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ASSEMBLY BILL NO. 194—ASSEMBLYMEN MONROE-MORENO;  
JOINER, MILLER AND SPRINKLE

PREFILED FEBRUARY 13, 2017

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Referred to Committee on Commerce and Labor

SUMMARY—Provides for the certification of behavioral healthcare peer recovery support specialists. (BDR 54-712)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.  
Effect on the State: Yes.

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

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AN ACT relating to professions; providing for the certification of behavioral healthcare peer recovery support specialists by the Board of Examiners for Alcohol, Drug and Gambling Counselors; providing penalties; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

- 1 Existing law establishes the Board of Examiners for Alcohol, Drug and
- 2 Gambling Counselors and authorizes the Board to license or certify persons
- 3 engaged in the practice or clinical practice of counseling alcohol and drug abusers
- 4 and problem gamblers. (Chapter 641C of NRS)
- 5 **Sections 4-7** of this bill require the Board to issue a certificate as a behavioral
- 6 healthcare peer recovery support specialist to authorize a person to give
- 7 nonprofessional, nonclinical assistance for long-term recovery from substance use
- 8 and other mental disorders by sharing appropriate portions of the person’s own
- 9 recovery. **Section 6** establishes the requirements for obtaining a certificate as a
- 10 behavioral healthcare peer recovery support specialist which include the payment
- 11 of a fee for the application, issuance or renewal of a certificate pursuant to **section**
- 12 **18**. **Section 7** authorizes a behavioral healthcare peer recovery support specialist to
- 13 engage in the practice of providing behavioral healthcare peer recovery support
- 14 specialist services only under the supervision of certain licensed or certified
- 15 professionals or in accordance with a plan of supervision approved by the Board.
- 16 **Sections 9-13, 15-17 and 19-22** of this bill make conforming changes
- 17 concerning behavioral healthcare peer recovery support specialists and the practice
- 18 of providing behavioral healthcare peer recovery support specialist services.



19 **Sections 1 and 2** of this bill provide that the provisions governing  
20 psychologists, behavior analysts, assistant behavior analysts, autism behavior  
21 interventionists and social workers do not apply to a person who is a behavioral  
22 healthcare peer recovery support specialist.

23 **Section 8** of this bill provides that the practice of providing behavioral  
24 healthcare peer recovery support specialist services is a learned profession that  
25 affects public health, safety and welfare and is subject to regulation.

26 **Section 14** of this bill requires each applicant for a certificate as a behavioral  
27 healthcare peer recovery support specialist to pass a written and oral examination.

28 **Section 23** of this bill prohibits a person who is not licensed or certified by the  
29 Board from engaging in the practice of providing behavioral healthcare peer  
30 recovery support specialist services.

31 **Sections 24 and 25** of this bill require a behavioral healthcare peer recovery  
32 support specialist to report the abuse, neglect, exploitation, isolation or  
33 abandonment of an older person or a vulnerable person and provide that a person is  
34 guilty of a misdemeanor for failing to do so.

35 **Section 28** of this bill removes the language which provides that a person  
36 offering behavioral healthcare peer recovery support services does not need to be  
37 licensed.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 641.029 is hereby amended to read as follows:

2 641.029 The provisions of this chapter do not apply to:

- 3 1. A physician who is licensed to practice in this State;
- 4 2. A person who is licensed to practice dentistry in this State;
- 5 3. A person who is licensed as a marriage and family therapist  
6 or marriage and family therapist intern pursuant to chapter 641A of  
7 NRS;
- 8 4. A person who is licensed as a clinical professional counselor  
9 or clinical professional counselor intern pursuant to chapter 641A of  
10 NRS;
- 11 5. A person who is licensed to engage in social work pursuant  
12 to chapter 641B of NRS;
- 13 6. A person who is licensed as an occupational therapist or  
14 occupational therapy assistant pursuant to NRS 640A.010 to  
15 640A.230, inclusive;
- 16 7. A person who is licensed as a clinical alcohol and drug  
17 abuse counselor, licensed or certified as an alcohol and drug abuse  
18 counselor or certified as an alcohol and drug abuse counselor intern,  
19 a clinical alcohol and drug abuse counselor intern, a problem  
20 gambling counselor, ~~or~~ a problem gambling counselor intern ~~or~~ *or*  
21 *a behavioral healthcare peer recovery support specialist*, pursuant  
22 to chapter 641C of NRS; or
- 23 8. Any member of the clergy,  
24 ↪ if such a person does not commit an act described in NRS  
25 641.440 or represent himself or herself as a psychologist.



