

**PROPOSED REGULATION OF THE
STATE BOARD OF HEALTH**

LCB File No. R120-16

August 3, 2016

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

AUTHORITY: §§1-10, NRS 449.0302; §11, NRS 439.150, 449.0302 and 449.050.

A REGULATION relating to health; establishing the requirements governing the licensing and operation of peer support recovery organizations; establishing the qualifications and duties of administrators of such organizations; establishing the qualifications and training required of persons retained or employed by such organizations to provide peer support services; establishing the fees that the Division of Public and Behavioral Health of the Department of Health and Human Services will charge for the issuance and renewal of a license to operate a peer support recovery organization; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law includes a peer support recovery organization within the definition of a facility for the dependent. (NRS 449.0045) Existing law generally requires a person, state or local government or agency to obtain a license from the Division of Public and Behavioral Health of the Department of Health and Human Services to operate a peer support recovery organization before providing peer support services for compensation. (NRS 449.030, 449.03015, 449.040) Existing law further provides that the requirement to obtain a license as a peer support recovery organization does not apply to a person who is licensed as a facility for the dependent or medical facility and who employs persons to provide peer support services. (NRS 449.03015)

Section 3 of this regulation provides that a license to operate a peer support recovery organization applies to a specific location. **Section 3** also requires a peer support recovery organization to retain proof that it maintains adequate coverage against liabilities resulting from claims incurred in the course of operation.

Existing regulations define an “administrator” as the person responsible for the day-to-day management of a facility for the dependent. (NAC 449.0022, 449.0034) **Section 4** of this regulation sets forth the qualifications and duties of an administrator of a peer support recovery organization. **Section 4** also requires such an administrator to appoint a designee to act in his or her absence.

Section 5 of this regulation requires a peer support recovery organization to maintain written policies and procedures concerning the qualifications, responsibilities and conditions of employment or being retained as a volunteer for each person who provides peer support services and other members of the staff.

Section 6 of this regulation sets forth the qualifications that a person who is employed, retained as a volunteer or retained pursuant to a contract by a peer support recovery organization to provide peer support services is required to satisfy.

Section 7 of this regulation requires a separate personnel file to be maintained for each person who is employed, retained as a volunteer or retained pursuant to a contract by a peer support recovery organization to provide peer support services and sets forth the required contents of such a file.

Section 8 of this regulation requires a person who is employed, retained as a volunteer or retained pursuant to a contract by a peer support recovery organization to provide peer support services to have certain knowledge and training as a prerequisite to providing peer support services to a client.

Section 9 of this regulation: (1) sets forth certain rights of the clients of a peer support recovery organization; (2) sets forth the duties of the administrator of a peer support recovery organization with regard to those rights; and (3) requires a peer support recovery organization to develop and provide a written description of those rights to each client or representative of the client.

Existing law authorizes the State Board of Health to set reasonable fees for the licensing, registration, certification and inspection of, and the granting of permits for, any facility, establishment or service regulated by the Division. (NRS 439.150, 449.050) **Section 11** of this regulation prescribes fees for an applicant for a license to operate a peer support recovery organization or to renew such a license.

Section 1. Chapter 449 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 9, inclusive, of this regulation, unless the context otherwise requires, “client” means a person who receives peer support services.*

Sec. 3. 1. *Each license issued to operate a peer support recovery organization is separate and distinct and is issued to a specific person, who is designated on the license, to operate the peer support recovery organization at a specific location.*

2. The name of the administrator 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 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. 4. 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 peer support recovery organization and shall appoint a designee to exercise his or her authority in the administrator's absence. The responsibilities of an administrator include, without limitation:

(a) Employing qualified personnel and arranging for their training;

(b) Ensuring that only trained persons provide peer support 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 the policies and procedures of the peer support recovery 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 persons who provide peer support services and other members of the staff of the peer support recovery organization as necessary to ensure that the clients of the peer support recovery 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 peer support recovery 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 of the peer support recovery organization related to the provision of the peer support services to the client.

3. Except as otherwise provided in this subsection, an employee designated to be in charge of the peer support recovery organization when the administrator is absent must have access to all records kept at the peer support recovery 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 peer support recovery organization are not abused, neglected, exploited, isolated or abandoned by a person who provides peer support services or another member of the staff of the peer support recovery organization, or by any person who is visiting the client when a person who provides peer support services or another member of the staff of the peer support recovery organization is present; and

(b) Suspected cases of abuse, neglect, exploitation, isolation or abandonment of a client are reported in the manner prescribed in NRS 200.5093, 200.50935 and 632.472.

Sec. 5. *A peer support recovery organization shall maintain written policies and procedures concerning the qualifications, responsibilities and conditions of employment or being retained as a volunteer for each person who provides peer support services and other members of the staff of the peer support recovery organization. The written policies and procedures must be reviewed and revised as needed. The written policies and procedures must be made available to the persons who provide peer support services and other members of the staff of the peer support recovery 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 persons who provide peer support services;

2. Provide descriptions of any activities that persons who provide peer support services are prohibited from engaging in, including, without limitation:

(a) Loaning, 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 persons who provide peer support services 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 a description of the peer support services that are provided by the peer support recovery organization to clients which must include, without limitation, informal counseling, social support and advocacy;

6. Provide a description of the manner in which the peer support recovery organization assigns persons who provide peer support services to provide the peer support services to clients and any supervision of those services that will be provided by the peer support recovery organization;

7. Provide for documentation of the needs of each client and the peer support services that are provided to the client;

8. Set forth the emergency responses of the peer support recovery organization to both medical and nonmedical situations;

9. Set forth the roles of the peer support recovery organization and any coordination that the peer support recovery organization will provide with services provided by other community service agencies;

