

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

LCB File No. R071-20

December 2, 2020

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

AUTHORITY: §§1-12, NRS 439.258.

A REGULATION relating to domestic violence; establishing a procedure for the Division of Public and Behavioral Health of the Department of Health and Human Services to approve a person to work as a supervisor of treatment or provider of treatment; requiring a person to renew his or her approval to work as a supervisor of treatment or provider of treatment every 3 years; authorizing the Division to audit a supervisor of treatment or provider of treatment to determine compliance with certain requirements for continuing education; authorizing an offender to attend counseling sessions or meetings for a program by electronic means; requiring a program to establish certain procedures concerning counseling sessions and meetings attended by an offender through electronic means; revising certain provisions relating to the standards of treatment for a program; revising certain provisions concerning the curriculum and instructional materials of a program; requiring a supervisor of treatment or provider of treatment to maintain certain records concerning continuing education; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Division of Public and Behavioral Health of the Department of Health and Human Services to evaluate, certify and monitor programs for the treatment of persons who commit domestic violence. Existing law requires the Division to adopt regulations governing the evaluation, certification and monitoring of such programs. (NRS 439.258)

Existing regulations establish that a provider of treatment is a person who is employed, or retained as an independent contractor, by a program to provide treatment to persons who commit domestic violence. (NAC 228.050, 228.110) Existing regulations also establish that a supervisor of treatment is a person who is employed, or retained as an independent contractor, by a program to supervise the treatment of persons who commit domestic violence. (NAC 228.060, 228.110)

Existing regulations set forth a standard qualification process for supervisors of treatment and providers of treatment. (NAC 228.110) **Section 6** of this regulation, in addition to the existing standard qualifications, requires a supervisor of treatment or provider of treatment to be

approved by the Division to work in his or her respective position. **Section 2** of this regulation establishes the application procedure for a person to obtain approval to work as a supervisor of treatment or provider of treatment when that person otherwise meets all of the standard qualifications required by **section 6**.

Existing regulations also set forth a separate process for qualification for a person to be employed, or retained as an independent contractor, as a supervisor of treatment if that person meets the standard qualifications, except those qualifications concerning licensing. (NAC 228.110) **Section 6** revises the qualification process to require such a person to additionally submit the application described in **section 2** for approval to work as a supervisor of treatment.

Section 6 excludes a person who is employed, or retained as an independent contractor, by a program in the position of supervisor of treatment or provider of treatment on the effective date of this regulation, from the requirement for approval to work in that position.

Section 3 of this regulation requires a person who has obtained approval to work as a supervisor of treatment or provider of treatment to renew the approval: (1) not later than 3 years after the effective date of the initial approval by the Division; and (2) every 3 years thereafter. **Section 3** establishes the application procedure for obtaining the renewal of the approval to work as a supervisor of treatment or provider of treatment.

Existing regulations require a supervisor of treatment or provider of treatment to annually complete 15 hours of continuing education approved by the Division. (NAC 228.210) **Section 12** of this regulation requires a supervisor of treatment or provider of treatment to maintain proof of the content and completion of the required continuing education for at least 6 years after the completion of the 15 hours of continuing education. **Section 4** of this regulation authorizes: (1) the Division to audit a supervisor of treatment or provider of treatment to verify compliance with the requirements for continuing education; (2) the Division to revoke the approval to work of a supervisor of treatment or provider of treatment who is found to not be in compliance with the continuing education requirements; and (3) a supervisor of treatment or provider of treatment to reapply for an approval to work in that position if his or her approval as a supervisor of treatment or provider of treatment has been revoked by the Division due to his or her noncompliance with the requirements for continuing education.

Existing regulations require a program to allow an offender who lives more than 70 miles from the nearest program to attend the counseling sessions or other meetings electronically under certain circumstances. (NAC 228.100) **Section 5** of this regulation removes the 70-mile limitation and instead authorizes any offender to attend counseling sessions or other meetings electronically if: (1) the program has implemented a mechanism to ensure that the person attending electronically is actually the offender; and (2) the provider of treatment verifies the identity of the offender at each meeting by utilizing the mechanism.