- 1       **Sec. 2.** NRS 641B.040 is hereby amended to read as follows:  
2       641B.040 The provisions of this chapter do not apply to:  
3       1. A physician who is licensed to practice in this State;  
4       2. A nurse who is licensed to practice in this State;  
5       3. A person who is licensed as a psychologist pursuant to  
6 chapter 641 of NRS;  
7       4. A person who is licensed as a marriage and family therapist  
8 or marriage and family therapist intern pursuant to chapter 641A of  
9 NRS;  
10      5. A person who is licensed as a clinical professional counselor  
11 or clinical professional counselor intern pursuant to chapter 641A of  
12 NRS;  
13      6. A person who is licensed as an occupational therapist or  
14 occupational therapy assistant pursuant to NRS 640A.010 to  
15 640A.230, inclusive;  
16      7. A person who is licensed as a clinical alcohol and drug  
17 abuse counselor, licensed or certified as an alcohol and drug abuse  
18 counselor, or certified as a clinical alcohol and drug abuse counselor  
19 intern, an alcohol and drug abuse counselor intern, a problem  
20 gambling counselor, ~~for~~ a problem gambling counselor intern ~~or~~ *or*  
21 *a behavioral healthcare peer recovery support specialist*, pursuant  
22 to chapter 641C of NRS;  
23      8. Any member of the clergy;  
24      9. A county welfare director;  
25      10. Any person who may engage in social work or clinical  
26 social work in his or her regular governmental employment but does  
27 not hold himself or herself out to the public as a social worker; or  
28      11. A student of social work and any other person preparing for  
29 the profession of social work under the supervision of a qualified  
30 social worker in a training institution or facility recognized by the  
31 Board, unless the student or other person has been issued a  
32 provisional license pursuant to paragraph (b) of subsection 1 of NRS  
33 641B.275. Such a student must be designated by the title “student of  
34 social work” or “trainee in social work,” or any other title which  
35 clearly indicates the student’s training status.

36       **Sec. 3.** Chapter 641C of NRS is hereby amended by adding  
37 thereto the provisions set forth as sections 4 to 7, inclusive, of this  
38 act.

39       **Sec. 4.** *“Behavioral healthcare peer recovery support  
40 specialist” means a person who is certified as a behavioral  
41 healthcare peer recovery support specialist pursuant to the  
42 provisions of this chapter.*

43       **Sec. 5.** 1. *“Practice of providing behavioral healthcare peer  
44 recovery support specialist services” means the practice of  
45 providing nonprofessional, nonclinical assistance to a person with*



1 *a substance use or other mental disorder, including without*  
2 *limitation, mentoring, coaching, educating or role modeling, with*  
3 *the intent of achieving long-term recovery from a substance use or*  
4 *other mental disorder by sharing appropriate portions of the*  
5 *provider's own recovery.*

6 *2. The term does not include:*

7 *(a) The diagnosis or treatment of any mental disorder,*  
8 *including, without limitation, a substance use disorder; or*

9 *(b) The use of a psychological or psychometric assessment test*  
10 *to determine intelligence, personality, aptitude or interests.*

11 **Sec. 6.** *The Board shall issue a certificate as a behavioral*  
12 *healthcare peer recovery support specialist to a person who:*

13 *1. Is not less than 21 years of age;*

14 *2. Is a citizen of the United States or is lawfully entitled to*  
15 *remain and work in the United States;*

16 *3. Has a high school diploma or a general equivalency*  
17 *diploma or an equivalent document;*

18 *4. Submits evidence satisfactory to the Board that the person*  
19 *has completed a training program approved by the Board which*  
20 *consisted of at least 46 hours of training, including, without*  
21 *limitation:*

22 *(a) Ten hours of training in each of the following domains, as*  
23 *they relate to the practice of providing behavioral healthcare peer*  
24 *recovery support specialist services:*

25 *(1) Advocacy;*

26 *(2) Mentoring and education; and*

27 *(3) Recovery and wellness support; and*

28 *(b) Sixteen hours of training in the domain of confidentiality*  
29 *and ethical responsibility, as it relates to the practice of providing*  
30 *behavioral healthcare peer recovery support specialist services;*

31 *5. Submits evidence satisfactory to the Board that the person*  
32 *has completed at least 25 hours of work in each of the domains*  
33 *described in subsection 4, as they relate to the practice of*  
34 *providing behavioral healthcare peer recovery support specialist*  
35 *services, under the supervision of a person who provides*  
36 *supervision of such work for the entity or organization for which*  
37 *the work is completed;*

38 *6. Submits, on a form prescribed by the Board, evidence*  
39 *satisfactory to the Board that the person has completed at least*  
40 *500 hours of paid or volunteer work in each of the domains*  
41 *described in subsection 4, as they relate to the practice of*  
42 *providing behavioral healthcare peer recovery support specialist*  
43 *services and the form is signed by a person who provides*  
44 *supervision or management for the entity or organization for*



1 *which the work is completed, attesting that the applicant has*  
2 *completed the paid or volunteer work required by this subsection;*

3 *7. If the person is in recovery from a mental disorder,*  
4 *including, without limitation, a substance use disorder, provides to*  
5 *the Board a statement attesting that:*

6 *(a) The person remains in active recovery; and*

7 *(b) The disorder is stable or in sustained remission;*

8 *8. Has not been convicted of, or entered a plea of guilty,*  
9 *guilty but mentally ill or nolo contendere to, a crime involving*  
10 *violence or a sexual offense as that term is defined in*  
11 *NRS 179.245;*

12 *9. If the person has been convicted of, or entered a plea of*  
13 *guilty, guilty but mentally ill or nolo contendere to, a crime other*  
14 *than a crime described in subsection 8, has been released from*  
15 *parole, probation or custody for at least 12 months before applying*  
16 *for certification;*

