

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

LCB File No. R159-17

Effective August 30, 2018

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

AUTHORITY: §§1-38, NRS 439.258.

A REGULATION relating to domestic violence; transferring responsibility for the regulation of programs for the treatment of persons who commit domestic violence from the Committee on Domestic Violence to the Division of Public and Behavioral Health of the Department of Health and Human Services; clarifying that certain forms may be signed using an electronic signature; prescribing the procedure by which the Committee must make recommendations to the Division concerning the certification of a program; authorizing the Division to conduct an on-site inspection of a program; authorizing the Division to request certain information from a program; authorizing certain petitions to the Division; revising provisions governing the application for and renewal of the certification of a program; revising requirements governing the staff of a program and the treatment of offenders; requiring a program to notify the Division of certain changes to the program; authorizing the Division to issue a written warning to a program under certain circumstances; providing for the appeal of certain decisions of the Division; revising the procedure for filing a complaint against a program and the adoption of a plan of correction; providing that certain documents are not confidential; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Senate Bill No. 25 of the 2017 Legislative Session: (1) transfers authority for regulating programs for the treatment of persons who commit domestic violence from the Committee on Domestic Violence to the Division of Public and Behavioral Health of the Department of Health and Human Services; and (2) instead requires the Committee to review such programs and make recommendations to the Division concerning the certification of the programs. (NRS 228.470, 439.258) **Sections 2, 3, 17-21, 22-29 and 32-37** of this regulation make conforming changes to transfer to the Division responsibility for the regulation of those programs. **Sections 4 and 6** of this regulation clarify that forms submitted pursuant to chapter 228 of NAC can be signed using an electronic signature. **Section 7** of this regulation prescribes the conditions under which notice provided to an applicant for or the holder of a certificate under the provisions of chapter 228 of NAC will be deemed sufficient. **Section 8** of this regulation prescribes the procedure by which

the Committee will make recommendations concerning the certification of programs. **Section 38** of this regulation repeals existing provisions concerning practice and procedure before the Committee.

Section 11 of this regulation authorizes the Division to conduct an on-site inspection of a program. If the Division reports a violation as the result of such an inspection or an investigation of a program, **section 12** of this regulation requires the program to adopt a plan of correction. **Section 13** of this regulation provides that the Division may require a program to use prescribed methods and measures to evaluate the outcomes of the program and report certain information to the Division.

Existing regulations authorize interested persons or entities to petition the Committee for: (1) a declaratory order or advisory opinion; or (2) the adoption, amendment or repeal of a regulation. (NAC 228.630, 228.640) **Sections 14 and 15** of this regulation authorize similar petitions to the Division.

Section 19 of this regulation: (1) revises the required contents of an application to obtain a certificate for a program; (2) requires each program to employ, or retain as an independent contractor, a director of the program; (3) amends provisions concerning the counseling an offender is required to receive to conform to statutory requirements; and (4) authorizes an offender who resides more than 70 miles from the nearest program to attend counseling sessions or other meetings through electronic means if certain requirements are met. **Section 9** of this regulation prescribes the required qualifications and duties of the director of a program. **Section 20** of this regulation prescribes the conditions under which the Division may issue a provisional certificate and the date on which the certificate expires.

Section 22 of this regulation revises the qualifications to serve as a supervisor of treatment or provider of treatment at a program. **Section 22** also requires the director of a program or his or her designee to attest in writing that a person hired or retrained as an independent contractor to serve as a supervisor of treatment or provider of treatment meets those qualifications. **Section 24** of this regulation removes a requirement that a program seek approval of certain changes to the program and instead requires a program to notify the Division if information submitted to the Division has changed. **Section 25** of this regulation revises the requirements for renewal of a certificate.

Existing regulations: (1) provide that an allopathic physician who practices as a psychiatrist may serve as a supervisor of treatment; and (2) require a supervisor of treatment to refer an offender who cannot be treated in a group counseling session because of certain physical or mental limitations to a provider of health care or other services, including an allopathic physician. (NAC 228.110, 228.165) **Sections 22 and 29** of this regulation additionally allow an osteopathic physician to perform these functions.

Section 26 of this regulation authorizes the Division to issue a written warning under circumstances where the Division may also refuse to issue a certificate, revoke or suspend a certificate or place a program on probation. **Section 27** of this regulation prescribes the contents of such a warning. **Section 27** also revises provisions governing the notice provided by the

Division before refusing to issue a certificate, refusing to renew a certificate for certain reasons or revoking or suspending a certificate. **Section 27** additionally authorizes a person aggrieved by the refusal to issue a certificate or the revocation or suspension of a certificate to appeal to the Division.

Sections 29-31 of this regulation remove a requirement that all counseling provided to an offender be provided in group counseling sessions. Instead, **sections 29-31** allow such counseling to be provided in group or individual counseling sessions, or a combination thereof, as determined by a provider of treatment or supervisor of treatment after evaluating the offender. Additionally, **section 29** removes a requirement that at least one provider of treatment who conducts a group counseling session be male and another such provider be female. **Section 29** also requires a program to maintain: (1) certain documentation concerning group counseling sessions; and (2) an annual average of 15 offenders or less in group counseling sessions. **Section 30** requires a provider of treatment to periodically assess the needs and progress of an offender and adjust the written plan of treatment of the offender accordingly.

Section 32 of this regulation removes certain requirements concerning continuing education for supervisors of treatment and providers of treatment. **Section 32** instead requires a supervisor of treatment to meet annually with each provider of treatment that he or she supervises to select continuing education for the provider.

Existing regulations require a person who wishes to offer or teach a course of continuing education or formal training in domestic violence to apply to and obtain the approval of the Committee. (NAC 228.215) **Section 33** of this regulation: (1) transfers to the Division the duty to approve such applications; and (2) authorizes the Division to approve a nationally recognized organization to offer such courses or training without an application. **Section 10** of this regulation prescribes a list of acceptable subject matter for a course of continuing education or formal training in domestic violence. **Section 35** of this regulation removes a requirement that approval to offer or teach such courses or training be renewed biennially. **Section 35** also revises provisions governing the denial of approval to offer or teach such courses or training and the appeal of such a denial.

Section 36 of this regulation revises the procedure for filing and investigating a complaint concerning a program. **Section 37** of this regulation provides that: (1) a report of an investigation and a plan of correction are not confidential; and (2) the Division may release a report of an investigation to any person upon request.

Section 1. Chapter 228 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 15, inclusive, of this regulation.

Sec. 2. *“Administrator” means the Administrator of the Division.*

Sec. 3. *“Division” means the Division of Public and Behavioral Health of the Department of Health and Human Services.*

Sec. 4. *“Electronic signature” means a user name attached to or logically associated with a record and executed or adopted by a person with the intent to sign an electronic application or other document.*

Sec. 5. *“Renewal date” means the date on which a certificate must be renewed pursuant to subsection 1 of NAC 228.130.*

Sec. 6. *“Signature” includes an electronic signature.*

Sec. 7. *Any notice that is required to be provided to an applicant or the holder of a certificate pursuant to NAC 228.010 to 228.225, inclusive, and sections 2 to 13, inclusive, of this regulation shall be deemed sufficient if the notice is sent to the last address or electronic mail address provided to the Division by the applicant or holder, as applicable.*

Sec. 8. 1. *Upon receiving an application for the certification of a program pursuant to NAC 228.100, the Division will provide to the Committee:*

(a) The application for a recommendation as to whether the program should be certified; and

(b) The date by which the Committee must include the application on an agenda of a meeting of the Committee, which must be at least 30 days after the date on which the Division provides the application to the Committee.

2. *Not later than 15 days after the meeting of the Committee described in paragraph (b) of subsection 1, the Committee shall provide to the Division its written recommendation as to whether the program whose application was included on the agenda of the meeting should be certified. The recommendation may be provided electronically. Except as otherwise provided in subsection 1 of NAC 228.102, the Division will not certify a program until it receives the written recommendation of the Committee.*

Sec. 9. 1. The director of a program must be a supervisor of treatment, provider of treatment or person who:

(a) Is at least 18 years of age;

(b) Has received a high school diploma or its equivalent;

(c) Understands the provisions of NAC 228.010 to 228.225, inclusive, and sections 2 to 13, inclusive, of this regulation;

(d) Has demonstrated the ability to read, write, speak and understand the English language; and

(e) Has at least 1 year of supervisory or administrative experience in a related field.

2. The director of a program shall:

(a) Ensure that each provider of treatment and supervisor of treatment who is employed by or serves as an independent contractor for the program meets the requirements of NAC 228.110 before providing or supervising treatment, as applicable;

(b) Ensure compliance with NAC 228.010 to 228.225, inclusive, and sections 2 to 13, inclusive, of this regulation; and

(c) Ensure that the program develops and follows policies, procedures and schedules that ensure adequate supervision of all staff involved in the treatment of offenders.

Sec. 10. The Division may approve an application submitted pursuant to NAC 228.215 for a course of continuing education or formal training in domestic violence covering:

1. Confidentiality;

2. Ethics;

3. Domestic violence laws of this State;

4. The provisions of this chapter;

5. *Dynamics of power and tactics used by perpetrators of domestic violence to control their victims;*
6. *Gender roles, socialization and the nature and function of violence;*
7. *Movement of victims to shelters and safety and sensitivity toward victims;*
8. *Substance abuse and domestic violence;*
9. *The use of violent self-defense by victims;*
10. *The effects of violence on children;*
11. *Post-traumatic stress;*
12. *Cultural competency and diversity;*
13. *Programs to intervene concerning perpetrators of domestic violence and community response to domestic violence;*
14. *Facilitation of group therapy;*
15. *Procedures for intake and assessment;*
16. *Use of meditation for self-control;*
17. *Epigenetic attachment disorders;*
18. *Use of questions for self-evaluation;*
19. *The curriculum used by the agency for whom the recipient of the training is serving;*
20. *Treatment methodologies for perpetrators of domestic violence;*
21. *Intimacy skills;*
22. *Any combination of the subjects listed in subsections 1 to 21, inclusive; or*
23. *Any other subject deemed appropriate by the Division.*

Sec. 11. 1. *The Division may conduct an on-site inspection of a program at any time to determine whether the organization that operates the program is in compliance with the*

provisions of NAC 228.010 to 228.225, inclusive, and sections 2 to 13, inclusive, of this regulation.

