

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

LCB File No. R069-17

November 14, 2017

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

AUTHORITY: §§1 and 2, NRS 641C.200; §§3-7, NRS 641C.200, 641C.390, as amended by section 4 of Assembly Bill No. 425, chapter 144, Statutes of Nevada 2017, at page 643, and 641C.420, as amended by section 5 of Assembly Bill No. 425, chapter 144, Statutes of Nevada 2017, at page 643.

A REGULATION relating to counselors for alcohol, drug and gambling addictions; adopting by reference the *NAADAC/NCC AP Code of Ethics*; revising provisions relating to the provision of services at a treatment agency by a certified alcohol and drug abuse counselor intern, certified clinical alcohol and drug abuse counselor intern or certified problem gambling counselor intern; revising provisions relating to the supervision of a certified alcohol and drug abuse counselor intern; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides for the licensure or certification of persons to engage in the practice or clinical practice of counseling alcohol and drug abusers and problem gamblers. (Chapter 641C of NRS) Existing law requires the Board of Examiners for Alcohol, Drug and Gambling Counselors to adopt such regulations as are necessary to carry out the provisions of law governing the practice or clinical practice of counseling drug and alcohol abusers or problem gamblers. (NRS 641C.200)

Existing regulations authorize a certified alcohol and drug abuse counselor intern, certified clinical alcohol and drug abuse counselor intern or certified problem gambling counselor intern to provide services only at a treatment agency or at the practice of the licensed alcohol and drug abuse counselor, licensed clinical alcohol and drug abuse counselor or certified problem gambling counselor supervising the intern. (NAC 641C.250) **Section 2** of this regulation: (1) authorizes such an intern to provide services at a treatment agency only if the licensed or certified counselor supervising the intern is physically present at the treatment agency while the intern is providing such services; and (2) defines the term “treatment agency” as a public or private agency which provides for the treatment of alcohol and drug abusers or problem gamblers, including a satellite location of the agency.

Existing law provides that a certified alcohol and drug abuse counselor intern may be supervised by a: (1) licensed alcohol and drug abuse counselor or licensed clinical alcohol and

drug abuse counselor; or (2) certified alcohol and drug abuse counselor who has been certified for at least 3 years and meets any other requirements prescribed by the Board to supervise such an intern. (NRS 641C.390 and 641C.420, as amended by sections 4 and 5 of Assembly Bill No. 425, chapter 144, Statutes of Nevada 2017, at page 643) **Sections 3-6** of this regulation revise existing regulations accordingly to provide that such a certified alcohol and drug abuse counselor is authorized to supervise a certified alcohol and drug abuse counselor intern. Existing regulations require a licensed alcohol and drug abuse counselor, licensed clinical alcohol and drug abuse counselor or certified problem gambling counselor to complete certain continuing education to maintain his or her certificate as a supervisor of a certified intern. (NAC 641C.300) **Section 7** of this regulation also applies such a requirement to a certified alcohol and drug abuse counselor.

Section 1 of this regulation provides that the Board adopts by reference the *NAADAC/NCC AP Code of Ethics* published by NAADAC, the Association for Addiction Professionals.

Section 1. Chapter 641C of NAC is hereby amended by adding thereto a new section to read as follows:

The Board hereby adopts by reference the [NAADAC/NCC AP Code of Ethics, October 2016 edition, as published by NAADAC, the Association for Addiction Professionals. A copy of that publication may be obtained free of charge from NAADAC, the Association for Addiction Professionals, 44 Canal Center Plaza, Suite 301, Alexandria, Virginia 22314, or at the Internet address <http://www.naadac.org/code-of-ethics>](#).

Sec. 2. 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 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 , *if the licensed or certified counselor supervising the certified intern is physically present at the treatment agency while the certified intern is providing such services*, or *at* 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 in the clinical record of a client must be substantiated in the clinical record and countersigned by the licensed or certified counselor supervising the certified intern. *As used in this subsection, “treatment agency” means any public or private agency which provides for the treatment of alcohol and drug abusers or problem gamblers, including, without limitation, a satellite location of the agency.*

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. 3. 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 *or certified* 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~~ *If the counselor is:*

(1) Licensed as an alcohol and drug abuse counselor, licensed as a clinical alcohol and drug abuse counselor or certified as a problem gambling counselor, 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 ~~+~~; or

(2) Certified as an alcohol and drug abuse counselor, have engaged, as a certified alcohol and drug abuse counselor, in the practice of counseling alcohol and drug abusers for at least 3 years.

2. A licensed *or certified* 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 *or certified* 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 *or certified* 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 *or certified* 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 *or certified* alcohol and drug abuse counselor, licensed clinical alcohol and drug abuse counselor or certified problem gambling counselor.

6. A licensed *or certified* 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. 4. NAC 641C.285 is hereby amended to read as follows:

641C.285 1. A licensed *or certified* 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 ensure that:

- (a) The work of the certified intern is conducted in an appropriate professional setting;
- (b) The work of the certified intern is consistent with the standards of the profession;
- (c) The certified intern is assisted with the development of his or her professional identity;
- (d) The certified intern has gained the skills required to manage his or her practice;
- (e) The certified intern has gained the skills required for continuing competency;
- (f) The certified intern has gained knowledge of the laws and regulations applicable 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; and
- (g) The certified intern is familiar with the current literature concerning those areas of alcohol and drug abuse counseling or problem gambling counseling which are relevant to his or her area of practice.