17 *10. Provides evidence satisfactory to the Board that the*  
18 *person has experienced the process of recovering from a mental*  
19 *disorder, including, without limitation, a substance use disorder,*  
20 *and as a result is qualified to engage in the practice of providing*  
21 *behavioral healthcare peer recovery support specialist services;*

22 *11. Passes the written and oral examinations prescribed by*  
23 *the Board pursuant to NRS 641C.290;*

24 *12. Pays the fees required pursuant to NRS 641C.470; and*

25 *13. Submits all information required to complete an*  
26 *application for a certificate.*

27 **Sec. 7. 1. A certificate as a behavioral healthcare peer**  
28 **recovery support specialist is valid for 2 years and may be**  
29 **renewed. The Board may waive any requirement for the renewal**  
30 **of a certificate upon good cause shown by the holder of the**  
31 **certificate.**

32 **2. A behavioral healthcare peer recovery support specialist**  
33 **may engage in the practice of providing behavioral healthcare**  
34 **peer recovery support specialist services only:**

35 **(a) Under the supervision of a:**

36 **(1) Licensed clinical alcohol and drug abuse counselor;**

37 **(2) Licensed or certified alcohol and drug abuse counselor;**

38 **(3) Psychologist licensed pursuant to chapter 641 of NRS;**

39 **(4) Clinical professional counselor licensed pursuant to**  
40 **chapter 641A of NRS;**

41 **(5) Marriage and family therapist licensed pursuant to**  
42 **chapter 641A of NRS; or**

43 **(6) Social worker licensed pursuant to chapter 641B of**  
44 **NRS.**



1       ***(b) Pursuant to a plan of supervision approved by the Board.***  
2       ***The Board may approve a plan of supervision if:***

3       ***(1) The plan is submitted to the Board by a nonprofit***  
4       ***organization which the Board determines has a primary function***  
5       ***of providing services described in section 5 of this act;***

6       ***(2) The nonprofit organization attaches to the plan an***  
7       ***affidavit signed by a representative of the nonprofit organization***  
8       ***which states that supervision by a professional identified in***  
9       ***paragraph (a) would cause an undue burden on the nonprofit***  
10       ***organization;***

11       ***(3) The nonprofit organization does not provide any***  
12       ***services which would require licensure or certification as a***  
13       ***professional identified in paragraph (a); and***

14       ***(4) The plan provides for direct supervision by a person***  
15       ***who has at least 5 years of paid or volunteer experience in***  
16       ***providing services described in section 5 of this act.***

17       **Sec. 8.** NRS 641C.010 is hereby amended to read as follows:

18       641C.010 The practice of counseling alcohol and drug abusers,  
19 the clinical practice of counseling alcohol and drug abusers , ~~and~~  
20 the practice of counseling problem gamblers ***and the practice of***  
21 ***providing behavioral healthcare peer recovery support specialist***  
22 ***services*** are hereby declared to be learned professions affecting  
23 public health, safety and welfare and are subject to regulation to  
24 protect the public from the practice of counseling alcohol and drug  
25 abusers, the clinical practice of counseling alcohol and drug abusers  
26 , ~~and~~ the practice of counseling problem gamblers ***and the practice***  
27 ***of providing behavioral healthcare peer recovery support specialist***  
28 ***services*** by unqualified persons and from unprofessional conduct by  
29 persons who are licensed or certified to engage in the practice of  
30 counseling alcohol and drug abusers, licensed to engage in the  
31 clinical practice of counseling alcohol and drug abusers , ~~or~~  
32 certified to engage in the practice of counseling problem gamblers  
33 ~~+~~ ***or certified to engage in the practice of providing behavioral***  
34 ***healthcare peer recovery support specialist services.***

35       **Sec. 9.** NRS 641C.020 is hereby amended to read as follows:

36       641C.020 As used in this chapter, unless the context otherwise  
37 requires, the words and terms defined in NRS 641C.030 to  
38 641C.110, inclusive, ***and sections 4 and 5 of this act*** have the  
39 meanings ascribed to them in those sections.

40       **Sec. 10.** NRS 641C.040 is hereby amended to read as follows:

41       641C.040 "Certificate" means a certificate issued to a person  
42 who is certified as an alcohol and drug abuse counselor, a clinical  
43 alcohol and drug abuse counselor intern, an alcohol and drug abuse  
44 counselor intern, a problem gambling counselor , ~~or~~ a problem



1 gambling counselor intern ~~†~~ *or a behavioral healthcare peer*  
2 *recovery support specialist.*

3 **Sec. 11.** NRS 641C.150 is hereby amended to read as follows:

4 641C.150 1. The Board of Examiners for Alcohol, Drug and  
5 Gambling Counselors, consisting of seven members appointed by  
6 the Governor, is hereby created.

7 2. The Board must consist of:

8 (a) Three members who are licensed as clinical alcohol and drug  
9 abuse counselors or alcohol and drug abuse counselors pursuant to  
10 the provisions of this chapter.

11 (b) One member who is certified as an alcohol and drug abuse  
12 counselor pursuant to the provisions of this chapter.

13 (c) Two members who are licensed pursuant to chapter 630,  
14 632, 641, 641A or 641B of NRS and certified as problem gambling  
15 counselors pursuant to the provisions of this chapter.