2. Upon the completion of an inspection, the Division will:

(a) Compile a report of the inspection, which must include a description of each violation discovered during the inspection or a statement that no violations were discovered during the inspection; and

(b) Make the report available to the program that is the subject of the report.

Sec. 12. 1. If a report compiled pursuant to NAC 228.460 or section 11 of this regulation indicates that a violation has occurred, the program that is the subject of the report shall, not later than 10 days after the report is made available to the program, submit to the Division a plan of correction for each violation. The plan of correction must include specific actions that will be taken to correct the violation, the date by which such actions will be taken and the name and title of the employee or independent contractor of the program who is responsible for ensuring that the plan is implemented. Failure to submit a timely plan of correction constitutes a separate violation for which additional disciplinary action may be imposed.

2. If the Division determines that a plan of correction is:

(a) Acceptable, the Division will notify the program that submitted the plan of correction that the plan of correction has been approved; or

(b) Not acceptable, the Division may require the program that submitted the plan of correction to:

(1) Submit a revised plan of correction; or

(2) Comply with a plan of correction prescribed by the Division.

Sec. 13. *The Division or an independent contractor thereof may require a program to:*

1. Use methods and measures prescribed by the Division to evaluate the outcomes of the program; and

2. Submit to the Division or contractor thereof, as part of the annual reports required by NAC 228.115 or at any other time required by the Division or contractor thereof, any data or other information necessary to measure the effectiveness of a program, including, without limitation, social security numbers of offenders who participated in the program, information concerning outcomes for such offenders, dropout rates, reinstatement rates, treatment methods and input from staff and clients.

Sec. 14. *1. The Division will consider a petition by any person or entity with a direct and tangible interest in the applicability of any statutory provision, regulation or decision of the Division for a declaratory order or advisory opinion relating to the applicability of the statutory provision, regulation or decision.*

2. A petition for a declaratory order or advisory opinion must be made by signed letter to the Administrator.

3. Upon receipt of a petition that complies with the requirements of subsections 1 and 2, the Administrator will issue a declaratory order or advisory opinion and mail it to the petitioner.

Sec. 15. *1. Any interested person or entity may petition the Division in writing requesting the adoption, amendment or repeal of any regulation pursuant to NRS 439.258 by signed letter to the Administrator. The petition must include relevant data, views and arguments.*

2. Within 30 days after the submission of the petition, the Administrator will deny the petition in writing, stating its reasons, or initiate proceedings in accordance with NRS 233B.060.

Sec. 16. NAC 228.010 is hereby amended to read as follows:

228.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 228.015 to 228.060, inclusive, *and sections 2 to 6, inclusive, of this regulation* have the meanings ascribed to them in those sections.

Sec. 17. NAC 228.032 is hereby amended to read as follows:

228.032 “Formal training in domestic violence” means a course that is related to domestic violence and approved by the ~~{Committee}~~ *Division* pursuant to NAC 228.225.

Sec. 18. NAC 228.034 is hereby amended to read as follows:

228.034 “Hour of continuing education” means 60 minutes of instruction in a course of continuing education approved by the ~~{Committee}~~ *Division* pursuant to NAC 228.225.

Sec. 19. NAC 228.100 is hereby amended to read as follows:

228.100 1. Except as otherwise provided in subsection 4, an organization which desires to obtain a certificate for a program must submit an application to the ~~{Committee on a}~~ *Division in the* form ~~{provided}~~ *prescribed* by the ~~{Committee,}~~ *Division*, including, without limitation:

(a) Proof that the organization has satisfied the requirements of subsection 3; ~~{and}~~

(b) A copy of the curriculum and the instructional materials that will be used in the program and that satisfy the requirements set forth in NAC 228.185 ~~{H}~~;

(c) A statement of whether the applicant has a state business license and, if so, the business identification number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;

(d) The name and address of the program;

(e) The name of each owner of the program or, if the program is operated by a corporation, the name of each:

(1) Officer and director of the corporation; and

(2) Person who owns 10 percent or more of the shares of the corporation;

(f) Except as otherwise provided in subsection 5, the telephone number and electronic mail address of the program;

(g) The name of the director of the program;

(h) A signed statement by the director of the program or his or her designee attesting that the program complies with the requirements of NAC 228.010 to 228.225, inclusive, and sections 2 to 13, inclusive, of this regulation; and

(i) Any other information required by the Division.

2. The application must be signed by ~~†~~

~~—(a) The person who will manage and control the organization; and~~

~~—(b) The person who will be the supervisor of treatment for†~~ the *director of the* program ~~†~~ *or his or her designee.*

3. To obtain a certificate, an organization which operates a program must:

(a) Employ, or retain as an independent contractor, one or more providers of treatment who are qualified pursuant to NAC 228.110 to treat persons who commit domestic violence;

(b) Employ, or retain as an independent contractor, at least one supervisor of treatment who is qualified pursuant to NAC 228.110 to supervise the treatment of persons who commit domestic violence;

(c) *Employ, or retain as an independent contractor, a director of the program who:*

(1) Is qualified pursuant to section 9 of this regulation; and

(2) May also serve as a supervisor of treatment as required by paragraph (b) if he or she meets the requirements of NAC 228.110;

(d) Satisfy the requirements of NAC 228.010 to 228.225, inclusive ~~f~~;

~~(d)~~ , and sections 2 to 13, inclusive, of this regulation;

(e) Provide treatment to persons who have been convicted of ~~a first~~ an offense that constitutes domestic violence ~~[within the immediately preceding 7 years]~~ which ~~[includes, at a minimum:~~

~~—— (1) If the offender resides 70 miles or less from the nearest program, weekly counseling sessions which meet not less than 1 1/2 hours per week for not less than 6 months; or~~

~~—— (2) If the offender resides more than 70 miles from the nearest program, counseling sessions which meet once every other week for not less than 6 months and which amount to not less than 6 hours of counseling per month;~~

~~(e) Provide treatment to persons who have been convicted of a second offense that constitutes domestic violence within the immediately preceding 7 years which includes, at a minimum:~~

~~—— (1) If the offender resides 70 miles or less from the nearest program, weekly counseling sessions which meet not less than 1 1/2 hours per week for 12 months; or~~

~~—— (2) If the offender resides more than 70 miles from the nearest program, counseling sessions which meet once every other week for 12 months and which amount to not less than 6 hours of counseling per month;~~

~~(f)~~ meets the requirements of any court order issued pursuant to subsection 4 of NRS 200.485, if applicable;

(f) Allow an offender who resides more than 70 miles from the nearest program to attend counseling sessions or other meetings through electronic means if:

(1) The offender has:

(I) Attended at least one counseling session in person before attending a counseling session or meeting by electronic means and provided the program with a photograph of the offender that was taken within the immediately preceding year to be kept on file by the program; or

(II) Had his or her identity verified by a court in this State before attending a counseling session or meeting by electronic means and the program provides a court with a photograph of the person who attends the counseling session or meeting by electronic means to the court to verify the identity of the person as the offender;

(2) The electronic means by which the offender attends the counseling session or meeting allows the provider of treatment who is overseeing the counseling session or meeting to receive audio and video of the offender; and

(3) The provider of treatment who is overseeing the counseling session or meeting verifies the identity of the offender by comparing the video of the offender with the photograph provided pursuant to subparagraph (1);

(g) Prohibit persons who have been convicted of a first offense that constitutes domestic violence within the immediately preceding 7 years from having more than four unexcused absences within a period of 6 months; and

~~(g)~~ *(h) Prohibit persons who have been convicted of a second offense that constitutes domestic violence within the immediately preceding 7 years from having more than eight unexcused absences within a period of 12 months.*

4. In lieu of complying with the provisions of subsections 1 and 2, an organization that operates a program certified pursuant to this section and wishes to obtain a certificate for another program may submit an abbreviated application to the ~~{Committee}~~ *Division* if the curriculum and instructional materials for the additional program are substantially similar to the curriculum and instructional materials used in the certified program. An application submitted pursuant to this subsection must be ~~{on-a}~~ *in the* form ~~{provided}~~ *prescribed* by the ~~{Committee}~~ *Division* and be signed by ~~f~~

~~—(a) The person who will manage and control the organization; and~~

~~—(b) The person who will be the supervisor of treatment for}~~ *the director of* the additional program ~~{}~~ *or his or her designee.*

5. *The Division may exempt an applicant from the requirements of paragraph (f) of subsection 1 if the applicant attests that telephone and electronic mail are not feasible means by which to communicate with the applicant and that United States mail is the only feasible means by which to communicate with the applicant.*

6. By submitting an application pursuant to subsection 1 or 4, an applicant authorizes the ~~{Committee}~~ *Division* to investigate as it determines is necessary to verify the information set forth in the application. Upon the request of the ~~{Committee,}~~ *Division*, the applicant must submit verification of that information.

Sec. 20. NAC 228.102 is hereby amended to read as follows:

228.102 1. The ~~{Committee}~~ *Division* may issue a provisional certificate to an organization that operates a program if ~~{the}~~ :

(a) The organization has submitted an application pursuant to NAC 228.100 and has substantially complied with the requirements set forth in that section ~~{}~~ *; and*

(b) The Division has not yet received the written recommendation of the Committee pursuant to subsection 2 of section 8 of this regulation.

2. A provisional certificate expires on the date ~~of the next regularly scheduled meeting of the Committee unless the Committee renews the provisional certificate at that meeting. If the provisional certificate is renewed, it expires at the first regular meeting that is scheduled to be held after the meeting at which the Committee renewed the provisional certificate unless the Committee renews the provisional certificate a second time. If the provisional certificate is renewed for a second time, it expires at the first regular meeting that is scheduled to be held after the meeting at which the Committee renewed the provisional certificate for a second time.~~

~~3. The Committee will not renew a provisional certificate more than twice.~~

~~4.] that the Division grants or denies certification to the program.~~

3. For the purposes of this section an organization has substantially complied with the requirements set forth in NAC 228.100 if the organization has employed, or retained as an independent contractor ~~one~~ :

(a) One or more providers of treatment and at least one supervisor of treatment who meet the training and education requirements set forth in NAC 228.110 ~~H~~ ; and

(b) A director of the program who meets the requirements of section 9 of this regulation.

