**

- 1. The administrator of a peer support recovery organization must:*
  - (a) Be at least 18 years of age;*
  - (b) Have a high school diploma or its equivalent;*
  - (c) Be responsible and mature and have the personal qualities which will enable the administrator to understand problems relating to mental illness and addiction;*
  - (d) Understand the provisions of this chapter and chapter 449 of NRS; and*
  - (e) Demonstrate the ability to read, write, speak and understand the English language.*

*2. The administrator of a peer support recovery organization shall represent the licensee in the daily operation of the organization and shall appoint a person to exercise his or her authority in the administrator's absence. The responsibilities of an administrator include, without limitation:*

- (a) Employing personnel and arranging for their training;*
- (b) Ensuring that only trained personnel are providing services to a client of the peer support recovery organization and that such services are provided in accordance with the needs of the client and procedures of the organization;*
- (c) Developing and implementing an accounting and reporting system that reflects the fiscal experience and current financial position of the peer support recovery organization;*
- (d) Negotiating for services provided by contract in accordance with legal requirements and established policies of the peer support recovery organization;*
- (e) Providing oversight and direction for personnel and other members of the staff of the organization as necessary to ensure that the clients of the organization receive needed services;*
- (f) Developing and implementing policies and procedures for the peer support recovery organization, including, without limitation, policies and procedures concerning terminating the peer support services provided to a client;*
- (g) Designating one or more employees of the peer support recovery organization to be in charge of the organization during those times when the administrator is absent; and*
- (h) Demonstrating to the Division upon request that the peer support recovery organization has sufficient resources and the capability to satisfy the requests of each client provide peer support services.*

*3. Except as otherwise provided in this subsection, an employee designated to be in charge of the organization when the administrator is absent must have access to all records kept at the organization. Confidential information may be removed from a file to which an employee designated to be in charge of the peer support recovery organization has access if the confidential information is maintained separately by the administrator.*

*4. The administrator of a peer support recovery organization shall ensure that:*

- (a) The clients of the organization are not abused, neglected or exploited by a person providing peer support services or another member of the staff of the organization, or by any person who is visiting the client when a person providing peer support services or another member of the staff of the organization is present; and*
- (b) Suspected cases of abuse, neglect or exploitation of a client are reported in the manner prescribed in NRS 200.5093 and 200.50935.*

**Sec. 7.** *A peer support recovery organization shall maintain written policies and procedures concerning the qualifications, responsibilities and conditions of employment for each person providing peer support services. The written policies and procedures must be reviewed and revised as needed. The written policies and procedures must be made available to the personnel and other members of the staff of the organization upon hire and whenever revisions are made to those policies and procedures. At a minimum, the policies and procedures must:*

- 1. Provide descriptions of the duties and responsibilities of personnel;*
- 2. Provide descriptions of any activities that personnel are prohibited from engaging in, including, without limitation:*

- (a) Lending, borrowing or accepting gifts of money or personal items from a client;*
- (b) Accepting or retaining money or gratuities from a client, other than money needed for the purchase of groceries or medication for the client; and*
- (c) Becoming the legal guardian of a client or being named as an attorney-in-fact in a power of attorney executed by the client;*
- 3. Set forth the rights of clients;*
- 4. Set forth any requirements relating to ethics governing personnel and other members of the staff of the peer support recovery organization, including, without limitation, any requirements concerning the confidentiality of client information;*
- 5. Provide for informal counseling, social support and advocacy;*
- 6. Provide a description of the peer support services that are provided by the organization to clients;*
- 7. Provide a description of the manner in which the peer support recovery organization assigns personnel to provide peer support services to clients and any supervision of those services that will be provided by the organization;*
- 8. Provide for documentation of the needs of each client and the peer support services that are provided to the client;*
- 9. Set forth the emergency responses of the peer support recovery organization to both medical and nonmedical situations;*
- 10. Set forth the roles of the peer support recovery organization and any coordination that the organization will provide with services provided by other community service agencies;*
- 11. Provide for periodic evaluations of the performance of personnel and other members of the staff of the organization;*
- 12. Provide for the maintenance of current personnel records which confirm that the policies and procedures are being followed; and*
- 13. Set forth any other specific information that is necessary based on the needs of any special populations served by the peer support recovery organization.*