Existing law specifies that the regulations governing a program for the treatment of persons who commit domestic violence must require that the program be based on evidence-based best practices and on an assessment of a program participant by a supervisor of treatment or provider of treatment. (NRS 439.258) Existing regulations establish the methods and standards of treatment for a program. (NAC 228.170) **Section 10** of this regulation, in addition to

meeting the existing standards of treatment, requires a program to be based on evidence-based best practices and furthermore requires each written plan of treatment for an offender to be based on the assessment of the offender by a supervisor of treatment or provider of treatment.

Existing law also specifies that the regulations governing such a program must require that the program include a module specific to victim safety. (NRS 439.258) Existing regulations establish the topics that must be included in the curriculum and instructional materials of such a program. (NAC 228.185) **Section 11** of this regulation, in addition to including the existing topics, requires the curriculum and instructional materials of a program to include a module specific to victim safety.

Sections 7-9 of this regulation make conforming changes related to programs for the treatment of persons who commit domestic violence.

Section 1. Chapter 228 of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

Sec. 2. 1. *A person who wishes to obtain approval to work as a supervisor of treatment or provider of treatment must submit an application to the Division in the form prescribed by the Division, including, without limitation:*

(a) The full name of the applicant, 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 date of birth of the applicant.

(d) The physical address of the applicant and the mailing address of the applicant, if different from the physical address of the applicant.

(e) The 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:

(1) Attests that the methods set forth in this paragraph are not feasible for the applicant; and

(2) Acknowledges that United States mail is the only means by which to communicate with the applicant.

(g) The social security number or taxpayer identification number of the applicant.

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

(i) Any proof required by the Division that the applicant has met the requirements set forth in NAC 228.110, as applicable.

(j) Any other information required by the Division to determine the identity or eligibility of the applicant.

2. The Division will approve or deny an application for approval to work as a supervisor of treatment or provider of treatment.

3. An applicant shall notify the Division of any change to the information contained in his or her application 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. 3. 1. *A person who has obtained approval to work as a supervisor of treatment or provider of treatment pursuant to section 2 of this regulation or subsections 3 or 7 of NAC 228.110, as applicable, must submit a completed application for the renewal of the approval to*

work as a supervisor of treatment or provider of treatment not later than 3 years after the effective date of the initial approval and every 3 years thereafter.

2. The initial approval to work as a supervisor of treatment or provider of treatment may be renewed if the Division determines that:

(a) The application for the renewal of the approval:

(1) Was submitted in the manner prescribed by the Division;

(2) Is complete; and

(3) Includes the signature of the applicant; and

(b) The applicant:

(1) Attests to having satisfactorily completed the continuing education requirements set forth in NAC 228.210;

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

(3) Submits any other information required by the Division.

3. If an incomplete application for the renewal of the 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.

4. If an initial approval to work as a supervisor of treatment or provider of treatment is not renewed in a timely manner pursuant to subsection 1:

(a) The Division will revoke the approval; and

(b) The person may reapply for an approval pursuant to section 2 of this regulation or subsections 3 or 7 of NAC 228.110, as applicable.

Sec. 4. 1. *The Division may perform an audit at any time of a supervisor of treatment or provider of treatment to determine if the supervisor of treatment or provider of treatment is in compliance with the continuing education requirements set forth in NAC 228.210.*

2. If the Division determines that the supervisor of treatment or provider of treatment is not in compliance with NAC 228.210, the Division will notify the supervisor of treatment or provider of treatment that he or she has 45 days to comply with the continuing education requirements set forth in NAC 228.210. If the supervisor of treatment or provider of treatment does not comply with the continuing education requirements set forth in NAC 228.210 within 45 days after being notified:

(a) The Division will revoke the approval to work as a supervisor of treatment or provider of treatment; and

(b) The supervisor of treatment or provider of treatment may reapply for an approval pursuant to section 2 of this regulation or subsections 3 or 7 of NAC 228.110, as applicable.

Sec. 5. 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 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 sections 2, 3 and 4 of this regulation*; 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 ~~1~~, *and sections 2, 3 and 4 of this regulation;*
- (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 *live and interactive* counseling sessions or other meetings through electronic means if:
 - (1) The ~~offender~~ *program* has ~~1~~
 - ~~(I) Attended at least one counseling session in person before~~ *implemented a mechanism to ensure that the offender* 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;~~ *is the offender who is supposed to be attending the counseling session or meeting;*
 - (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~~ *using the mechanism described in* 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

(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 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.