Sec. 21. NAC 228.104 is hereby amended to read as follows:

228.104 1. The ~~Committee~~ *Division* will certify, for ~~1 year,~~ *12 months*, a program that is located in another state and that provides treatment to an offender who is authorized by a court in this State to participate in a program located in that state if the program:

(a) Is certified by and in good standing with a regulatory agency in that state; or

(b) Is not certified by a regulatory agency in that state but is approved by the court that sentenced the offender.

2. Upon request, the ~~{Committee}~~ *Division* will renew the certification of such a program.

Sec. 22. NAC 228.110 is hereby amended to read as follows:

228.110 1. ~~{Except as otherwise provided in subsection 3, a}~~ *A* person may be employed, or retained as an independent contractor, in the position of a supervisor of treatment at a program if he or she:

(a) Possesses a master's or doctorate degree in a field of clinical human services from an accredited college or university;

(b) Except as otherwise provided in subsection 4, is licensed in good standing in this State:

(1) As a psychologist pursuant to chapter 641 of NRS;

(2) As a marriage and family therapist pursuant to chapter 641A of NRS;

(3) As a clinical professional counselor pursuant to chapter 641A of NRS;

(4) As a clinical social worker pursuant to chapter 641B of NRS; or

(5) To practice medicine pursuant to chapter 630 *or 633* of NRS and practices psychiatry;

(c) ~~{Has:}~~ *Except as otherwise provided in subsection 3, has:*

(1) At least 2 years of experience in a supervisory capacity in the provision of services to victims of domestic violence or in the treatment of persons who commit domestic violence; or

(2) At least 5 years of experience in the direct provision of services to victims of domestic violence or treatment of persons who commit domestic violence;

(d) ~~{If the person is employed, or retained as an independent contractor, in the position of a supervisor of treatment on or before January 1, 2015, has}~~ *Has* satisfactorily completed at least 60 hours of formal training in domestic violence which includes at least 30 hours of training in

the provision of services to victims of domestic violence and at least 30 hours of training in the provision of treatment to persons who commit domestic violence;

~~(e) If the person is employed, or retained as an independent contractor, in the position of a supervisor of treatment after January 1, 2015, has satisfactorily completed the following formal training:~~

- ~~—— (1) Eight hours in the dynamics of power and control and batterer tactics;~~
- ~~—— (2) Eight hours in gender roles, socialization and the nature and function of violence;~~
- ~~—— (3) Eight hours in shelter movement, victim safety and sensitivity;~~
- ~~—— (4) Two hours in Nevada domestic violence laws;~~
- ~~—— (5) Four hours in substance abuse and domestic violence;~~
- ~~—— (6) Four hours in victims who use violent self-defense;~~
- ~~—— (7) Four hours in the effects of violence on children;~~
- ~~—— (8) Four hours in post-trauma stress;~~
- ~~—— (9) Four hours in cultural competency and diversity;~~
- ~~—— (10) Two hours in batterer intervention programs and coordinated community response;~~
- ~~—— (11) Four hours in group facilitation;~~
- ~~—— (12) Two hours in intake and assessment;~~
- ~~—— (13) Two hours in confidentiality;~~
- ~~—— (14) Two hours in ethics, including, without limitation, collusion; and~~
- ~~—— (15) Two hours in the provisions of chapter 228 of NAC;~~

~~(f) If the person is employed, or retained as an independent contractor, in the position of a supervisor of treatment after January 1, 2015, has satisfactorily completed at least 12 hours of Committee-approved training in clinical supervision;~~

~~(g)~~ Has satisfactorily completed at least 15 hours of the training in domestic violence required by paragraph (d) ~~for (e)~~ during the 2 years immediately preceding the date on which the person is employed, or retained as an independent contractor, in the position of a supervisor of treatment at the program;

~~(h) Has satisfactorily completed at least 60 hours of in-service training;~~

~~(i) Has never:~~

~~(1) Entered a plea of guilty, guilty but mentally ill or nolo contendere to;~~

~~(2) Been found guilty or guilty but mentally ill of; or~~

~~(3) Been~~

(f) Except for any conviction which is the subject of a pending appeal or with respect to which the time for filing a notice of appeal has not yet expired, attests, in the form prescribed by the Division, that he or she has never been convicted of

~~↪ a crime which demonstrates the person's unfitness to act as a supervisor of treatment ~~and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal;~~~~

~~(j);~~

(g) Is free of violence in his or her life; and

~~(k)~~ *(h)* Is not currently an abuser of prescription drugs or alcohol or a user of illegal drugs.

2. The ~~Committee~~ *Division* may review the qualifications of a person who may be employed, or retained as an independent contractor, in the position of a supervisor of treatment at a program, to determine whether the person satisfies the requirements of subsection 1.

3. The provisions of ~~paragraphs~~ *paragraph* (c) ~~and (h)~~ of subsection 1 do not apply to a person who is employed, or retained as an independent contractor, in the position of a supervisor of treatment at a program on August 1, 2000.

4. A person who does not comply with the requirements of paragraph (b) of subsection 1 may be employed, or retained as an independent contractor, in the position of a supervisor of treatment at a program if:

(a) The person submits a written request to the ~~{Committee}~~ *Division* that includes, without limitation, a statement concerning his or her work history, education and experience;

(b) ~~{The}~~ *Upon the request of the Division, the* person participates in an interview with the ~~{Committee;}~~ *Division in person or by telephone, videoconference or other electronic means;* and

(c) The ~~{Committee}~~ *Division* determines that the person is qualified to be employed, or retained as an independent contractor, in the position of a supervisor of treatment at a program.

5. Within 120 days after the ~~{Committee}~~ *Division* receives a request pursuant to subsection 4, the ~~{Committee}~~ *Division* will provide written notice of its approval or denial of the request to the person who submitted the request. If the ~~{Committee}~~ *Division* denies the request, the notice will include the reasons for the denial of the request.

6. A person who is employed, or retained as an independent contractor, in the position of a supervisor of treatment at a program pursuant to subsection 4 is qualified as a supervisor of treatment until the person is no longer employed, or retained as an independent contractor, by an organization that operates a program if he or she meets the annual continuing education requirements set forth in NAC 228.210.

7. ~~{Except as otherwise provided in subsection 9, a}~~ *A* person may be employed, or retained as an independent contractor, in the position of a provider of treatment at a program if the person:

(a) ~~{Possesses}~~ *Except as otherwise provided in subsection 9, possesses* a bachelor's degree or more advanced degree;

(b) Is supervised by a supervisor of treatment who is qualified pursuant to subsection 1, 3 or 4 and that supervision includes, without limitation, meeting with the supervisor of treatment in person at least once each month and having the supervisor of treatment submit annual reports of satisfactory performance to the ~~{Committee;}~~ *Division;*

(c) ~~{If the person is employed, or retained as an independent contractor, in the position of a provider of treatment on or before January 1, 2015, has}~~ *Has* satisfactorily completed at least 60 hours of formal training in domestic violence that includes, without limitation, at least 30 hours of training in the provision of services to victims of domestic violence and at least 30 hours of training in the provision of treatment to persons who commit domestic violence;

(d) ~~{If the person is employed, or retained as an independent contractor, in the position of a provider of treatment after January 1, 2015, has satisfactorily completed the following formal training:~~

~~——(1) Eight hours in the dynamics of power and control and batterer tactics;~~

~~——(2) Eight hours in gender roles, socialization and the nature and function of violence;~~

~~——(3) Eight hours in shelter movement, victim safety and sensitivity;~~

~~——(4) Two hours in Nevada domestic violence laws;~~

~~——(5) Four hours in substance abuse and domestic violence;~~

~~——(6) Four hours in victims who use violent self-defense;~~

~~——(7) Four hours in the effects of violence on children;~~

~~——(8) Four hours in post-trauma stress;~~

~~——(9) Four hours in cultural competency and diversity;~~

~~— (10) Two hours in batterer intervention programs and coordinated community response;~~

~~— (11) Four hours in group facilitation;~~

~~— (12) Two hours in intake and assessment;~~

~~— (13) Two hours in confidentiality;~~

~~— (14) Two hours in ethics, including, without limitation, collusion; and~~

~~— (15) Two hours in the provisions of chapter 228 of NAC;~~

~~(e)~~ Has satisfactorily completed at least 15 hours of the training in domestic violence required by paragraph (c) ~~or (d)~~ during the 2 years immediately preceding the date on which the person is employed, or retained as an independent contractor, in the position of a provider of treatment at the program;

~~{(f) Has satisfactorily completed at least 60 hours of in-service training;~~

~~(g) Has never:~~

~~— (1) Entered a plea of guilty, guilty but mentally ill or nolo contendere to;~~

~~— (2) Been found guilty or guilty but mentally ill of; or~~

~~— (3) Been~~

(e) Except for any conviction which is the subject of a pending appeal or with respect to which the time for filing a notice of appeal has not yet expired, attests, in the form prescribed by the Division, that he or she has never been convicted of ~~{~~

~~→} a crime which demonstrates the person's unfitness to act as a provider of treatment ~~{, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal;~~~~

~~(h)~~;

(f) Is free of violence in his or her life; and

~~{(i)}~~ *(g)* Is not currently an abuser of prescription drugs or alcohol or a user of illegal drugs.

8. The ~~{Committee}~~ *Division* may review the qualifications of a person who may be employed, or retained as an independent contractor, in the position of a provider of treatment at a program, to determine whether the person satisfies the requirements of subsection 7.

9. A person may be employed, or retained as an independent contractor, in the position of a provider of treatment at a program although the person does not meet the requirements of paragraph (a) of subsection 7, if the program is located in a county whose population is less than 50,000 and the person proves, to the satisfaction of the ~~{Committee,}~~ *Division*, that:

(a) There is not another program located within a 50-mile radius of the program, or within the city or county in which the program is located;

(b) The person possesses the necessary skills and training to perform his or her job; and

(c) The person has satisfied all other requirements of this section.