2. A licensed *or certified* alcohol and drug abuse counselor who is supervising a certified alcohol and drug abuse counselor intern shall communicate with the certified alcohol and drug abuse counselor intern on an individual basis for at least 1 hour every week, unless the Board specifically directs a different schedule or frequency for the meetings, to discuss and evaluate the performance of the certified alcohol and drug abuse counselor intern in his or her practice.

3. A licensed clinical alcohol and drug abuse counselor who is supervising a certified clinical alcohol and drug abuse counselor intern or a certified alcohol and drug abuse counselor intern shall communicate with the certified clinical alcohol and drug abuse counselor intern or the certified alcohol and drug abuse counselor intern on an individual basis for at least 1 hour every week, unless the Board specifically directs a different schedule or frequency for the meetings, to discuss and evaluate the performance of the certified clinical alcohol and drug abuse counselor intern or the certified alcohol and drug abuse counselor intern in his or her practice.

4. A certified problem gambling counselor who is supervising a certified problem gambling counselor intern shall communicate with the certified problem gambling counselor intern on an individual basis for at least two sessions of 1 hour each every month for a minimum of 12 months, unless the Board specifically directs a different schedule or frequency for the meetings, to discuss and evaluate the performance of the certified problem gambling counselor intern in his or her practice.

5. A licensed *or certified* 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:

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

(b) Must be available to consult with the Board about a certified intern being supervised by the licensed *or certified* alcohol and drug abuse counselor, licensed clinical alcohol and drug abuse counselor or certified problem gambling counselor concerning the record, competence in

practice, emotional and mental stability, and professional and ethical conduct of the certified intern.

6. Upon the completion of the period of certification, if the certified intern seeks to renew his or her certification as a certified intern and continue practice as a certified intern under the supervision of the licensed *or certified* alcohol and drug abuse counselor, licensed clinical alcohol and drug abuse counselor or certified problem gambling counselor, the licensed *or certified* alcohol and drug abuse counselor, licensed clinical alcohol and drug abuse counselor or certified problem gambling counselor shall ensure that the progress report prepared by the licensed *or certified* alcohol and drug abuse counselor, licensed clinical alcohol and drug abuse counselor or certified problem gambling counselor pursuant to this section is included in the application for the renewal of the certificate for the certified intern. If, upon the completion of the period of certification, the certified intern has completed his or her internship, or if the supervision of the certified intern by the licensed *or certified* alcohol and drug abuse counselor, licensed clinical alcohol and drug abuse counselor or certified problem gambling counselor ceases or is otherwise terminated, the licensed *or certified* alcohol and drug abuse counselor, licensed clinical alcohol and drug abuse counselor or certified problem gambling counselor shall submit a progress report for that last period of certification to the Board as soon as practicable after his or her supervision of the certified intern ends.

7. A licensed *or certified* 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 analyze the performance of the certified intern through information obtained:

(a) By observing or participating in the practice of the certified intern at least once a month;
and

(b) From the notes taken by the certified intern.

Sec. 5. 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 *or certified* 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 *or certified* 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 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 *or certified* 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 5 years after the date on which he or she initially applies to become a certified intern.

Sec. 6. NAC 641C.295 is hereby amended to read as follows:

641C.295 The Board will withdraw its approval for a licensed *or certified* alcohol and drug abuse counselor, a licensed clinical alcohol and drug abuse counselor or a certified problem gambling counselor to supervise certified interns if:

1. The licensed *or certified* alcohol and drug abuse counselor, licensed clinical alcohol and drug abuse counselor or certified problem gambling counselor:

(a) Fails to supervise a certified intern adequately;

(b) Fails to comply with the provisions of this chapter and chapter 641C of NRS relating to the supervision of certified interns;

(c) Fails to ensure that two or more consecutive progress reports regarding the progress of each certified intern under the supervision of the licensed *or certified* alcohol and drug abuse counselor, licensed clinical alcohol and drug abuse counselor or certified problem gambling counselor is submitted to the Board as required in NAC 641C.285; or

(d) Knowingly allows a certified intern under the supervision of the licensed *or certified* alcohol and drug abuse counselor, licensed clinical alcohol and drug abuse counselor or certified problem gambling counselor to violate any provision of this chapter or chapter 641C of NRS;

and

2. The Board determines that the withdrawal of its approval for the licensed *or certified* alcohol and drug abuse counselor, licensed clinical alcohol and drug abuse counselor or certified problem gambling counselor to supervise certified interns is appropriate under the circumstances.

Sec. 7. 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. 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 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 6 months of certification that pertain to ethics; and

(2) At least 6 hours of training during the first 6 months of certification that pertain to the standards of confidentiality required pursuant to NAC 641C.425 and, if applicable, the standards of confidentiality set forth in the provisions of 42 C.F.R. Part 2 and the related provisions of the Health Insurance Portability and Accountability Act of 1996 set forth in 45 C.F.R. 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 *or certified* 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.