

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

LCB File No. R046-21

November 22, 2021

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

AUTHORITY: § 1, NRS 641C.200, as amended by section 23.5 of Senate Bill No. 44, chapter 522, Statutes of Nevada 2021, at page 3501; § 2, NRS 641C.200, as amended by section 23.5 of Senate Bill No. 44, chapter 522, Statutes of Nevada 2021, at page 3501, 641C.330, as amended by section 1 of Senate Bill No. 181, chapter 170, Statutes of Nevada 2021, at page 752, 641C.350, as amended by section 2 of Senate Bill No. 181, chapter 170, Statutes of Nevada 2021, at page 753, 641C.390 and 641C.430.

A REGULATION relating to counselors for alcohol, drug and gambling addictions; authorizing a licensed or certified counselor to supervise a certified intern through secure electronic means under certain circumstances; authorizing a certified intern to request an extension of time for completing education and training requirements; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Examiners for Alcohol, Drug and Gambling Counselors to adopt regulations concerning the remote supervision of a person certified as a clinical alcohol and drug counselor intern, an alcohol and drug counselor intern or a problem gambling counselor intern. (NRS 641C.200, as amended by section 23.5 of Senate Bill No. 44, chapter 522, Statutes of Nevada 2021, at page 3501) **Section 1** of this regulation authorizes a licensed or certified counselor to supervise, through a secure electronic method, such a certified intern providing services at a treatment agency so long as the licensed or certified counselor is available at all times that the certified intern is providing services.

Existing law also establishes education and training requirements that a certified intern is required to complete in order to obtain a license as a clinical alcohol and drug counselor, a license or certificate as an alcohol and drug counselor or a certificate as a problem gambling counselor. (NRS 641C.330, as amended by section 1 of Senate Bill No. 181, chapter 170, Statutes of Nevada 2021, at page 752, 641C.340, 641C.350, as amended by section 2 of Senate Bill No. 181, chapter 170, Statutes of Nevada 2021, at page 753, 641C.390 and 641C.430)

Section 2 of this regulation authorizes a certified intern to apply to the Board to request an extension of the 5-year period prescribed in existing regulations to complete such education and training requirements, and establishes the circumstances under which the Board may grant such a request. (NAC 641C.290)

Section 1. NAC 641C.250 is hereby amended to read as follows:

641C.250 1. A person who is licensed or certified as an alcohol and drug counselor may:

(a) Provide counseling for the use of alcohol and other substance use disorders, including,

without limitation:

(1) Making a diagnosis or classification;

(2) Providing a referral; or

(3) Planning a course of treatment;

(b) Provide counseling to a person who has a significant relationship with an identified or suspected person with an alcohol or other substance use disorder, only to the extent necessary to treat the identified or suspected person or engage the identified or suspected person in treatment; and

(c) Conduct testing for which the counselor was trained.

2. A person who is licensed as a clinical alcohol and drug counselor may:

(a) Provide counseling for alcohol and other substance use disorders, including, without limitation:

(1) Making a diagnosis or classification;

(2) Providing a referral; or

(3) Planning a course of treatment;

(b) Provide counseling for a mental illness to a person with mental illness so long as the person's mental illness is not a psychotic disorder and the person also has an alcohol or other substance use disorder, including, without limitation:

- (1) Making a diagnosis or classification;
- (2) Providing a referral; or
- (3) Planning a course of treatment;

(c) Provide counseling to a person who has a significant relationship with an identified or suspected person with an alcohol or other substance use disorder, only to the extent necessary to treat the identified or suspected person or engage the identified or suspected person in treatment; and

(d) Conduct testing for which the counselor was trained.

3. A person who is certified as a problem gambling counselor may:

(a) Provide counseling for problem gambling, including, without limitation:

- (1) Making a diagnosis or classification;
- (2) Providing a referral; or
- (3) Planning a course of treatment;

(b) Provide counseling to a person who has a significant relationship with an identified or suspected person with an addictive disorder related to gambling, only to the extent necessary to treat the identified or suspected person or engage the identified or suspected person in treatment; and

(c) Conduct testing for which the counselor was trained.