10. A person who is employed, or retained as an independent contractor, in the position of a provider of treatment at a program pursuant to subsection 9 is qualified as a provider of treatment for a period which ends on the ~~{expiration}~~ *renewal* date of the certificate issued for the program pursuant to NAC 228.100 ~~{}~~ *or on the date on which the program ceases to operate, whichever occurs first.*

11. The ~~{in-service training required by this section may be completed by observing a group counseling session via distance media if:~~

~~—(a) The in-service training is completed in a county whose population is less than 50,000 and which is located more than 50 miles from a program;~~

~~—(b) The distance media has been approved by the Committee; and~~

~~—(c) The person receiving the in-service training meets in person or via telephone with at least one provider of treatment or supervisor of treatment who is familiar with the group counseling session that was observed to discuss that group counseling session.~~

~~—12. Not more than one half of the formal training required by paragraphs (d) and (e) of subsection 1 and paragraphs (c) and (d) of subsection 7 may be completed via distance media.~~

~~—13.} director of a program or his or her designee shall:~~

(a) Upon hiring, or retaining as an independent contractor, a person in the position of a supervisor of treatment or a provider of treatment, attest in writing that the person meets the requirements of this section as a supervisor of treatment or a provider of treatment, as applicable; and

(b) Maintain a copy of the written attestation described in paragraph (a) for the duration of the person's employment or service as an independent contractor and provide it to the Division upon request and as required by NAC 228.130.

12. As used in this section ~~†~~:

~~—(a) “Free†, “free~~ of violence in his or her life” means that a person:

~~{(1)} (a)~~ Does not engage in acts of physical violence;

~~{(2)} (b)~~ Does not verbally abuse, threaten, coerce or intimidate other persons on a regular basis;

~~{(3)} (c)~~ Does not deny personal responsibility for the person's actions or blame other persons for his or her mistakes on a regular basis; and

~~{(4)} (d)~~ Lives his or her life in a manner that is capable of serving as a model of nonviolent behavior.

~~{(b) “In-service training”:~~

~~—— (1) Means participation or observation of a group counseling session that:~~
~~—— (I) Is conducted for offenders in a program;~~
~~—— (II) Complies with the requirements of NAC 228.010 to 228.225, inclusive; and~~
~~—— (III) Includes a discussion reviewing the group counseling session that is conducted in person with both providers of treatment or the provider of treatment and the supervisor of treatment acting as a provider of treatment who conducted the group counseling session.~~
~~—— (2) Does not include the conducting of a group counseling session by a provider of treatment or a supervisor of treatment acting as a provider of treatment.]~~

Sec. 23. NAC 228.115 is hereby amended to read as follows:

228.115 1. The organization that operates a program shall ensure that each supervisor of treatment:

(a) Meets individually at least once each month with each provider of treatment he or she supervises;

(b) Is available by telephone to consult with each provider of treatment he or she supervises;

(c) Reviews, at least once each month, a random sample of at least 10 percent of the records of the offenders who are receiving treatment from each provider of treatment he or she supervises and records ~~on~~ *in* a form approved by the ~~Committee~~ *Division* each record he or she reviews;

(d) Observes, at least once every 3 months, a group counseling session conducted by each team of two providers of treatment he or she supervises who conduct counseling sessions for the program and records ~~on~~ *in* a form approved by the ~~Committee~~ *Division* each group counseling session he or she observes; and

(e) Prepares an annual report concerning the performance of each provider of treatment he or she supervises.

2. A supervisor of treatment may observe a group counseling session required pursuant to paragraph (d) of subsection 1 via distance media if the session is conducted anywhere in this State other than Boulder City, Carson City, Henderson, Las Vegas, North Las Vegas, Reno or Sparks.

Sec. 24. NAC 228.125 is hereby amended to read as follows:

228.125 1. ~~{Except as otherwise provided in subsection 6, an}~~ *An* organization that operates a program shall ~~{request, in writing, approval from the Committee at least 10 days before making}~~ *notify the Division in the form prescribed by the Division not later than 30 days after* any change to the information submitted pursuant to NAC 228.100, including, without limitation:

(a) ~~{An addition of a provider of treatment or supervisor of treatment;}~~ *A change in the ownership of the organization;*

(b) A ~~{substantial}~~ change ~~{in}~~ *of the name of* the program;

(c) A relocation of the program;

(d) The discontinuance of the program; ~~{or}~~

(e) ~~{Any other change that relates to the certification}~~ *A change in the director* of the program ~~{;}~~ *or*

(f) A change in the phone number or electronic mail address of the program.

2. ~~{If an organization that operates a program seeks to employ, or retain as an independent contractor, in the position of a provider of treatment or supervisor of treatment, a person who is not currently employed, or retained as an independent contractor, in the position of a provider of~~

~~treatment or supervisor of treatment at another program, the organization shall request approval from the Committee, on a form approved by the Committee which includes proof that the person is qualified pursuant to NAC 228.110.~~

~~—3.— Except as otherwise provided in subsection 7, if the Committee receives a request submitted pursuant to subsection 1 or 2:~~

~~—(a) At least 30 days before the next regularly scheduled meeting of the Committee, the Committee will include the request on the agenda for that meeting.~~

~~—(b) Less than 30 days before its next regularly scheduled meeting, the Committee will include the request on the agenda for the first regular meeting that is scheduled to be held more than 30 days after the Committee receives the request.~~

~~—4.— Within 15 days after the Committee renders its decision concerning the request, it will provide written notice to the organization of its approval or denial of the request. If the Committee denies the request, the notice will include the reasons for the denial.~~

~~—5.— The certification of the program remains in effect until the Committee provides notice to the organization in the manner prescribed by NAC 228.150.~~

~~6.— If an organization that operates a program loses a provider of treatment or supervisor of treatment, the organization:~~

~~—(a) Shall notify the Committee, in writing, of the loss within 10 days after losing the provider of treatment or supervisor of treatment; and~~

~~—(b) May replace the provider of treatment or supervisor of treatment immediately if the organization requests, in writing, approval from the Committee within 10 days after replacing the provider of treatment or supervisor of treatment.~~

~~—7.— If an organization that operates a program seeks to employ, or retain as an independent contractor, in the position of a provider of treatment or supervisor of treatment, a person who is currently employed, or retained as an independent contractor, in the position of a provider of treatment or supervisor of treatment at another program, the organization shall request approval from the Committee pursuant to subsection 1. The Committee may approve the request without placing the request on an agenda for a meeting of the Committee.~~

~~—8.—~~ If an organization that operates a program is no longer in compliance with the provisions of NAC 228.010 to 228.225, inclusive, *and sections 2 to 13, inclusive, of this regulation* because the only supervisor of treatment, or the only ~~{male or female}~~ provider of treatment, employed or retained at the program is no longer employed or retained at the program, the organization shall submit, within 10 days after the person ceases to be employed or retained, a written plan describing the actions the organization will take to regain compliance with the provisions of NAC 228.010 to 228.225, inclusive, *and sections 2 to 13, inclusive, of this regulation* within ~~{45}~~ *90* days after submission of the written plan.

Sec. 25. NAC 228.130 is hereby amended to read as follows:

228.130 1. ~~{The Committee may, each year, conduct an on-site inspection of each program to determine whether the organization that operates the program is in compliance with the provisions of NAC 228.010 to 228.225, inclusive. If the Committee finds a violation of NAC 228.010 to 228.225, inclusive, during the on-site inspection of the program, the Committee may require the organization that operates the program to complete a plan detailing the action necessary to remedy the violation within 45 days after the date the organization is notified of the violation. The Committee will review the plan to determine compliance at the first subsequent~~

~~meeting of the Committee after the plan is completed and will determine whether to approve the plan.~~

~~—2.—~~ ~~An~~ *Except as otherwise provided in subsections 5 and 6, an* organization that has obtained a certificate for a program pursuant to NAC 228.100 must *submit a completed application to* renew its certification ~~{within 1 year after obtaining the certificate.}~~ *not later than 12 months after the effective date of the certificate and every 12 months thereafter.* If the organization was issued a provisional certificate pursuant to NAC 228.102 before it obtained a certificate for a program pursuant to NAC 228.100, the certificate obtained pursuant to NAC 228.100 expires ~~{1 year}~~ *18 months* after the ~~{Committee}~~ *Division* first issued the provisional certificate.

~~{3.— An organization that wishes to renew its certification must submit a completed application for renewal to the Committee at least 60 days before the certificate expires.~~

~~—4.}~~ *2.* The certificate will be renewed if the ~~{Committee}~~ *Division* determines that:

- (a) The application for renewal is complete;
- (b) The organization which operates the program has satisfied the requirements of subsection 3 of NAC 228.100;
- (c) The program has passed the inspection of the ~~{Committee}~~ *Division* conducted pursuant to ~~{subsection 1,}~~ *section 11 of this regulation*, if one is conducted; ~~{and}~~
- (d) The organization which operates the program has submitted:
 - (1) Proof of completion of the hours of continuing education required by NAC 228.210;

~~{and}~~

(2) *For each person hired or retained as an independent contractor in the position of a supervisor of treatment or a provider of treatment during the previous year, a copy of the attestation required by subsection 11 of NAC 228.110;*

(3) The annual reports required by NAC 228.115 ~~†~~
~~—5.— If a completed application and the documents described in paragraph (d) of subsection 4 are received by the Committee on or before the expiration date of the certificate, the certificate remains in effect after the expiration date of the certificate unless the Committee provides notice to the organization in the manner prescribed by NAC 228.150.~~
~~—6.— If† ;~~

(4) *The names of each provider of treatment or supervisor of treatment hired or retained as an independent contractor by the program after the date on which the initial application or the most recent application for renewal, whichever is more recent, was submitted;*

(5) *Proof that each provider of treatment or supervisor of treatment hired or retained as an independent contractor by the program has completed the continuing education required by NAC 228.210 for the period after the date on which the initial application or the most recent application for renewal, whichever is more recent, was submitted;*

(6) *Any notification required by NAC 228.125; and*

(7) *Any other information required by the Division; and*

(e) *The director of the program or his or her designee has signed the application for renewal.*

3. *Except as otherwise provided in subsection 6, if a completed application and the documents described in paragraph (d) of subsection ~~††~~ 2 are not received by the ~~{Committee}~~ Division on or before the ~~{expiration}~~ renewal date of the certificate, the certificate ~~{becomes}~~*

~~delinquent and the Committee will, within~~ *expires* 30 days after ~~the certificate becomes delinquent, send a notice to that effect by certified mail, return receipt requested, to the last known address of the organization as indicated in the records of the Committee.~~

~~—7.]~~ *that date.*

4. If a completed application ~~for a document described in paragraph (d) of subsection 4]~~ is ~~deposited]~~ :

(a) Submitted electronically, it shall be deemed received by the Division on the date on which the Division records the application as having been received.

