

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

LCB FILE NO. R071-201

**The following document is the initial draft regulation proposed
by the agency submitted on 06/09/2020**

PROPOSED REGULATION OF THE DIVISION OF PUBLIC AND BEHAVIORAL HEALTH

Italics, blue: New proposed language

~~[Red]:~~ Removed language

AUTHORITY: NRS 439.150, NRS 439.258,

Section 1. Chapter 439 of NAC is hereby amended by adding and changing thereto the provisions set forth in sections 2 to 6 of this regulation.

Sec. 2.

1) A program for the treatment of persons who commit domestic violence must:

- (1) Include a module specific to victim safety; and*
- (2) Be based on:*
 - (I) Evidence-based practices; and*
 - (II) The assessment of a program participant by a supervisor of treatment or provider of treatment.*

Sec. 3. Program for the Treatment of Persons who Commit Domestic Violence

1) The following fees must be paid by a Program for the Treatment of Persons who Commit Domestic Violence:

<i>1. Initial program certification application fee</i>	<i>\$448</i>
<i>2. Program certification annual renewal application fee</i>	<i>\$224</i>
<i>3. Addition of program location fee</i>	<i>\$112</i>
<i>4. Out-of-state initial certification application fee</i>	<i>\$224</i>
<i>5. Out-of-state annual renewal application fee</i>	<i>\$112</i>

2) The above fees include the costs to approve a program's supervisor and provider of treatment applications; therefore, no separate fees are established for a supervisor or provider of treatment application.

Sec. 4. Supervisor of Treatment and Providers of Treatment Initial Application

1. An applicant to become a supervisor or provider of treatment shall submit, in a format prescribed by the Division, with each application:

(a) The applicant's full name, including his or her first name, middle name if applicable and last name;

(b) Any other name that has been used by the applicant;

(c) The applicant's date of birth;

(d) The applicant's physical address and the applicant's mailing address if different than the physical address;

(e) A telephone number at which the applicant can be reached;

(f) A method of electronic communication, including, without limitation, an electronic mail address, a telephone number that will accept electronic mail, or any other method by which the

Division may communicate with the applicant other than by telephone or United States mail. The Division may exempt an applicant from the requirements of this paragraph if the applicant attests that the methods set forth in this paragraph are not feasible for him or her and acknowledges that the United States mail is the only means by which to communicate with the applicant;

(g) The applicant's social security number;

(h) A statement by the applicant acknowledging the mandatory reporting requirements concerning the abuse, neglect, exploitation or isolation of an older person set forth in NRS 200.5093, the abuse, neglect, exploitation or isolation of a vulnerable person set forth in NRS 200.50935 and the abuse or neglect of a child set forth in NRS 432B.220;

(i) The name of the program for which the applicant will be working if approved as a provider or supervisor of treatment;

(j) Proof, as determined by the Division, of meeting the qualifications to become a supervisor or provider of treatment pursuant to NAC 228.110; and

(k) Any other information required by the Division to determine the applicant's identity or eligibility to become a qualified program supervisor or provider of treatment.

2. Approval to work as a supervisor or provider of treatment expires 3 years after the date of issuance of approval to work as a supervisor or provider of treatment pursuant to this section.

3. An applicant shall notify the Division of any change to the information contained in their application pursuant to this section within 30 days after the change. The notification may be made in writing, by electronic mail or by any other method authorized by the Division.

Sec. 5. Supervisor of Treatment and Providers of Treatment Renewal Application

1. Each supervisor or provider of treatment approval issued pursuant to section 4 is renewable every three years on or before the expiration date of the approval.

2. The application for renewal pursuant to subsection 1 must be submitted in a manner prescribed by the Division and must be signed by the applicant, which may be via an electronic signature.

3. The Division may renew the approval to serve as a supervisor or provider of treatment if the applicant:

(a) Submits a completed application which is in compliance with subsection 1 and subsection 2 of this section;

(b) Attests that the applicant has satisfactorily completed the continuing education requirements pursuant to NAC 228.210;

(c) Attests that they have not committed any act which is grounds for disciplinary action, unless the Division determines that sufficient restitution has been made or the act was not substantially related to practicing as a supervisor or provider of treatment; and

(d) Submits any other information, as required by the Division, to complete the renewal.

4. The supervisor or provider of treatment shall keep a copy of all continuing education certificates required pursuant to subsection (3)(b) of this section for 6 years.

5. The Division, may at any time, perform an audit of a supervisor or provider of treatment to determine if they are in compliance with the continuing education requirements pursuant to subsection (3)(b) of this section.

6. *If the Division determines the supervisor or provider of treatment is not in compliance with subsection (3)(b) of this section, the Division will give the supervisor or provider of treatment 45 days to come into compliance. If supervisor or provider of treatment does not come into compliance within the required 45 days, the supervisor or provider of treatment will not be allowed to work in a program and will need to submit a new supervisor or provider of treatment application, as applicable, pursuant to section 4.*

7. *A supervisor or provider of treatment approved pursuant to sections 4 or 5 may work for any program if they are a currently approved supervisor or provider of treatment with no further approvals required.*

8. *The Division shall determine what constitutes satisfactory documentation and information required to renew an approval to become a supervisor or provider of treatment pursuant to this section.*

9. *If a completed application and the documents pursuant to this section are not received by the Division on or before the renewal date of the approval, the supervisor or provider of treatment approval is considered expired.*

10. *If an incomplete application for the renewal of a supervisor or program of treatment approval 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.*

11. *A supervisor or provider of treatment who does not renew their approval on or before the expiration date of the approval shall not be allowed to work in a program as the approval will be considered expired until such time that the supervisor or provider of treatment reapplies for approval in accordance with section 3 and is once again approved to serve as a supervisor or provider of treatment.*

Sec. 6. NAC 228.100 is hereby amended to read as follows:

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 Division in the form prescribed by the Division, including, without limitation:

(a) Proof that the organization has satisfied the requirements of subsection 3;

(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](#);

(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 [228.275](#), inclusive; and
- (i) Any other information required by the Division.
2. The application must be signed by 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 [NAC 228.108](#); 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 [228.275](#), inclusive;
- (e) Provide treatment to persons who have been convicted of an offense that constitutes domestic violence which meets the requirements of any court order issued pursuant to subsection 6 of [NRS 200.485](#), if applicable;
- (f) Allow an offender ~~[who resides more than 70 miles from the nearest program]~~ to attend a *live, interactive* counseling sessions or other meetings through electronic means if:
- (1) The ~~[offender]~~ *program* has: *implemented a mechanism to ensure the person attending the counseling sessions is the individual who is supposed to be taking the counseling sessions.*
- ~~-(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 *utilizing the mechanism established in (f) (1)* ~~[by comparing the video of the offender with the photograph provided pursuant to subparagraph (I)];~~
- (g) *The program* ~~[P]~~prohibits 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
- (h) *The program* ~~[P]~~prohibits 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 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 in the form prescribed by the Division and be signed by 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 Division to investigate as it determines is necessary to verify the information set forth in the application. Upon the request of the Division, the applicant must submit verification of that information.