Sec. 6. NAC 228.110 is hereby amended to read as follows:

228.110 1. 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~~ 3, 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) Except as otherwise provided in subsection ~~3~~ 2, 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) 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) Has satisfactorily completed at least 15 hours of the training in domestic violence required by paragraph (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 supervisor of treatment at the program;

(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;

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

(h) Is not currently a person with an addictive disorder related to prescription drugs or alcohol or a user of illegal drugs ~~;~~ *and*

(i) Except as otherwise provided in subsections 3 and 9, is approved by the Division to work as a supervisor of treatment pursuant to section 2 of this regulation.

~~2. The 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 paragraph (c) 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.~~ **3.** 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 *for approval to work as a supervisor of treatment* to the Division that includes, without limitation ~~4, a~~ :

(1) *A statement concerning his or her work history, education and experience; and*

(2) *Except as otherwise provided in subsection 9, the application required for approval to work as a supervisor of treatment described in section 2 of this regulation;*

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

(c) The 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.~~ *approves the request for approval to work as a supervisor of treatment.*

4. Within 120 days after the Division receives a request *for approval to work as a supervisor of treatment* pursuant to subsection ~~4, 3~~, the Division will provide written notice of its approval or denial of the request to the person who submitted the request. If the Division denies the request, the notice will include the reasons for the denial of the request.

~~6. A~~

5. *Unless 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, 3~~ *fails to renew his or her approval to work as a supervisor of treatment in a timely manner pursuant to section 3 of this regulation, the person* is ~~qualified~~ *approved to work* 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.

~~17.1~~ 6. 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) Except as otherwise provided in subsection ~~19.1~~ 7, possesses a bachelor's degree or more advanced degree;

(b) Is supervised by a supervisor of treatment who is qualified pursuant to subsection 1, ~~13.1~~ 2 or ~~14.1~~ 3 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 Division;

(c) 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) Has satisfactorily completed at least 15 hours of the training in domestic violence required by paragraph (c) 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;

(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;

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

(g) Is not currently a person with an addictive disorder related to prescription drugs or alcohol or a user of illegal drugs ~~f~~.

~~—8.— The 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] ; and~~

(h) Except as otherwise provided in subsections 7 and 9, is approved to work as a provider of treatment pursuant to section 2 of this regulation.

7. The Division may approve a person ~~{may}~~ to 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,}~~ 6, and a program may employ, or retain as an independent contractor, the person approved by the Division, if the program is located in a county whose population is less than 50,000 and the person proves, to the satisfaction of the 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) *Except as otherwise provided in subsection 9, the person has submitted to the Division the application required to be approved to work as a provider of treatment described in section 2 of this regulation; and*

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

~~{10,}~~ 8. 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}~~ 7 is ~~{qualified}~~ *approved to work* as a provider of treatment for a period which ends on ~~{the renewal date of the certificate issued for the program pursuant to NAC 228.100}~~ :

(a) The expiration date of the approval to work as a provider of treatment, if the provider of treatment fails to renew the approval in a timely manner pursuant to section 3 of this regulation; or ~~on the~~

(b) The date on which the program ceases to operate,

↳ whichever occurs first.

~~11.1~~ *9. The provisions of paragraph (i) of subsection 1, subparagraph (2) of paragraph (a) of subsection 3, paragraph (h) of subsection 6 and paragraph (c) of subsection 7 do not apply to a person who is employed, or retained as an independent contractor, in the position of a supervisor of treatment or provider of treatment on the effective date of this regulation.*

10. The 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.

~~11.2~~ *11. As used in this section, "free of violence in his or her life" means that a person:*

(a) Does not engage in acts of physical violence;

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

(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

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

Sec. 7. NAC 228.130 is hereby amended to read as follows:

228.130 1. 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 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 18 months after the Division first issued the provisional certificate.

2. The certificate will be renewed if the 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 Division conducted pursuant to NAC 228.270, if one is conducted;

(d) The organization which operates the program has submitted:

(1) Proof of completion of the hours of continuing education required by NAC 228.210;

(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 ~~111~~ 10 of NAC 228.110;

(3) The annual reports required by NAC 228.115;

(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 ~~is~~ *of the certificate*, 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 ~~is~~ *of the certificate*, 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 Division on or before the renewal date of the certificate, the certificate expires 30 days after that date.