(b) Deposited with the United States Postal Service, it shall be deemed received by the ~~Committee]~~ *Division* on the date indicated on the post office cancellation mark stamped upon the envelope containing the document if:

~~[(a)]~~ *(1)* The envelope is properly addressed ~~to the Committee;]~~ *as instructed by the Division;* and

~~[(b)]~~ *(2)* That date is earlier than the actual receipt of that document.

~~[(8)]~~ *5. If an incomplete application for the renewal of a certificate is submitted, the Division will notify the applicant of the additional information required to complete the application. If the Division does not receive the additional information within 90 days after the date of the notice, the Division will deny the application.*

6. The organization may renew the certificate within ~~[(90)]~~ *30* days after the *renewal date of the* certificate ~~becomes delinquent]~~ if the organization complies with the requirements set forth in subsection ~~[(4)]~~

~~[(9)]~~ *2.*

7. If a certificate is not renewed ~~within 90 days after the certificate becomes delinquent, the certificate expires without further notice or a hearing and the Committee~~ *in a timely manner as required by subsection 1 or 6 or renewal of a certificate is denied pursuant to subsection 5:*

(a) *The Division* will remove the program from the list of programs that it ~~provides~~ *makes available* to the courts of this State ~~;~~

~~10.—If a certificate expires pursuant to subsection 9, the~~ ; *and*

(b) *The* organization which operated the program may reapply for certification of the program pursuant to NAC 228.100.

Sec. 26. NAC 228.140 is hereby amended to read as follows:

228.140 The ~~Committee~~ *Division* may refuse to issue or renew a certificate for a program, revoke or suspend a certificate , ~~or~~ place a program on probation with specified conditions for a specified period *or issue a written warning* if:

1. The organization that operates the program has not complied with NAC 228.010 to 228.225, inclusive ~~;~~ , *and sections 2 to 13, inclusive, of this regulation;*

2. The organization that operates the program has obtained a certificate or any other license by fraudulent misrepresentation;

3. A staff member of the program has committed gross malpractice in his or her actions or omissions related to the program;

4. A staff member of the program, while at a facility of the program or while performing any work for the program, has been intoxicated or has used or possessed a controlled substance without a prescription;

5. A staff member of the program has engaged in violent behavior or has:

(a) Entered a plea of guilty, guilty but mentally ill or nolo contendere to;

(b) Been found guilty or guilty but mentally ill of; or

(c) Been convicted of,

↳ a crime which demonstrates his or her unfitness to act as a staff member of the program, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal;

6. A state or other regulatory board has taken disciplinary action against a staff member of the program;

7. The organization that operates the program or a staff member of the program has engaged in unethical practice in the treatment of persons who commit domestic violence;

8. The organization that operates the program fails to ~~request approval~~ **notify the Division** of a change in the program as required by NAC 228.125;

9. The organization that operates the program or a staff member of the program fails to comply with a stipulation, agreement, order, advisory opinion or declaratory order issued by the ~~Committee;~~ **Division;**

10. The program provides treatment to an offender after its certificate has expired; or

11. The organization that operates the program or a staff member of the program has engaged in any other unjust practice, method or treatment which the ~~Committee~~ **Division** determines warrants such an action.

Sec. 27. NAC 228.150 is hereby amended to read as follows:

228.150 1. The ~~Committee~~ **Division** may:

(a) Refuse to issue a certificate for a program;

(b) Refuse to renew a certificate for a program for failure to comply with the provisions of paragraph (b) , ~~for~~ (c) **or (d)** of subsection ~~4~~ **2** of NAC 228.130; or

(c) Revoke or suspend a certificate for a program,

↳ only upon ~~[20 days']~~ written notice provided ~~[to any person who may be affected by such an action]~~

~~—2. The notice will contain a brief statement of the reasons for the contemplated action of the Committee and designate the time and place of a hearing to be held before any final action is taken by the Committee.] pursuant to NAC 439.345.~~

2. If the Division intends to suspend the certificate of a program, the Division will also notify the program of:

(a) The remedial steps that, if completed to the satisfaction of the Division in a timely manner, will result in the Division ending the suspension; and

(b) The date by which such remedial steps must be completed.

3. A written warning issued to a treatment program pursuant to NAC 228.140 must include:

(a) The specific reason for the warning;

(b) A citation to the statute or regulation that the Division has determined to have been violated by the program; and

(c) A statement of any actions that the Division has determined are necessary to remedy the violation.

4. An applicant for or holder of a certificate or provisional certificate who is aggrieved by an action of the Division relating to the denial of an application for or the suspension or revocation of a certificate may appeal the action in accordance with NAC 439.300 to 439.395, inclusive.

Sec. 28. NAC 228.160 is hereby amended to read as follows:

228.160 An organization that operates a program shall ensure that:

1. A provider of treatment, a supervisor of treatment who is acting as a provider of treatment, or any other staff member of the program does not disclose any confidential communications made by an offender during the course of treatment or acquired through his or her work with the program, except:

(a) Upon the written consent of the offender;

(b) To the extent necessary to report the status of the treatment of an offender to the court that ordered the offender to participate in the program;

(c) To the extent necessary to comply with the provisions of subsection 2 of NAC 228.180 or subsection 3 of NAC 228.195;

(d) Pursuant to an investigation or on-site inspection by the ~~{Committee;}~~ *Division*;

(e) To notify a person whom the provider of treatment believes may be at risk of imminent danger because of threats made or behavior exhibited by the offender;

(f) To report evidence of child abuse or neglect to an agency which provides child welfare services or to a law enforcement agency;

(g) To report evidence of abuse, neglect, exploitation or isolation of an older person to an entity described in NRS 200.5093; or

(h) As otherwise required by law.

2. Each staff member of the program maintains a confidential record indicating the reason for the treatment of the offender or the course and scope of treatment provided by a provider of treatment.

3. No staff member of the program discloses a confidential record or information contained in such a record to another person except:

(a) Upon the written consent of the offender;

(b) To the extent necessary to report the status of the treatment of an offender to the court that ordered the offender to participate in the program;

(c) To the extent necessary to comply with the provisions of subsection 2 of NAC 228.180 or subsection 3 of NAC 228.195;

(d) Pursuant to an investigation or on-site inspection by the ~~{Committee;}~~ *Division*;

(e) To notify a person whom the provider of treatment believes may be at risk of imminent danger because of threats made or behavior exhibited by the offender;

(f) To report evidence of child abuse or neglect to an agency which provides child welfare services or to a law enforcement agency;

(g) To report evidence of abuse, neglect, exploitation or isolation of an older person to an entity described in NRS 200.5093; or

(h) As otherwise required by law.

4. A provider of treatment:

(a) Informs each offender of the provisions set forth in subsections 1 and 3; and

(b) Before providing any treatment to the offender, obtains written consent from the offender ~~on a~~ *in the* form prescribed by the ~~{Committee}~~ *Division* that sets forth that a confidential communication made by the offender and a confidential record relating to the offender or information contained in such a record may be disclosed for any of the purposes set forth in subsection 1 or 3.

Sec. 29. NAC 228.165 is hereby amended to read as follows:

228.165 1. An organization that operates a program shall ensure that:

(a) ~~The~~ *Treatment is provided to each offender in the form and at the frequency prescribed in the written plan of treatment developed for the offender pursuant to NAC 228.170.*

(b) *Any* treatment *that is* provided to an offender by the program ~~is provided~~ in a group counseling session : ~~that:~~

(1) Is conducted by:

(I) Two providers of treatment ; ~~one of whom is male and one of whom is female;~~

(II) A provider of treatment and a supervisor of treatment who is acting as a provider of treatment ; ~~one of whom is male and one of whom is female;~~ or

(III) One provider of treatment only if an emergency exists which prevents a group counseling session from being conducted pursuant to sub-subparagraph (I) or (II) and not more than four group counseling sessions in a period of 26 weeks, or eight group counseling sessions in a period of 52 weeks, are conducted by one provider of treatment only; *and*

(2) Is conducted for the gender of the offenders in the group counseling session . ~~and~~

~~(3) Except as otherwise provided in subsection 2, consists of not less than 3 offenders or more than 24 offenders.~~

~~(b)~~ (c) If a supervisor of treatment determines that an offender *for whom group counseling is prescribed in the written plan of treatment developed for the offender pursuant to NAC 228.170* cannot be treated in a group counseling session because the offender has a physical or mental limitation that is not related to the abuse of drugs or alcohol, the offender is referred to an appropriate provider of health care or other services.

~~(e)~~ (d) A supervisor of treatment who is making a determination pursuant to paragraph ~~(b)~~ (c) has provided reasonable accommodation to the known physical or mental limitations of

an offender with a disability who is otherwise eligible to obtain treatment in a group counseling session, unless the supervisor of treatment can demonstrate that such accommodation would result in a fundamental alteration of the program or an undue financial or administrative burden.

~~[(d)]~~ (e) If an offender does not receive treatment by the program because of a determination made pursuant to paragraph ~~[(b)]~~ (c), the supervisor of treatment notifies the court that sentenced the offender of that fact and advises the offender to do the same.

~~[(e) Except as otherwise provided in subsection 2, a]~~

(f) A separate group counseling session is provided for an offender *for whom group counseling is prescribed in the written plan of treatment developed for the offender pursuant to NAC 228.170* who is under the age of 18 years and for whom an adult session is not suitable.

2. *A program shall maintain an attendance record for and an explanation for the group size of each group counseling session conducted within the current calendar year and each of the immediately preceding 2 calendar years.*

3. *Except as otherwise provided in subsection 4, a program shall maintain an annual average of 15 offenders or less in group counseling sessions.*

4. The ~~Chair of the Committee~~ *Division* may waive the requirements set forth in ~~subparagraph (3) of paragraph (a) of subsection 1 or paragraph (e) of subsection 1~~ *this section* if ~~he or she~~ *the Division* determines that it would be impracticable or impossible for an organization that operates a program to comply with those requirements.