4. A certified intern may provide any services allowed by law only at a treatment agency, if the licensed or certified counselor supervising the certified intern is physically present at the treatment agency while the certified intern is providing such services ~~and~~ *or supervises the certified intern through a secure electronic method while the certified intern is providing such services*, or at the practice of the licensed or certified counselor supervising the certified intern, subject to the clinical supervision and allowance by the licensed or certified counselor supervising the certified intern. Any entry made by a certified intern in the clinical record of a client must be substantiated in the clinical record and countersigned by the licensed or certified counselor supervising the certified intern. *A licensed or certified counselor who is supervising a certified intern through a secure electronic method must be available at all times that the certified intern is providing services.* As used in this subsection, “treatment agency” means any public or private agency which provides for the treatment of alcohol and drug abusers or problem gamblers, including, without limitation, a satellite location of the agency.

5. Except as otherwise provided in subsection 6 and in NRS 641C.130, the provision of counseling services related to alcohol and other substance use disorders or an addictive disorder related to gambling to a client in this State through any means, including, without limitation, electronic means or by telephone, regardless of the location of the person providing that counseling, constitutes the practice of counseling persons with alcohol and other substance use disorders, the clinical practice of counseling persons with alcohol and other substance use disorders or the practice of counseling persons with an addictive disorder related to gambling which is subject to the provisions of this chapter and chapter 641C of NRS.

6. The practice of counseling persons with alcohol and other substance use disorders, the clinical practice of counseling persons with alcohol and other substance use disorders and the practice of counseling persons with an addictive disorder related to gambling in this State does not include counseling activities or services provided by the following persons:

(a) A student of psychology or any other person preparing for the profession of psychology under the supervision of a qualified psychologist in a training institution or facility recognized by the Board of Psychological Examiners pursuant to the provisions of chapter 641 of NRS. Such a student or person must be designated by the title “psychological trainee,” “psychological intern,” “psychological resident” or “psychological assistant,” or any other title which clearly indicates his or her training status.

(b) A student of marriage and family therapy or clinical professional counseling, or any other person preparing for the profession of marriage and family therapy or clinical professional counseling, under the supervision of a qualified marriage and family therapist or a qualified clinical professional counselor in a training institution or facility recognized by the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors pursuant to chapter 641A of NRS. Such a student or person must be designated by the title “intern in marriage and family therapy,” “intern in clinical professional counseling” or any other title which clearly indicates his or her training status.

(c) A student of social work or any other person preparing for the profession of social work under the supervision of a qualified social worker in a training institution or facility recognized by the Board of Examiners for Social Workers pursuant to chapter 641B of NRS. Such a student

must be designated by the title “student of social work” or “trainee in social work,” or any other title which clearly indicates his or her training status.

7. A person who engages in the practice of counseling persons with alcohol and other substance use disorders may represent himself or herself as:

(a) A licensed alcohol and drug counselor, or use the initials “LADC” after his or her name, only if the counselor is licensed as such by the Board.

(b) A certified alcohol and drug counselor, or use the initials “CADC” after his or her name, only if the counselor is certified as such by the Board.

(c) If the person is issued a certificate as an alcohol and drug counselor pursuant to NAC 641C.276 or 641C.277, a Native American certified alcohol and drug counselor, or use the initials “NACADC” after his or her name.

8. A person who engages in the clinical practice of counseling persons with alcohol and other substance use disorders may represent himself or herself as a licensed clinical alcohol and drug counselor, or use the initials “LCADC” after his or her name, only if the counselor is licensed as such by the Board.

9. A person who engages in the practice of counseling persons with an addictive disorder related to gambling may represent himself or herself as a certified problem gambling counselor, or use the initials “CPGC” after his or her name, only if the counselor is certified as such by the Board.