**Sec. 8.** *Each person providing peer support services of a peer support recovery organization must:*

- 1. Be at least 18 years of age;*
- 2. Demonstrate ability to provide informal counseling, social support and advocacy;*
- 3. Understand the provisions of this chapter and chapter 449 of NRS;*
- 4. Demonstrate the ability to read, write, speak and communicate effectively with the clients of the peer support recovery organization;*
- 5. Attend an initial training of no less than 16 hours related to providing for the needs of the clients of the peer support recovery organization and keep a record of the certificate of training completion;*
- 6. Demonstrate the ability to meet the needs of the clients of the peer support recovery organization; and*
- 7. Receive annually not less than 4 hours of continuing education training related to providing for the needs of the clients of the peer support recovery organization.*

**Sec. 9.**

- 1. A separate personnel file must be kept for each person providing peer support services of a peer support recovery organization and must include, without limitation:*

- (a) The name, address and telephone number of the person providing peer support services;*
- (b) The date on which the person providing peer support services began working for the organization;*
- (c) Documentation that the person providing peer support services has had the tests or obtained the certificates required by NAC 441A.375 and approved by the Division;*
- (d) Evidence of compliance with NRS 449.123 by the administrator of the peer support recovery organization or the person licensed to operate the organization with respect to the person providing peer support services;*
- (e) Proof that, within 6 months after the person providing peer support services began working for the organization, the person providing peer support services obtained a certificate in first aid and cardiopulmonary resuscitation issued by the American National Red Cross or an equivalent certificate approved by the Division and these certifications must be maintained current;*
- (f) Proof that the person providing peer support services is at least 18 years of age;*
- (g) Proof of possession by the person providing peer support services of at least the minimum liability insurance coverage required by state law if the person providing peer support services will be providing transportation to a client in a motor vehicle; and*
- (h) Documentation of all training attended by and performance evaluations of the person providing peer support services.*

*2. The documentation described in paragraph (h) of subsection 1 must include, without limitation, for each training course attended by the person providing peer support services:*

- (a) The name of the training course;*
- (b) The date on which the training course was attended;*
- (c) The number of hours of the training course;*
- (d) The name of the instructor of the training course; and*
- (e) A certificate indicating that the training course was successfully completed by the person providing peer support services.*

#### **Sec. 10.**

*1. Each person providing peer support services of a organization shall:*

- (a) Obtain a working knowledge of the provisions of this chapter which govern the licensing of peer support recovery organizations before providing peer support services to the clients of the organization. The peer support recovery organization must provide a copy of those provisions to a person providing peer support services before the person providing peer support services may provide peer support services to the clients of the organization.*
- (b) Participate in and complete a training program before independently providing peer support services to the clients of the organization. The training program must include an opportunity for the person providing peer support services to receive on-the-job instruction provided to clients of the organization, as long as the administrator of the organization or the administrator's designee provides supervision during this instruction to determine whether the person providing peer support services is able to provide peer support services successfully and independently to the client.*
- (c) Receive training:*
  - (1) In the written documentation of:*
    - (i) Peer support services provided to the clients of the organization; and*
    - (ii) Verification of time records.*

- (2) In the rights of clients, including, without limitation, training in methods to protect client confidentiality pursuant to state and federal regulations.*
- (4) Related to informal counseling, social support and advocacy.*
- (5) Related to communication skills, including, without limitation, active listening, problem solving, conflict resolution and techniques for communicating through alternative modes with persons with communication or sensory impairments.*
- (6) That is specifically related to the peer support services provided by the organization, including, as applicable, training in the following topics; duties and responsibilities of personnel, including core competencies and ethics, for providing peer support services.*
  - 2. Each person providing peer support services of an organization must be evaluated and determined to be competent by the organization in the required areas of training set forth in paragraph (c) of subsection 1.*
  - 3. Each person providing peer support services of an organization must have evidence of successful completion of a training program that includes the areas of training set forth in paragraph (c) of subsection 1 preceding the date on which the person providing peer support services first begins providing services to a client.*