~~[(3)]~~ 5. As used in this section, “provider of health care or other services” includes:

(a) A physician or a physician assistant who is licensed pursuant to chapter 630 *or 633* of NRS;

(b) A psychologist who is licensed pursuant to chapter 641 of NRS;

- (c) A marriage and family therapist who is licensed pursuant to chapter 641A of NRS;
- (d) A clinical professional counselor who is licensed pursuant to chapter 641A of NRS; and
- (e) A clinical social worker who is licensed pursuant to chapter 641B of NRS.

Sec. 30. NAC 228.170 is hereby amended to read as follows:

228.170 An organization that operates a program shall ensure that:

1. The program holds an offender accountable for accepting responsibility for his or her violence and for changing his or her violent behavior, including, without limitation, developing concern and empathy for a person who is a victim of domestic violence.

2. A provider of treatment:

(a) Evaluates individually each offender for whom he or she will provide treatment upon the admission of the offender to the program;

(b) Develops a written plan of treatment for the offender that includes, without limitation:

(1) Treatment relating to a history of domestic violence, child abuse, sexual abuse or the abuse of drugs or alcohol by the offender , *including, without limitation, individual counseling, group counseling or a combination of individual and group counseling at a frequency determined by the provider of treatment in accordance with the requirements of any court order issued pursuant to subsection 4 of NRS 200.485, if applicable*, and treatment relating to the evaluation of the offender by the provider of treatment; and

(2) A mechanism for measuring the progress of the offender in the program, including, without limitation, his or her attendance and participation in ~~group~~ counseling sessions, completion of assignments, and behavior and attitudinal changes;

(c) Develops, in consultation with the offender, a written plan of control for the offender to deter the offender from engaging in violent behavior or behavior that is harmful to himself or herself or other persons;

(d) *Periodically assesses the needs and progress of the offender throughout the participation of the offender in the program and adjusts the written plan of treatment in accordance with the needs of the offender, as determined by the provider of treatment;*

(e) Reports evidence of child abuse or neglect to an agency which provides child welfare services or to a law enforcement agency; and

~~(e)~~ (f) Reports evidence of abuse, neglect, exploitation or isolation of an older person to an entity described in NRS 200.5093.

3. A provider of treatment prepares a written report of the results of the evaluation conducted pursuant to subsection 2 that includes, without limitation:

(a) A profile of information relating to the violent behavior of the offender that includes, without limitation, descriptions of the violent behavior obtained from a victim of domestic violence by the offender, an agency of criminal justice or another provider of treatment, if applicable;

(b) Observations regarding the mental status of the offender, if the provider of treatment determines that it is appropriate to include those observations in the evaluation;

(c) An assessment of the degree to which the offender is likely to harm himself or herself or other persons;

(d) The medical and psychological history of the offender, if the provider of treatment determines that it is appropriate to include that information in the evaluation;

(e) A description of any abuse of drugs or alcohol by the offender and the effect that the abuse had on the offender and his or her family; and

(f) The social and cultural history of the offender as it relates to domestic violence.

4. Upon the admission of an offender to the program, the program requires a written agreement that sets forth the responsibilities of the offender and the provider of treatment and includes the provisions set forth in NAC 228.175. The agreement must be signed by:

(a) The offender in the presence of a provider of treatment; and

(b) The provider of treatment who witnessed the signature pursuant to paragraph (a).

Sec. 31. NAC 228.175 is hereby amended to read as follows:

228.175 An organization that operates a program shall ensure that the agreement an offender is required to comply with pursuant to NAC 228.170 provides:

1. That the offender agrees to:

(a) Submit a copy of:

(1) The report prepared by a peace officer pursuant to NRS 171.1227;

(2) The order of the court requiring the offender to participate in a program;

(3) Any report concerning probation prepared by the offender's parole and probation officer; and

(4) The results of a psychological evaluation of the offender if such an evaluation has been completed;

(b) Be free of all forms of violence, including, without limitation, physical, sexual and psychological violence;

(c) Accept responsibility for his or her violent behavior;

(d) *Attend counseling sections as prescribed in the written plan of treatment developed pursuant to NAC 228.170;*

(e) Refrain from using sexist or racist language in the ~~{group}~~ counseling sessions;

~~{e}~~ (f) Pay any fee charged by the program pursuant to NAC 228.106;

~~{f}~~ (g) Refrain from using any alcohol or drugs during the period in which the offender is participating in the program if the provider of treatment indicates in the report of the results of the evaluation he or she prepared pursuant to NAC 228.170 that the offender has abused alcohol or drugs;

~~{g}~~ (h) Openly express feelings and emotions in the ~~{group}~~ counseling sessions;

~~{h}~~ (i) Refrain from discussing the identity of or communications made by another offender in a group counseling session;

~~{i}~~ (j) Refrain from violating an order of a court of competent jurisdiction, including, without limitation, a temporary or extended order for protection against domestic violence, an order prohibiting contact with a person who is a victim of domestic violence by the offender, an order obligating the offender to support his or her family, or a condition of probation;

~~{j}~~ (k) Refrain from communicating with or otherwise contacting or attempting to contact a victim of domestic violence who resides in a shelter for victims of domestic violence;

~~{k}~~ (l) Refrain from visiting a shelter for victims of domestic violence;

~~{l}~~ (m) Assist the provider of treatment in developing a written plan of control as described in NAC 228.170; and

~~{m}~~ (n) Use the plan of control described in NAC 228.170.

2. The number of treatment sessions the offender must attend to complete the treatment ordered by the court and the number of absences from treatment sessions that the offender is allowed, if any.

3. That the program will, pursuant to NAC 228.195, terminate the treatment of the offender if he or she violates any of the provisions of the agreement.

Sec. 32. NAC 228.210 is hereby amended to read as follows:

228.210 1. An organization that operates a program shall:

(a) Ensure that each supervisor of treatment and each provider of treatment ~~{complete}~~ *completes* annually at least 15 hours of continuing education approved by the ~~{Committee, of which:~~

~~—— (1) Not more than 10 hours may be completed via distance media if the supervisor of treatment or provider of treatment provides services to offenders anywhere in this State other than in Boulder City, Carson City, Henderson, Las Vegas, North Las Vegas, Reno or Sparks.~~

~~—— (2) Not more than 7.5 hours may be completed via distance media if the supervisor of treatment or provider of treatment provides services to offenders in Boulder City, Carson City, Henderson, Las Vegas, North Las Vegas, Reno or Sparks.~~

~~—— (3) At least 1 hour must specifically pertain to supervision and must include education in at least one of the following:~~

~~—— (I) An overview of a supervision model;~~

~~—— (II) Areas of focus for a supervisor and the roles of a supervisor;~~

~~—— (III) The process of supervising and the practical application of that process;~~

~~—— (IV) Ethical dilemmas involved in supervising; or~~

~~(V) Methods of effectively addressing and preventing ethical dilemmas in supervising~~
Division.

(b) Maintain proof of the content and completion of the hours of continuing education required pursuant to paragraph (a) for each supervisor of treatment and each provider of treatment for at least 2 years after the 15 hours of continuing education are completed.

(c) Maintain proof of the content and completion of the hours of formal training required pursuant to NAC 228.110 for each supervisor of treatment and each provider of treatment until the supervisor of treatment or provider of treatment is no longer employed, or retained as an independent contractor, by the organization.

2. A provider of treatment or supervisor of treatment may not receive credit for continuing education for completing a course of continuing education if he or she has already completed the course within the immediately preceding 2 years.

3. A supervisor of treatment shall meet annually with each provider of treatment that he or she supervises to assess the needs of the provider of treatment for continuing education and select the continuing education that the provider of treatment will complete to fulfill the requirements of paragraph (a) of subsection 1.

Sec. 33. NAC 228.215 is hereby amended to read as follows:

228.215 1. ~~{A}~~ *Except as otherwise provided in subsection 4, a* person who wishes to offer or teach a course of continuing education or formal training in domestic violence must *, for all such continuing education or formal training provided in any format,* submit to the ~~{Committee}~~ *Division* an application that includes, without limitation:

- (a) The name and address of the instructor of the course;
- (b) The resume of the instructor;

- (c) The syllabus for the course;
- (d) The ~~{instructional materials}~~ *content of the information* that will be ~~{distributed in}~~ *provided to persons enrolled in* the course;
- (e) A written evaluation of the content and presentation of the course that will be completed by each person who is enrolled in the course; and
- (f) A statement describing:
 - (1) The purpose of the course; and
 - (2) The requirements for attendance.
- 2. The ~~{Committee}~~ *Division* may request additional information or documentation from an applicant as the ~~{Committee}~~ *Division* deems necessary.
- 3. The ~~{Committee}~~ *Division* will consider the ~~{materials and}~~ information submitted pursuant to paragraph (d) of subsection 1 to be proprietary information and will not release that information without the consent of the applicant.
- 4. *The Division may approve a nationally recognized organization to offer or teach a course of continuing education or formal training in domestic violence that has not applied for such approval pursuant to subsection 1.*

Sec. 34. NAC 228.220 is hereby amended to read as follows:

- 228.220 1. A provider of treatment or supervisor of treatment who wishes to obtain credit for a course of continuing education or approval for formal training in domestic violence that has not been approved by the ~~{Committee}~~ *Division* must submit to the ~~{Committee}~~ *Division* an application that includes the information set forth in subsection 1 of NAC 228.215.
2. The ~~{Committee}~~ *Division* may request additional information or documentation from an applicant as the ~~{Committee}~~ *Division* deems necessary.

Sec. 35. NAC 228.225 is hereby amended to read as follows:

228.225 1. The ~~{Committee}~~ *Division* will approve a course of continuing education or formal training in domestic violence or award credit for completion of a course of continuing education if the course:

- (a) Will be taught by a qualified instructor as demonstrated by his or her educational, professional and teaching experience;
- (b) Contains appropriate educational material concerning domestic violence or the treatment of an offender, or both; and
- (c) Requires the completion of a written evaluation of the content and presentation of the course by each provider of treatment and supervisor of treatment who is enrolled in the course.