10. Provide for periodic evaluations of the performance of the persons who provide peer support services and other members of the staff of the peer support recovery organization;

11. Provide for the maintenance of current personnel records which confirm that the policies and procedures are being followed; and

12. 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. 6. Each person employed, retained as a volunteer or retained pursuant to a contract by a peer support recovery organization to provide peer support services must:

- 1. Be at least 18 years of age;*
- 2. Demonstrate the 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. Provide to the peer support recovery organization and maintain documentation of a certificate of completion evidencing the successful completion of an initial training course for persons who provide peer support services which is not less than 16 hours and is approved by the Division;*
- 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 related to providing for the needs of the clients of the peer support recovery organization.*

Sec. 7. 1. A separate personnel file must be kept for each person employed, retained as a volunteer or retained pursuant to a contract by a peer support recovery organization to provide peer support services and must include, without limitation:

- (a) The name, address and telephone number of the person who provides peer support services;*
- (b) The date on which the person who provides peer support services began working or volunteering for the peer support recovery organization;*
- (c) Documentation satisfactory to the Division that the person who provides peer support services has been screened for communicable diseases as described in NAC 441A.375;*
- (d) Evidence of compliance with NRS 449.123 by the administrator of the peer support recovery organization or the person licensed to operate the peer support recovery organization with respect to the person who provides peer support services;*
- (e) Proof that, within 6 months after the person who provides peer support services began working for the peer support recovery organization, the person who provides 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 proof that such certification is current;*
- (f) Proof that the person who provides peer support services is at least 18 years of age;*
- (g) Proof of possession by the person who provides peer support services of at least the minimum liability insurance coverage required by state law if the person who provides peer support services will be providing transportation to a client in a motor vehicle;*
- (h) Documentation of each initial training course and continuing education attended by the person who provides peer support services; and*
- (i) Documentation of the performance evaluations of the person who provides peer support services.*

2. The documentation described in paragraph (h) of subsection 1 must include, without limitation, for each initial training course and continuing education attended by the person who provides peer support services:

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

Sec. 8. 1. *Each person employed, retained as a volunteer or retained pursuant to a contract by a peer support recovery organization to provide peer support services 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 peer support recovery organization. The peer support recovery organization must provide a copy of those provisions to a person who provides peer support services before the person who provides peer support services may provide peer support services to the clients of the peer support recovery organization.

(b) Participate in and complete a training program before independently providing peer support services to the clients of the peer support recovery organization. The training program must include an opportunity for the person who provides peer support services to receive on-the-job instruction provided to clients of the peer support recovery organization, if the administrator of the peer support recovery organization or the administrator's designee

provides supervision during this instruction to determine whether the person who provides 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 peer support recovery organization; and

(II) Verification of time records.

(2) That is specifically related to the peer support services provided by the peer support recovery organization, including, as applicable, training in the core competencies, duties, responsibilities and ethics of persons who provide peer support services.

(3) 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.

2. Each person employed, retained as a volunteer or retained pursuant to a contract by a peer support recovery organization to provide peer support services must:

(a) Be evaluated and determined to be competent by the peer support recovery organization in the required areas of training set forth in paragraph (c) of subsection 1.

(b) Have evidence of successful completion of a training program that includes the areas of training set forth in paragraph (c) of subsection 1 which precedes the date on which the person first begins providing peer support services to a client.

Sec. 9. 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 peer support recovery 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 peer support recovery organization in accordance with the written policies and procedures of the peer support recovery organization. The procedure established and enforced by the administrator must include, without limitation, 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 peer support recovery 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 peer support recovery 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 peer support services to 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 peer support services that will be provided to the client and to receive an explanation of the peer support services that will be provided to the client;

(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 relating 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 program criteria, responses to reasonable requests for assistance.

6. *As used in this section, “representative of the client” means the spouse of a client, the legal guardian of a client and any other person required by law to provide medical support to a client.*

Sec. 10. NAC 449.002 is hereby amended to read as follows:

449.002 As used in NAC 449.002 to 449.99939, inclusive, *and sections 2 to 9, inclusive, of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 449.0022 to 449.0072, inclusive, have the meanings ascribed to them in those sections.

Sec. 11. NAC 449.013 is hereby amended to read as follows:

449.013 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 of Public and Behavioral Health the following nonrefundable fees:

(a) An ambulatory surgical center.....	\$9,784
(b) A home office or subunit agency of a home health agency	5,168
(c) A branch office of a home health agency	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 pool.....	4,602
(i) A facility for treatment with narcotics	5,046
(j) A medication unit.....	1,200
(k) A referral agency.....	2,708
(l) A facility for refractive surgery.....	6,700
(m) A mobile unit.....	2,090
(n) An agency to provide personal care services in the home.....	1,374
(o) A facility for the care of adults during the day allowed to be occupied by not more than 50 clients at one time	1,164
(p) A facility for the care of adults during the day allowed to be occupied by more than 50 clients at one time	1,753
<i>(q) 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 of Public and Behavioral Health the following nonrefundable fees:

(a) An ambulatory surgical center.....	\$4,892
(b) A home office or subunit agency of a home health agency	2,584
(c) A branch office of a home health agency	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 pool.....	2,301
(i) A facility for treatment with narcotics	2,523
(j) A medication unit.....	600
(k) A referral agency.....	1,354
(l) A facility for refractive surgery.....	3,350
(m) A mobile unit.....	1,045
(n) An agency to provide personal care services in the home.....	687
(o) A facility for the care of adults during the day allowed to be occupied by not more than 50 clients at one time	814
(p) A facility for the care of adults during the day allowed to be occupied by more than 50 clients at one time.....	1,227
<i>(q) A peer support recovery organization.....</i>	500

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.