16 (d) One member who is a representative of the general public.  
17 This member must not be:

18 (1) A licensed clinical alcohol and drug abuse counselor ,  
19 ~~†or†~~ a licensed or certified alcohol and drug abuse counselor , ~~†or†~~ a  
20 certified problem gambling counselor ~~†~~ *or a certified behavioral*  
21 *healthcare peer recovery support specialist;* or

22 (2) The spouse or the parent or child, by blood, marriage or  
23 adoption, of a licensed clinical alcohol and drug abuse counselor ,  
24 ~~†or†~~ a licensed or certified alcohol and drug abuse counselor , ~~†or†~~ a  
25 certified problem gambling counselor ~~†~~ *or a certified behavioral*  
26 *healthcare peer recovery support specialist.*

27 3. A person may not be appointed to the Board unless he or she  
28 is:

29 (a) A citizen of the United States or is lawfully entitled to  
30 remain and work in the United States; and

31 (b) A resident of this State.

32 4. No member of the Board may be held liable in a civil action  
33 for any act that he or she performs in good faith in the execution of  
34 his or her duties pursuant to the provisions of this chapter.

35 **Sec. 12.** NRS 641C.200 is hereby amended to read as follows:

36 641C.200 1. The Board shall adopt such regulations as are  
37 necessary to carry out the provisions of this chapter, including,  
38 without limitation, regulations that prescribe:

39 (a) The ethical standards for licensed and certified counselors ,  
40 ~~†and†~~ certified interns ~~†~~ *and behavioral healthcare peer recovery*  
41 *support specialists;* and

42 (b) The requirements for continuing education for the renewal,  
43 restoration or reinstatement of a license or certificate.

44 2. The Board may adopt regulations that prescribe:





1 (a) The contents of a written and oral examination concerning  
2 the practice of counseling problem gamblers;

3 (b) The grounds for initiating disciplinary action against a  
4 certified problem gambling counselor or certified problem gambling  
5 counselor intern; and

6 (c) Disciplinary procedures for certified problem gambling  
7 counselors and certified problem gambling counselor interns,  
8 including the suspension, revocation and reinstatement of a  
9 certificate as a problem gambling counselor or problem gambling  
10 counselor intern.

11 3. Any regulations adopted by the Board pursuant to this  
12 section must be consistent with the provisions of chapter 622A of  
13 NRS.

14 **Sec. 13.** NRS 641C.210 is hereby amended to read as follows:

15 641C.210 The Executive Director of the Board or his or her  
16 designee shall prepare and maintain:

17 1. A separate list of the names and addresses of:

18 (a) The applicants for a license;

19 (b) The applicants for a certificate;

20 (c) The licensed counselors;

21 (d) The certified counselors; ~~and~~

22 (e) The certified interns ~~;~~ **and**

23 **(f) *The behavioral healthcare peer recovery support specialists.***

24 2. A record of each examination conducted by the Board.

25 3. An inventory of:

26 (a) The property of the Board; and

27 (b) The property of this State that is in the possession of the  
28 Board.

29 **Sec. 14.** NRS 641C.290 is hereby amended to read as follows:

30 641C.290 1. Except as otherwise provided in NRS 641C.300,  
31 641C.3305 and 641C.3306, each applicant for a license as a clinical  
32 alcohol and drug abuse counselor must pass a written and oral  
33 examination concerning his or her knowledge of the clinical practice  
34 of counseling alcohol and drug abusers, the applicable provisions of  
35 this chapter and any applicable regulations adopted by the Board  
36 pursuant to the provisions of this chapter.

37 2. Except as otherwise provided in NRS 641C.300, 641C.355,  
38 641C.356, 641C.395 and 641C.396, each applicant for a license or  
39 certificate as an alcohol and drug abuse counselor must pass a  
40 written and oral examination concerning his or her knowledge of the  
41 practice of counseling alcohol and drug abusers, the applicable  
42 provisions of this chapter and any applicable regulations adopted by  
43 the Board pursuant to the provisions of this chapter.

44 3. Except as otherwise provided in NRS 641C.432 and  
45 641C.433, each applicant for a certificate as a problem gambling





1 counselor must pass a written and oral examination concerning his  
2 or her knowledge of the practice of counseling problem gamblers,  
3 the applicable provisions of this chapter and any applicable  
4 regulations adopted by the Board pursuant to the provisions of this  
5 chapter.

6 4. *Except as otherwise provided in NRS 641C.300, each*  
7 *applicant for a certificate as a behavioral healthcare peer recovery*  
8 *support specialist must pass a written and oral examination*  
9 *concerning his or her knowledge of the practice of providing*  
10 *behavioral healthcare peer recovery support specialist services, the*  
11 *applicable provisions of this chapter and any applicable*  
12 *regulations adopted by the Board pursuant to the provisions of this*  
13 *chapter.*

14 5. The Board shall:

15 (a) Examine applicants at least two times each year.

16 (b) Establish the time and place for the examinations.

17 (c) Provide such books and forms as may be necessary to  
18 conduct the examinations.

19 (d) Except as otherwise provided in NRS 622.090, establish, by  
20 regulation, the requirements for passing the examination.

21 ~~5.1~~ 6. The Board may employ other persons to conduct the  
22 examinations.