10. Except as otherwise provided in subsection 11, a certified intern may represent himself or herself as:

(a) A certified alcohol and drug counselor intern, or use the words “CADC Intern” after his or her name, only if the certified intern is certified as such by the Board.

(b) A certified clinical alcohol and drug counselor intern, or use the words “CCADC Intern” after his or her name, only if the certified intern is certified as such by the Board.

(c) A certified problem gambling counselor intern, or use the words “CPGC Intern” after his or her name, only if the certified intern is certified as such by the Board.

11. The representation used by a certified intern must ensure that a client does not confuse or misunderstand the fact that the certified intern is not a licensed or certified counselor.

Sec. 2. NAC 641C.290 is hereby amended to read as follows:

641C.290 1. Any hours which a certified intern accumulates while:

(a) Working under the supervision of a licensed or certified alcohol and drug counselor, a licensed clinical alcohol and drug counselor or a certified problem gambling counselor who has not been approved by the Board to supervise certified interns;

(b) Working in an arrangement covered by an agreement relating to the supervision of the certified intern if the agreement has not been approved by the Board;

(c) Engaged in any activities that are not within the scope of the practice of counseling persons with alcohol and other substance use disorders, the clinical practice of counseling persons with alcohol and other substance use disorders, the practice of counseling persons with an addictive disorder related to gambling or the provision of any services relating thereto; or

(d) Not in compliance with the requirements of this chapter and chapter 641C of NRS concerning certified interns,

↪ will not be counted toward the number of hours necessary to become a licensed or certified counselor.

2. If the supervisor of a certified intern changes, the certified intern must submit a new agreement concerning the supervision of the certified intern by the new supervisor to the Board for its approval not later than 5 working days after the date on which the supervisor has changed.

3. Except as otherwise provided in this subsection, if, at the time when a certified intern received his or her most current certification from the Board, the certified intern is enrolled in a program of education from which he or she will receive an associate's degree, bachelor's degree, master's degree or doctoral degree in a field of social science, the licensed or certified alcohol and drug counselor, licensed clinical alcohol and drug counselor or certified problem gambling counselor supervising the certified intern shall ensure that the certified intern is properly enrolled in that program of education during each semester within the certification period and shall include documentation of all completed course work from the program of education in each progress report required pursuant to NAC 641C.285. If a certified intern completes and receives his or her degree from his or her program of education during a certification period and a new semester for that program of education begins before the end of the certification period, the licensed or certified alcohol and drug counselor, licensed clinical alcohol and drug counselor or certified problem gambling counselor supervising the certified intern is not required to ensure that the certified intern is enrolled in the program of education for the new semester.

4. Except as otherwise provided in this subsection, a certified intern may not accumulate any hours necessary to become a licensed or certified counselor during the remainder of any semester from which the certified intern has withdrawn from his or her courses such that he or

she is no longer enrolled in at least 3 credit hours for a given semester. Upon request of a certified intern, the Board may waive the provisions of this subsection if the Board determines the existence of good cause, including, without limitation, extreme illness of the certified intern or the cancellation of classes by a college or university. To obtain a waiver, the certified intern:

(a) Must provide the Board with documentation of any requested waiver within 30 days after each occurrence; and

(b) May be requested to appear before the Board to determine if a waiver should be granted.

5. ~~[A]~~ *Except as otherwise provided in this subsection, a certified intern must complete the education and training necessary to become a licensed or certified counselor not later than 5 years after the date on which he or she initially applies to become a certified intern. A certified intern may apply to the Board to request an extension of the 5-year time limit imposed by this subsection. Such a request for an extension must be submitted to the Board on a form provided by the Board. Upon the receipt of a request for an extension, the Board may grant the extension if it finds that:*

(a) The reason for or cause necessitating the requested extension is the result of circumstances that are unforeseeable or otherwise outside the control of the certified intern;

(b) The length of the requested extension is reasonable under the circumstances; and

(c) The certified intern will complete the education and training necessary to become a licensed or certified counselor within the requested extension of time.