4. If a completed application is:

(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 Division on the date indicated on the post office cancellation mark stamped upon the envelope containing the document if:

(1) The envelope is properly addressed as instructed by the Division; and

(2) That date is earlier than the actual receipt of that document.

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 30 days after the renewal date of the certificate if the organization complies with the requirements set forth in subsection 2.

7. If a certificate is not renewed 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 makes available to the courts of this State; and

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

Sec. 8. NAC 228.140 is hereby amended to read as follows:

228.140 The Division may refuse to issue or renew a certificate for a program, revoke or suspend a certificate, 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 228.275, inclusive ~~H~~, *and sections 2, 3 and 4 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 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 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 Division determines warrants such an action.

Sec. 9. 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 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 *or abandonment* of an older person *or vulnerable 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 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 *or abandonment* of an older person *or vulnerable 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 in the form prescribed by the 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. 10. 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~~ :

(a) Is based on evidence-based practices;

(b) Requires that the written plan of treatment of an offender be based on an assessment of the offender by a supervisor of treatment or provider of treatment; and

(c) 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 use of alcohol or other substance use disorder of 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 6 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 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

(f) Reports evidence of abuse, neglect, exploitation, ~~or~~ isolation *or abandonment* of an older person *or vulnerable 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 misuse of drugs or alcohol by the offender and the effect that the misuse 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. 11. NAC 228.185 is hereby amended to read as follows:

228.185 An organization that operates a program shall ensure that the curriculum and instructional materials used in the program include ~~the~~ :

1. The following topics:

- ~~1.1~~ (a) The patterns and cycle of violent or abusive behavior;
- ~~1.2~~ (b) How patterns and attitudes toward violent behavior in a family are often learned by the generations that follow;
- ~~1.3~~ (c) The ability to remove oneself from situations that have the potential of becoming violent before acting in a violent or abusive manner;
- ~~1.4~~ (d) Beliefs of offenders and myths relating to provocation;
- ~~1.5~~ (e) The necessity of using a plan of control that is developed by a provider of treatment pursuant to NAC 228.170;
- ~~1.6~~ (f) Tactics used by an offender to obtain or maintain power over and control of a person who is a victim of domestic violence, including, without limitation, isolating the person, emotionally abusing the person, sexually abusing the person, intimidating the person and threatening the person;
- ~~1.7~~ (g) Methods of controlling violent behavior;
- ~~1.8~~ (h) Management of stress;

~~19.~~ (i) Socialization of roles relating to gender and the effect of those roles on the beliefs and attitudes of the offender relating to his or her violent behavior;

~~10.~~ (j) Resolution of conflict;

~~11.~~ (k) Skills for effective communication;

~~12.~~ (l) Taking responsibility for engaging in violent behavior;

~~13.~~ (m) Personal and cultural attitudes toward the opposite sex;

~~14.~~ (n) Cultural and societal bases for engaging in violent behavior, including, without limitation, values and beliefs relating to violent behavior;

~~15.~~ (o) Defining alcohol and other substance use disorders and discussing the effect that such disorders have on an offender and his or her family;

~~16.~~ (p) Skills related to parenting that focus on the effect of domestic violence on children;

~~17.~~ (q) Skills related to enhancing personal relationships;

~~18.~~ (r) Guilt and shame experienced by an offender relating to his or her violent behavior;

~~19.~~ (s) The ability to share power and decision making equally in a personal relationship;

~~20.~~ (t) Using a model for personal relationships that is based on nonviolence and equality and that incorporates the concepts of accountability for one's own behavior, negotiation, fairness, and equality concerning economic issues; and

~~21.~~ (u) Identifying signs of a relapse in behavior and methods of preventing such a relapse.

2. A module specific to victim safety.

Sec. 12. 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 completes annually at least 15 hours of continuing education approved by the 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 supervisor of treatment or provider of treatment shall maintain proof of the content and completion of the hours of continuing education required pursuant to paragraph (a) of subsection 1 for at least 6 years after the 15 hours of continuing education are completed.*

3. 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.

~~3.1~~ 4. 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.