23 **Sec. 15.** NRS 641C.300 is hereby amended to read as follows:

24 641C.300 The Board may issue a license or certificate without  
25 examination to a person who holds a license or certificate as a  
26 clinical alcohol and drug abuse counselor, ~~or~~ an alcohol and drug  
27 abuse counselor *or a behavioral healthcare peer recovery support*  
28 *specialist* in another state, a territory or possession of the United  
29 States or the District of Columbia if the requirements of that  
30 jurisdiction at the time the license or certificate was issued are  
31 deemed by the Board to be substantially equivalent to the  
32 requirements set forth in the provisions of this chapter.

33 **Sec. 16.** NRS 641C.310 is hereby amended to read as follows:

34 641C.310 1. The Board may hold hearings and conduct  
35 investigations concerning any matter related to an application for a  
36 license or certificate. In the hearings and investigations, the Board  
37 may require the presentation of evidence.

38 2. The Board may refuse to issue a license or certificate to, or  
39 renew the license or certificate of, an applicant if the Board  
40 determines that the applicant:

41 (a) Is not of good moral character as it relates to the practice of  
42 counseling alcohol and drug abusers, ~~or~~ the clinical practice of  
43 counseling alcohol and drug abusers ~~or~~ *or the practice of providing*  
44 *behavioral healthcare peer recovery support specialist services;*

45 (b) Has submitted a false credential to the Board;



1 (c) Has been disciplined in another state, a possession or  
2 territory of the United States or the District of Columbia in  
3 connection with the practice of counseling alcohol and drug abusers  
4 , ~~or~~ the clinical practice of counseling alcohol and drug abusers ~~;~~  
5 *or the practice of providing behavioral healthcare peer recovery*  
6 *support specialist services;*

7 (d) Has committed an act in another state, a possession or  
8 territory of the United States or the District of Columbia in  
9 connection with the practice of counseling alcohol and drug abusers  
10 , ~~or~~ the clinical practice of counseling alcohol and drug abusers *or*  
11 *the practice of providing behavioral healthcare peer recovery*  
12 *support specialist services* that would be a violation of the  
13 provisions of this chapter if the act were committed in this State; or

14 (e) Has failed to comply with any of the requirements for a  
15 license or certificate.

16 **Sec. 17.** NRS 641C.460 is hereby amended to read as follows:

17 641C.460 1. A license or certificate that is not renewed on or  
18 before the date on which it expires is delinquent. The Board shall,  
19 within 30 days after the license or certificate becomes delinquent,  
20 send a notice to the licensed or certified counselor , ~~or~~ certified  
21 intern *or behavioral healthcare peer recovery support specialist* by  
22 certified mail, return receipt requested, to the address of the  
23 counselor , ~~or~~ intern *or specialist* as indicated in the records of the  
24 Board.

25 2. A licensed or certified counselor , ~~or~~ certified intern *or*  
26 *behavioral healthcare peer recovery support specialist* may renew  
27 a delinquent license or certificate within 60 days after the license or  
28 certificate becomes delinquent by complying with the requirements  
29 of NRS 641C.450 and paying, in addition to the fee for the renewal  
30 of the license or certificate, the fee for the renewal of a delinquent  
31 license or certificate prescribed in NRS 641C.470.

32 3. A license or certificate expires 60 days after it becomes  
33 delinquent if it is not renewed within that period.

34 4. Except as otherwise provided in NRS 641C.530, a license or  
35 certificate that has expired may be restored if the applicant:

36 (a) Submits to the Board an application to restore the license or  
37 certificate;

38 (b) Pays the renewal fees for the period during which the license  
39 or certificate was expired and the fee for the restoration of a license  
40 or certificate prescribed in NRS 641C.470;

41 (c) Passes the oral and written examinations prescribed by the  
42 Board;

43 (d) Submits to the Board evidence of completion of the  
44 continuing education required by the Board; and

45 (e) Submits all information required to complete the application.



1 **Sec. 18.** NRS 641C.470 is hereby amended to read as follows:  
2 641C.470 1. The Board shall charge and collect not more  
3 than the following fees:

4		
5	For the initial application for a license or certificate,	
6	including a license or certificate by endorsement .....	\$150
7	For the issuance of a provisional license or certificate.....	125
8	For the issuance of an initial license or certificate,	
9	including a license or certificate by endorsement .....	60
10	For the renewal of a license or certificate as an alcohol	
11	and drug abuse counselor, a license as a clinical	
12	alcohol and drug abuse counselor , <del>for</del> a certificate	
13	as a problem gambling counselor <i>or a certificate as</i>	
14	<i>a behavioral healthcare peer recovery support</i>	
15	<i>specialist</i> .....	300
16	For the renewal of a certificate as a clinical alcohol and	
17	drug abuse counselor intern, an alcohol and drug	
18	abuse counselor intern or a problem gambling	
19	counselor intern.....	75
20	For the renewal of a delinquent license or certificate.....	75
21	For the restoration of an expired license or certificate .....	150
22	For the restoration or reinstatement of a suspended or	
23	revoked license or certificate.....	300
24	For the issuance of a license or certificate without	
25	examination .....	150
26	For an examination .....	150
27	For the approval of a course of continuing education .....	150
28		

29 2. If an applicant submits an application for a license or  
30 certificate by endorsement pursuant to NRS 641C.3305, 641C.355,  
31 641C.395 or 641C.432, the Board shall charge and collect not more  
32 than the fees specified in subsection 1 for the initial application for  
33 and issuance of an initial license or certificate, as applicable.