#### **Sec. 11.**

- 1. The administrator of a peer support recovery organization shall ensure that a client is not prohibited from speaking to any person who advocates for the rights of the clients of the organization.*
- 2. The administrator of a peer support recovery organization shall establish and enforce a procedure to respond to grievances, incidents and complaints concerning the organization in accordance with the written policies and procedures of the organization. The procedure established and enforced by the administrator must include a method for ensuring that the administrator or the administrator's designee is notified of each grievance, incident or complaint. The administrator or his or her designee shall personally investigate the matter in a timely manner. A client who files a grievance or complaint or reports an incident concerning the organization must be notified of the action taken in response to the grievance, complaint or report or must be given a reason why no action was taken.*
- 3. The administrator of a peer support recovery organization shall ensure that the organization is in compliance with NRS 449.700 to 449.730, inclusive.*
- 4. The peer support recovery organization shall develop a written description of the rights of clients and provide a copy to each client or a representative of the client upon initiation of the services for the client. A signed and dated copy of the receipt of this information by the client or a representative of the client must be maintained in the record of the client.*
- 5. The written description of the rights of clients developed pursuant to subsection 4 must include, without limitation, a statement that each client has the right:*
  - (a) To receive considerate and respectful care that recognizes the inherent worth and dignity of each client;*
  - (b) To participate in the development of the services and to receive an explanation of the peer support services provided;*
  - (c) To receive the telephone number of the Bureau which may be contacted for complaints;*
  - (d) To receive notification of any authority of the Division to examine the records of the client as related to the regulation and evaluation of the peer support recovery organization by the Division; and*

*(e) To receive from the peer support recovery organization, within the limits set by the service plan established for the client and within the program criteria, responses to reasonable requests for assistance.*

**Sec. 12** NAC 449.013 is hereby amended to read as follows:

1. Except as otherwise provided in NAC 449.0168, an applicant for a license to operate any of the following facilities, programs of hospice care or agencies must pay to the Division the following nonrefundable fees:

(a) An ambulatory surgical center.....	\$9,784
(b) A home office or subunit organization of a home health organization.....	5,168
(c) A branch office of a home health organization.....	5,358
(d) A rural clinic.....	4,058
(e) An obstetric center.....	1,564
(f) A program of hospice care.....	7,054
(g) An independent center for emergency medical care.....	4,060
(h) A nursing organization.....	4,602
(i) A facility for treatment with narcotics.....	5,046
(j) A medication unit.....	1,200
(k) A referral organization.....	2,708
(l) A facility for refractive surgery.....	6,700
(m) A mobile unit.....	2,090
(n) An organization to provide personal care services in the home.....	1,374
<i>(o) A peer support recovery organization.....</i>	<i>1,000</i>

2. An applicant for the renewal of such a license must pay to the Division the following nonrefundable fees:

(a) An ambulatory surgical center.....	\$4,892
(b) A home office or subunit organization of a home health organization.....	2,584
(c) A branch office of a home health organization.....	2,679

(d) A rural clinic.....	2,029
(e) An obstetric center.....	782
(f) A program of hospice care.....	3,527
(g) An independent center for emergency medical care.....	2,030
(h) A nursing organization.....	2,301
(i) A facility for treatment with narcotics.....	2,523
(j) A medication unit.....	600
(k) A referral organization.....	1,354
(l) A facility for refractive surgery.....	3,350
(m) A mobile unit.....	1,045
(n) An organization to provide personal care services in the home.....	687
<b><i>(o) A peer support recovery organization.....</i></b>	<b><i>500</i></b>

3. An application for a license is valid for 1 year after the date on which the application is submitted. If an applicant does not meet the requirements for licensure imposed by chapter 449 of NRS or the regulations adopted pursuant thereto within 1 year after the date on which the applicant submits his or her application, the applicant must submit a new application and pay the required fee to be considered for licensure.