2. ~~{If the Committee approves a course pursuant to subsection 1, the approval of the course expires 2 years after the date on which the course was approved unless another application is submitted to and approved by the Committee.~~

~~—3.— If the Committee receives an application pursuant to NAC 228.215 or 228.220 30 days or more before its next regularly scheduled meeting, the Committee will include the application on the agenda for that meeting. If the Committee receives such an application less than 30 days before its next regularly scheduled meeting, the Committee will include the application on the agenda for the first regular meeting of the Committee that is scheduled to be held more than 30 days after the Committee receives the request.~~

~~—4.—~~ Within 15 days after the ~~{Committee}~~ *Division* renders its decision concerning ~~{such}~~ an application ~~{}~~ *made pursuant to NAC 228.215 or 228.220*, it will provide written notice of its decision to the applicant.

~~{5.}~~ 3. If the ~~{Committee}~~ *Division* approves the course or will award credit for the completion of the course, the notice of approval will set forth:

(a) The number of hours of continuing education for which the course is approved or for which the applicant will receive credit; and

(b) If the application was submitted pursuant to NAC 228.215, the number of times the course may be offered . ~~{for the date the approval for the course expires.}~~

~~6.—If the Committee does not approve the course or will not award credit for the completion of the course, the notice will include the reasons for the disapproval of the course or the denial of credit. The applicant may, within 30 days after receiving the notice, submit a written request to the Committee for reconsideration of its decision.}~~

4. Before denying an application to offer or teach a course of continuing education or formal training in domestic violence, the Division will provide notice in accordance with NAC 439.345. A person who is aggrieved by an action of the Division relating to the denial of an application may appeal that action in accordance with NAC 439.300 to 439.395, inclusive.

Sec. 36. NAC 228.460 is hereby amended to read as follows:

228.460 1. ~~{The Committee will initially consider any claim of misconduct relating to a program as an informal complaint.}~~

~~—2.}~~ *Any person may submit a complaint concerning a program to the Division if the person believes that the program has:*

(a) Placed a victim of domestic violence at risk of harm; or

(b) Violated a provision of NAC 228.010 to 228.225, inclusive, and sections 2 to 13, inclusive, of this regulation.

2. *A person may not submit a complaint to the Division concerning the cost of services provided by a program.*

3. Upon the ~~[initiative of the Committee or following the]~~ receipt of ~~[an informal]~~ a complaint, ~~[a person designated by the Committee shall]~~ *the Division will* provide written notice ~~[of the informal complaint to the organization that operates the program and any staff member of the program identified in the informal complaint. The notice must include:~~

~~—(a) A summary of the allegations stated in the informal complaint; and~~

~~—(b) A statement that the organization may file a written response to the allegations in the informal complaint with the Committee within 30 days after receipt of the notice.~~

~~—3.— If, after an investigation and a review of any information received by the Committee concerning the informal complaint, the person designated by the Committee determines that the informal complaint alleges sufficient facts to warrant further proceedings, that person shall:~~

~~—(a) Cause a formal complaint to be prepared for consideration by the Committee; and~~

~~—(b) Set the formal complaint for hearing.~~

~~—4.— A formal complaint must contain a statement of facts alleging one or more grounds for action arising pursuant to NAC 228.140. Facts constituting grounds for action must be stated with such particularity as to enable the respondent to identify the actions in question.~~

~~—5.— All applicable citations, statutes, regulations or orders of the Committee must be stated together with the dates on which the acts or omissions are alleged to have occurred.~~

~~—6.— If more than one cause of action is alleged, each cause of action must be stated and numbered separately.~~

~~—7.— A formal complaint may be amended at any time. The Committee will grant a continuance if the amendment materially alters the formal complaint or a respondent~~

~~demonstrates an inability to prepare for the case in a timely manner.}~~ *to the person who filed the complaint that the complaint has been received.*

4. Not later than 45 days after receiving a complaint concerning a program pursuant to subsection 1, the Division will initiate an investigation of the program. The Division may also investigate a program if it determines that a program has likely committed an action described in subsection 1, regardless of whether a complaint is submitted.

5. An investigation conducted pursuant to subsection 4 may include, without limitation:

(a) Seeking additional information or requesting documents from the complainant, the program to which the complaint pertains or any other person involved in the actions described in the complaint; and

(b) A visit to any site at which the program operates to interview staff and clients, review records and make observations.

6. Not later than 10 business days after completing an investigation, the Division will:

(a) Compile a report of the investigation, which must include, without limitation, a description of each violation discovered during the inspection or a statement that no violations were discovered during the investigation; and

(b) Make the report available to the program that is the subject of the report.

Sec. 37. NAC 228.470 is hereby amended to read as follows:

228.470 1. All proceedings and investigations after the filing of ~~{an informal}~~ *a* complaint are confidential, except to the extent necessary for the conduct of an investigation ~~{, until the Committee determines to proceed with a formal complaint. If the Committee dismisses the informal complaint, the proceedings remain confidential. If the Committee proceeds with a formal complaint, confidentiality concerning the proceedings is not required.}~~ *or as otherwise*

provided in this subsection. A report of an investigation made available to a program pursuant to NAC 228.460 or section 11 of this regulation or a plan of correction approved by the Division pursuant to section 12 of this regulation are not confidential, except that any information which may establish the identity of a victim of domestic violence, including, without limitation, the victim's address or telephone number, the address or telephone number of his or her employer, the address or location of his or her child, or the school attended by his or her child is confidential and may not be disclosed by the ~~{Committee}~~ **Division**.

2. *The Division may, upon request, release a report of an investigation to any person after:*

(a) The expiration of at least 14 days immediately following the date on which the report is made available to the program that is the subject of the report pursuant to NAC 228.460 or section 11 of this regulation; or

(b) The approval of a plan of correction,

↪ whichever is earlier.

3. If the ~~{Committee}~~ **Division** conducts an investigation upon an informal complaint against a program, the ~~{Committee}~~ **Division** will not limit the scope of its investigation to the matters set forth in the informal complaint but may extend the investigation to any additional matters that appear to constitute a violation of any provision of this chapter.

~~{3}~~ 4. If, after its investigation, the ~~{Committee}~~ **Division** dismisses the informal complaint, the dismissal does not operate as a limitation on or a deterrent to any subsequent investigation or other action by the ~~{Committee}~~.

~~—4.— If the Committee directs that an investigation be conducted into a matter for which the Committee may take action pursuant to NAC 228.140, the results of the investigation or any~~

~~information relating to the investigation will not be examined by, and must not be disclosed to, the members of the Committee who will hear the matter before the hearing of the Committee on the matter.} *Division.*~~

Sec. 38. NAC 228.300, 228.310, 228.315, 228.320, 228.330, 228.340, 228.350, 228.360, 228.370, 228.380, 228.420, 228.430, 228.440, 228.450, 228.490, 228.500, 228.510, 228.530, 228.540, 228.550, 228.560, 228.570, 228.580, 228.590, 228.600, 228.610 and 228.620 are hereby repealed.

TEXT OF REPEALED SECTIONS

228.300 Scope. (NRS 233B.050) The provisions of NAC 228.300 to 228.640, inclusive, govern all practice and procedure before the Committee whenever the Committee is acting as an agency, as that term is defined in NRS 233B.031, including, without limitation, whenever the Committee is authorized by law to make regulations or to determine contested cases.

228.310 Construction and purpose. (NRS 233B.050) The provisions of NAC 228.300 to 228.640, inclusive, must be liberally construed to secure a just, speedy and economical determination of all issues presented to the Committee and to carry out the purposes of NRS 228.470 and chapter 233B of NRS.

228.315 Informal actions for resolution. (NRS 233B.050) Matters which do not affect the substantial rights of the parties may be considered and resolved by the Committee or a person designated by the Committee through informal conferences, meetings, agreements, stipulations

or other informal action as may be appropriate under the circumstances. Such informal action is held without prejudice to the Committee and formal proceedings may be instituted subsequently by the Committee, or a person designated by the Committee, for the same or related matters. If new evidence is discovered, the matter may at any time be opened again and investigated further if the circumstances so require.

228.320 Classification of parties. (NRS 233B.050)

1. Parties to proceedings before the Committee must be styled “petitioner,” “complainant,” “respondent,” “intervener” or “interested party,” according to the nature of the proceedings and the relationship of the parties.

2. Any person who petitions for affirmative relief, other than a complainant, must be styled “petitioner.”

3. A person who complains to the Committee of any act or of any person must be styled “complainant.”

4. Any person against whom a formal complaint is filed or investigation is initiated must be styled “respondent.”

5. Any person, other than the original parties to the proceeding, who may be directly and substantially affected by the proceeding must, upon securing an order from the Committee or presiding officer granting leave to intervene, be styled “intervener.” The granting of leave to intervene, or otherwise appear, in any matter or proceeding, is not construed to be a finding or determination of the Committee that the party will or may be a party aggrieved by any ruling, order or decision of the Committee for purposes of a court review or appeal.

6. Any person who believes that he or she may be affected by a proceeding, but who does not seek to participate in a proceeding, must be styled “interested party.”

228.330 Rights of parties in proceedings; appearances. (NRS 233B.050)

1. At any hearing, all parties named in NAC 228.320, except interested parties, are entitled to enter an appearance, introduce evidence, examine and cross-examine witnesses, make arguments and generally participate in the conduct of the proceeding. Interested parties may be acknowledged to state their possible interest.

2. Parties shall enter their appearance at the beginning of a hearing or at any time as may be designated by the presiding officer by giving their names and addresses and stating their position or interest to the presiding officer. This information must be recorded in the record of the hearing.

228.340 Representation of parties; qualifications of attorneys. (NRS 233B.050)

1. A party is entitled to be heard in person or by his or her attorney or other representative.

2. An attorney appearing as counsel in any proceeding must be an attorney at law, admitted to practice and in good standing before the highest court of any state. If an attorney is not admitted and entitled to practice before the Supreme Court of Nevada, an attorney so admitted and entitled to practice must be associated.

228.350 Service of process on attorney. (NRS 233B.050) Following the entry of an appearance by an attorney for a party, all notices, pleadings and orders thereafter served must be served upon the attorney. The service is considered valid service for all purposes upon the party represented.