34 3. If an applicant submits an application for a license or  
35 certificate by endorsement pursuant to NRS 641C.3306, 641C.356,  
36 641C.396 or 641C.433, as applicable, the Board shall collect not  
37 more than one-half of the fee specified in subsection 1 for the initial  
38 issuance of the license.

39 4. The fees charged and collected pursuant to this section are  
40 not refundable.

41 **Sec. 19.** NRS 641C.530 is hereby amended to read as follows:  
42 641C.530 1. The Board may use any information included in  
43 a report of criminal history that is obtained pursuant to this section  
44 or NRS 641C.260 in determining whether:



1 (a) To issue, renew, restore, suspend, revoke or reinstate a  
2 license or certificate pursuant to this chapter; or

3 (b) Any ground for imposing any disciplinary action exists  
4 pursuant to NRS 641C.700.

5 2. Before renewing, restoring or reinstating the license or  
6 certificate of a licensed counselor, certified counselor, ~~certified~~  
7 intern ~~or behavioral healthcare peer recovery support specialist~~,  
8 the Board may, by regulation, require the licensed counselor,  
9 certified counselor, ~~certified intern~~ *or behavioral healthcare*  
10 *peer recovery support specialist* to submit to the Board a complete  
11 set of fingerprints and written permission authorizing the Board to  
12 forward the fingerprints to the Central Repository for Nevada  
13 Records of Criminal History for submission to the Federal Bureau  
14 of Investigation for its report.

15 3. Except as otherwise provided in this subsection, in  
16 reviewing the information included in a report of criminal history  
17 that is obtained pursuant to this section or NRS 641C.260, the Board  
18 may consider any original charge filed against an applicant, licensed  
19 counselor, certified counselor, ~~certified intern~~ *or behavioral*  
20 *healthcare peer recovery support specialist* that alleges a particular  
21 criminal act regardless of whether the person was convicted of, or  
22 entered a plea of guilty or nolo contendere to, a lesser charge. The  
23 Board shall not consider a charge filed against an applicant, licensed  
24 counselor, certified counselor, ~~certified intern~~ *or behavioral*  
25 *healthcare peer recovery support specialist* that alleges a particular  
26 criminal act for which, in the absence of a plea of guilty or nolo  
27 contendere to a lesser charge:

28 (a) The applicant, licensed counselor, certified counselor, ~~certified~~  
29 ~~certified intern~~ *or behavioral healthcare peer recovery support*  
30 *specialist* was found not guilty; or

31 (b) The charges against the applicant, licensed counselor,  
32 certified counselor, ~~certified intern~~ *or behavioral healthcare*  
33 *peer recovery support specialist* were dismissed.

34 **Sec. 20.** NRS 641C.700 is hereby amended to read as follows:

35 641C.700 The grounds for initiating disciplinary action  
36 pursuant to the provisions of this chapter include:

37 1. Conviction of:

38 (a) A felony relating to the practice of counseling alcohol and  
39 drug abusers, the clinical practice of counseling alcohol and drug  
40 abusers, ~~the practice of counseling problem gamblers~~ ~~or the~~  
41 *practice of providing behavioral healthcare peer recovery support*  
42 *specialist services*;

43 (b) An offense involving moral turpitude; or



1 (c) A violation of a federal or state law regulating the  
2 possession, distribution or use of a controlled substance or  
3 dangerous drug as defined in chapter 453 of NRS;

4 2. Fraud or deception in:

5 (a) Applying for a license or certificate;

6 (b) Taking an examination for a license or certificate;

7 (c) Documenting the continuing education required to renew or  
8 reinstate a license or certificate;

9 (d) Submitting a claim for payment to an insurer; or

10 (e) The practice of counseling alcohol and drug abusers, ~~to~~ the  
11 clinical practice of counseling alcohol and drug abusers ~~to~~ *or the*  
12 *practice of providing behavioral healthcare peer recovery support*  
13 *specialist services*;

14 3. Allowing the unauthorized use of a license or certificate  
15 issued pursuant to this chapter;

16 4. Professional incompetence;

17 5. The habitual use of alcohol or any other drug that impairs  
18 the ability of a licensed or certified counselor, ~~to~~ certified intern  
19 *or behavioral healthcare peer recovery support specialist* to engage  
20 in the practice of counseling alcohol and drug abusers, ~~to~~ the  
21 clinical practice of counseling alcohol and drug abusers ~~to~~ *or the*  
22 *practice of providing behavioral healthcare peer recovery support*  
23 *specialist services, as applicable*;

24 6. Engaging in the practice of counseling alcohol and drug  
25 abusers, ~~to~~ the clinical practice of counseling alcohol and drug  
26 abusers *or the practice of providing behavioral healthcare peer*  
27 *recovery support specialist services* with an expired, suspended or  
28 revoked license or certificate;

29 7. Engaging in behavior that is contrary to the ethical standards  
30 as set forth in the regulations of the Board; and

31 8. The operation of a medical facility, as defined in NRS  
32 449.0151, at any time during which:

33 (a) The license of the facility is suspended or revoked; or

34 (b) An act or omission occurs which results in the suspension or  
35 revocation of the license pursuant to NRS 449.160.

36 ➤ This subsection applies to an owner or other principal responsible  
37 for the operation of the facility.

38 **Sec. 21.** NRS 641C.720 is hereby amended to read as follows:

39 641C.720 1. The Board or any of its members who become  
40 aware of any ground for initiating disciplinary action against a  
41 person engaging in the practice of counseling alcohol and drug  
42 abusers, ~~to~~ the clinical practice of counseling alcohol and drug  
43 abusers *or the practice of providing behavioral healthcare peer*  
44 *recovery support specialist services* in this State shall, and any other  
45 person who is so aware may, file a written complaint specifying the



1 relevant facts with the Board. The complaint must specifically  
2 charge one or more of the grounds for initiating disciplinary action.

3 2. If, after notice and a hearing as required by law, the Board  
4 determines that a licensed or certified counselor , ~~or~~ certified  
5 intern *or behavioral healthcare peer recovery support specialist* has  
6 violated a provision of this chapter or any regulation adopted  
7 pursuant to this chapter, it may:

8 (a) Administer a public reprimand;

9 (b) Suspend the license or certificate and impose conditions for  
10 the removal of the suspension;

11 (c) Revoke the license or certificate and prescribe the  
12 requirements for the reinstatement of the license or certificate;

13 (d) If he or she is a licensed or certified counselor, require him  
14 or her to be supervised by another person while engaging in the  
15 practice of counseling alcohol and drug abusers or the clinical  
16 practice of counseling alcohol and drug abusers;

17 (e) Require him or her to participate in treatment or counseling  
18 and pay the expenses of that treatment or counseling;

19 (f) Require him or her to pay restitution to any person adversely  
20 affected by his or her acts or omissions;

21 (g) Impose a fine of not more than \$5,000; or

22 (h) Take any combination of the actions authorized by  
23 paragraphs (a) to (g), inclusive.

24 3. If a license or certificate is revoked or suspended pursuant to  
25 subsection 2, the licensed or certified counselor , ~~or~~ certified intern  
26 *or behavioral healthcare peer recovery support specialist* may  
27 apply to the Board for reinstatement of the suspended license or  
28 certificate or may apply to the Board pursuant to the provisions of  
29 chapter 622A of NRS for reinstatement of the revoked license or  
30 certificate. The Board may accept or reject the application and may  
31 require the successful completion of an examination as a condition  
32 of reinstatement of the license or certificate.

33 4. The Board shall not administer a private reprimand.

34 5. An order that imposes discipline and the findings of fact and  
35 conclusions of law supporting that order are public records.

36 6. The Board shall retain all complaints filed with the Board  
37 pursuant to this section for at least 10 years, including, without  
38 limitation, any complaints not acted upon.

39 **Sec. 22.** NRS 641C.900 is hereby amended to read as follows:

40 641C.900 A person shall not engage in the practice of  
41 counseling alcohol and drug abusers, the clinical practice of  
42 counseling alcohol and drug abusers , ~~or~~ the practice of counseling  
43 problem gamblers *or the practice of providing behavioral*  
44 *healthcare peer recovery support specialist services* unless the



1 person is a licensed counselor, certified counselor , ~~or~~ certified  
2 intern ~~or~~ ***behavioral healthcare peer recovery support specialist.***

3 **Sec. 23.** NRS 641C.910 is hereby amended to read as follows:  
4 641C.910 1. A person shall not:

5 (a) Hold himself or herself out to a member of the general public  
6 as a clinical alcohol and drug abuse counselor, a clinical alcohol and  
7 drug abuse counselor intern, an alcohol and drug abuse counselor,  
8 an alcohol and drug abuse counselor intern, a problem gambling  
9 counselor , ~~or~~ a problem gambling counselor intern ~~or~~ ***a***  
10 ***behavioral healthcare peer recovery support specialist;***

11 (b) Use the title “clinical alcohol and drug abuse counselor,”  
12 “clinical alcohol and drug abuse counselor intern,” “alcohol and  
13 drug abuse counselor,” “alcohol and drug abuse counselor intern,”  
14 “drug abuse counselor,” “substance abuse counselor,” “problem  
15 gambling counselor,” “problem gambling counselor intern,”  
16 “gambling counselor ~~or~~,” ***“behavioral healthcare peer recovery***  
17 ***support specialist”*** or any similar title in connection with his or her  
18 work;

19 (c) Imply in any way that he or she is licensed or certified by the  
20 Board;

21 (d) Engage in the practice of counseling alcohol and drug  
22 abusers;

23 (e) Engage in the clinical practice of counseling alcohol and  
24 drug abusers; ~~or~~

25 (f) Engage in the practice of counseling problem gamblers ~~or~~ ;  
26 ***or***

27 ***(g) Engage in the practice of providing behavioral healthcare***  
28 ***peer recovery support specialist services,***

29 ***unless the person is licensed or certified by the Board pursuant to***  
30 ***the provisions of this chapter.***

31 2. If the Board believes that any person has violated or is about  
32 to violate any provision of this chapter or a regulation adopted  
33 pursuant thereto, it may bring an action in a court of competent  
34 jurisdiction to enjoin the person from engaging in or continuing the  
35 violation. An injunction:

36 (a) May be issued without proof of actual damage sustained by  
37 any person.