228.360 Withdrawal of attorney. (NRS 233B.050) Any attorney of record wishing to withdraw from a proceeding before the Committee shall, in writing, immediately notify the Committee or the presiding officer, the party whom he or she represented and any other parties to the proceeding.

228.370 Standards of conduct. (NRS 233B.050)

1. An attorney appearing in a hearing before the Committee shall ensure that his or her conduct complies with the Nevada Rules of Professional Conduct.
2. All persons appearing in a hearing before the Committee shall conform to the standards of ethical and courteous conduct required in the courts of this State.
3. If a person fails to conform his or her conduct to the standards required by this section, the Committee may:
 - (a) Limit the evidence presented by that person; or
 - (b) Exclude that person or the person's representative from the hearing.
4. Any action taken by the Committee pursuant to this section and the reasons for that action will be stated on the record.

228.380 Captions, amendments and construction of pleadings. (NRS 233B.050)

1. Pleadings before the Committee, including a request for a declaratory order, an advisory opinion or the adoption, filing, amendment or repeal of a regulation, must:
 - (a) Bear the caption "Before the Committee on Domestic Violence in the matter of"; and
 - (b) Be signed by the party who submits the pleading or his or her legal representative.
2. A request for action by the Committee, other than for an action set forth in subsection 1, must include the full name and mailing address of the person who makes the request and be signed by that person.
3. The Committee may, if substantial rights of the parties are not violated, allow any pleading to be amended or corrected, or allow any omission to be supplied.

4. All pleadings will be liberally construed with a view to effect justice between the parties. The Committee or presiding officer will, at every stage of any proceeding, disregard errors or defects in the pleadings or proceedings that do not affect the substantial rights of the parties.

228.420 Motions. (NRS 233B.050)

1. A motion is a request directed at the authority of the Committee to act on a given subject.

2. All motions, unless made during a hearing, must be in writing.

3. All written motions must:

- (a) Set forth the nature of relief sought and the grounds for the relief requested; and
- (b) Be served on the opposing party and the Committee at least 10 days before the time set for the hearing on the motion.

4. An opposing party may file a written response to a motion within 7 days after the receipt of the motion by serving the written response on all parties and the Committee, but in no case may a written response be filed less than 3 days before the time set for the hearing on the motion except for good cause shown and with the permission of the Committee.

5. The moving party may serve and file a written reply only if an opposition to the motion has been served and filed.

6. A decision will be rendered without oral argument unless oral argument is ordered by the Committee. If oral argument is so ordered, the parties must be prepared to present oral argument at the time of the hearing.

228.430 Filing. (NRS 233B.050) An original and two legible copies of all pleadings, motions or other papers must be filed with the Committee. The Committee, its counsel or the Chair of the Committee may direct that a copy of all pleadings and motions be made available by

the party filing them to any other person who may be affected by the proceeding and who desires copies.

228.440 Service of process. (NRS 233B.050)

1. All notices, documents, advisory opinions and declaratory orders required to be served by the Committee will be served in person or by mail. If the service is by mail, the service is complete when a true copy of the document, properly addressed and stamped, is deposited with the United States Postal Service. The notice, document, advisory opinion or declaratory order must be addressed to the last known address of the party as indicated in the records of the Committee.

2. All documents required to be served by parties must be served in person or by mail. If the service is by mail, the service is complete when a true copy of the document, properly addressed and stamped, is deposited with the United States Postal Service.

228.450 Acknowledgment or proof of service. (NRS 233B.050) Each document served by the Committee or any party to a proceeding of the Committee must include an acknowledgment of service or proof of service.

228.490 Notice; location. (NRS 233B.050)

1. Hearings must be held before the Committee. A quorum of the Committee is sufficient to convene any hearing.

2. Except as otherwise provided in subsection 3, notice of the hearing will include:

- (a) A statement of the time, place and nature of the hearing;
- (b) A statement of the legal authority and jurisdiction under which the hearing is to be held;
- (c) A reference to the particular sections of the statutes and regulations involved; and
- (d) A short and plain statement of the matters asserted.

3. If a notice of the hearing and a formal complaint are served at the same time, the notice and complaint will be considered together in satisfying the requirements of subsection 2 and NRS 233B.121.

4. Notice of the hearing will be served at least 20 days before the time set for the hearing. A hearing that has previously been continued may be reset on notice of not less than 10 days.

5. Hearings will be held at such place in this State as may be designated by the Committee in the notice of hearing.

228.500 Continuance. (NRS 233B.050)

1. The Committee will grant a continuance upon a joint stipulation of the parties or the existence of emergency conditions or for good cause shown upon a written request filed with the Committee not later than 10 days before the hearing and physically served upon the opposing party at least 10 days before the hearing. "Good cause shown" will be narrowly construed.

2. The Chair of the Committee may grant a request for a continuance or for an extension of time if he or she determines that to do so would not substantially prejudice the rights of any other party.

228.510 Failure of party to appear. (NRS 233B.050)

1. If a party fails to appear at a hearing scheduled by the Committee and no continuance has been requested or granted, the Committee may hear the evidence of such witnesses as may have appeared and the Committee may proceed to consider the matter and dispose of it on the basis of the evidence before it.

2. If, because of accident, sickness or other reasonable cause, a person fails to appear for a hearing scheduled by the Committee or fails to request a continuance, the person may, within a reasonable time not to exceed 15 days after the date of the hearing, apply to the Committee to

reopen the proceedings. The Committee, upon finding sufficient cause, will immediately fix a new time and place for a hearing and give the respondent notice thereof. At the time and place fixed, a hearing must be held at which the respondent may testify in his or her own behalf or present such other evidence as may be beneficial to his or her cause.

3. Witnesses who have previously testified are not required to appear at the second hearing unless so directed by the Committee.

228.530 Preliminary procedure. (NRS 233B.050) The presiding member of the Committee shall call the proceeding to order and proceed to take the appearances, and act upon any pending motions or petitions. The parties may then make opening statements.

228.540 Testimony must be under oath. (NRS 233B.050) All testimony to be considered by the Committee in any hearing, except matters noticed officially or entered by stipulation, must be sworn testimony. Before taking the witness stand, each person shall swear or affirm that the testimony he or she is about to give is the truth, the whole truth and nothing but the truth.

228.550 Presentation of evidence; closing statements. (NRS 233B.050)

1. Unless otherwise ordered by the Committee, evidence will be received in the following order:

(a) Upon a petition:

- (1) The petitioner.
- (2) A person designated by the Committee.
- (3) The intervener.
- (4) Rebuttal by the petitioner.

(b) Upon a formal complaint:

- (1) The counsel for the Committee.
 - (2) The respondent.
 - (3) Rebuttal by the counsel for the Committee.
 - (4) Surrebuttal by the respondent.
2. This procedure may be modified by the Committee or its presiding member.
 3. Closing statements by the parties may be allowed at the discretion of the presiding member of the Committee.

228.560 Consolidation. (NRS 233B.050) The presiding member of the Committee may consolidate two or more proceedings into one hearing whenever it appears that the issues are substantially the same and the interests of the parties will not be prejudiced by consolidation. At any consolidated hearing, the presiding member of the Committee shall determine the order of procedure.

228.570 Stipulations. (NRS 233B.050) The parties may stipulate as to any fact at issue by written stipulation introduced in evidence as an exhibit or by oral statement shown upon the record. Any stipulation is binding upon all parties to the stipulation, and it may be treated as evidence at the hearing. The presiding member of the Committee may require proof by evidence of the facts stipulated to, notwithstanding the stipulation of the parties.

228.580 Official notice of facts. (NRS 233B.050) The Committee may take official notice of judicially cognizable facts and of recognized technical or scientific facts within the specialized knowledge of the Committee, including, without limitation, the following matters:

1. Regulations, official reports, decisions, orders, standards or records of the Committee, any other regulatory agency of this State or any court of record.

2. Matters of common knowledge and technical or scientific facts of established character if their authenticity and correctness cannot be reasonably questioned.

228.590 Filing of briefs. (NRS 233B.050) The Committee may request briefs to be filed within such time as may be allowed by the Committee. A brief must be accompanied by an acknowledgment of service or proof of service in accordance with NAC 228.450.

228.590 Filing of briefs. (NRS 233B.050) The Committee may request briefs to be filed within such time as may be allowed by the Committee. A brief must be accompanied by an acknowledgment of service or proof of service in accordance with NAC 228.450.

228.600 Decisions and orders by Committee; service. (NRS 233B.050)

1. A decision or order that is adverse to a party in any hearing will be in writing or stated in the record and will include findings of fact and conclusions of law.

2. Orders or decisions will be rendered within 90 days after the completion of the hearing unless a shorter time is required by statute.

3. A proceeding stands as submitted for decision by the Committee after the taking of evidence, the filing of briefs or the presentation of any oral argument authorized by the Committee, whichever occurs last.

4. An adverse decision or order of the Committee will be served by sending a copy of the decision or order by certified mail to the parties of record or their representatives, or by personal service. Additional copies of orders may be obtained upon written request.

228.610 Rehearings. (NRS 233B.050)

1. Within 15 days after the Committee has rendered a decision or issued an order, the aggrieved party may apply for a rehearing by filing a written petition for a rehearing setting forth the grounds for the petition. The Committee will consider the following grounds for a rehearing:

(a) A material mistake or fraud affecting the decision; or

(b) The discovery of material evidence that was previously unavailable.

2. The Committee will act upon the petition at the next regularly scheduled meeting which is held 30 days or more after the petition is filed. If no action is taken by the Committee within the time specified, the petition shall be deemed denied and the decision of the Committee is final.

3. The Committee, on its motion, may order a rehearing within 6 months after its decision if mistake, fraud or misconception of facts existed in the forming of its original decision.

4. Rehearings will be conducted in accordance with the procedure for hearings.

5. The filing of a petition for rehearing does not excuse compliance with the order or decision, or suspend the effectiveness of the order unless otherwise ordered by the Committee.

228.620 Filing of petition for judicial review; records of hearings. (NRS 233B.050)

1. Upon the filing of a petition for judicial review of a final decision in a contested case, the Committee will cause a record to be made in accordance with subsection 6 of NRS 233B.121.

2. Persons desiring copies of the record may obtain the copies from the office of the Committee upon payment of the cost to copy the record.