38 (b) Does not prevent the criminal prosecution and punishment of  
39 a person who violates a provision of this chapter or a regulation  
40 adopted pursuant thereto.

41 **Sec. 24.** NRS 200.5093 is hereby amended to read as follows:

42 200.5093 1. Any person who is described in subsection 4 and  
43 who, in a professional or occupational capacity, knows or has  
44 reasonable cause to believe that an older person has been abused,  
45 neglected, exploited, isolated or abandoned shall:





1 (a) Except as otherwise provided in subsection 2, report the  
2 abuse, neglect, exploitation, isolation or abandonment of the older  
3 person to:

4 (1) The local office of the Aging and Disability Services  
5 Division of the Department of Health and Human Services;

6 (2) A police department or sheriff's office; or

7 (3) A toll-free telephone service designated by the Aging and  
8 Disability Services Division of the Department of Health and  
9 Human Services; and

10 (b) Make such a report as soon as reasonably practicable but not  
11 later than 24 hours after the person knows or has reasonable cause to  
12 believe that the older person has been abused, neglected, exploited,  
13 isolated or abandoned.

14 2. If a person who is required to make a report pursuant to  
15 subsection 1 knows or has reasonable cause to believe that the  
16 abuse, neglect, exploitation, isolation or abandonment of the older  
17 person involves an act or omission of the Aging and Disability  
18 Services Division, another division of the Department of Health and  
19 Human Services or a law enforcement agency, the person shall  
20 make the report to an agency other than the one alleged to have  
21 committed the act or omission.

22 3. Each agency, after reducing a report to writing, shall forward  
23 a copy of the report to the Aging and Disability Services Division of  
24 the Department of Health and Human Services and the Unit for the  
25 Investigation and Prosecution of Crimes.

26 4. A report must be made pursuant to subsection 1 by the  
27 following persons:

28 (a) Every physician, dentist, dental hygienist, chiropractor,  
29 optometrist, podiatric physician, medical examiner, resident, intern,  
30 professional or practical nurse, physician assistant licensed pursuant  
31 to chapter 630 or 633 of NRS, perfusionist, psychiatrist,  
32 psychologist, marriage and family therapist, clinical professional  
33 counselor, clinical alcohol and drug abuse counselor, alcohol and  
34 drug abuse counselor, *behavioral healthcare peer recovery support*  
35 *specialist*, music therapist, athletic trainer, driver of an ambulance,  
36 paramedic, licensed dietitian or other person providing medical  
37 services licensed or certified to practice in this State, who examines,  
38 attends or treats an older person who appears to have been abused,  
39 neglected, exploited, isolated or abandoned.

40 (b) Any personnel of a hospital or similar institution engaged in  
41 the admission, examination, care or treatment of persons or an  
42 administrator, manager or other person in charge of a hospital or  
43 similar institution upon notification of the suspected abuse, neglect,  
44 exploitation, isolation or abandonment of an older person by a  
45 member of the staff of the hospital.



- 1 (c) A coroner.  
2 (d) Every person who maintains or is employed by an agency to  
3 provide personal care services in the home.  
4 (e) Every person who maintains or is employed by an agency to  
5 provide nursing in the home.  
6 (f) Every person who operates, who is employed by or who  
7 contracts to provide services for an intermediary service  
8 organization as defined in NRS 449.4304.  
9 (g) Any employee of the Department of Health and Human  
10 Services.  
11 (h) Any employee of a law enforcement agency or a county's  
12 office for protective services or an adult or juvenile probation  
13 officer.  
14 (i) Any person who maintains or is employed by a facility or  
15 establishment that provides care for older persons.  
16 (j) Any person who maintains, is employed by or serves as a  
17 volunteer for an agency or service which advises persons regarding  
18 the abuse, neglect, exploitation, isolation or abandonment of an  
19 older person and refers them to persons and agencies where their  
20 requests and needs can be met.  
21 (k) Every social worker.  
22 (l) Any person who owns or is employed by a funeral home or  
23 mortuary.  
24 (m) Every person who operates or is employed by a peer support  
25 recovery organization, as defined in NRS 449.01563.  
26 (n) Every person who operates or is employed by a community  
27 health worker pool, as defined in NRS 449.0028, or with whom a  
28 community health worker pool contracts to provide the services of a  
29 community health worker, as defined in NRS 449.0027.  
30 5. A report may be made by any other person.  
31 6. If a person who is required to make a report pursuant to  
32 subsection 1 knows or has reasonable cause to believe that an older  
33 person has died as a result of abuse, neglect, isolation or  
34 abandonment, the person shall, as soon as reasonably practicable,  
35 report this belief to the appropriate medical examiner or coroner,  
36 who shall investigate the cause of death of the older person and  
37 submit to the appropriate local law enforcement agencies, the  
38 appropriate prosecuting attorney, the Aging and Disability Services  
39 Division of the Department of Health and Human Services and the  
40 Unit for the Investigation and Prosecution of Crimes his or her  
41 written findings. The written findings must include the information  
42 required pursuant to the provisions of NRS 200.5094, when  
43 possible.  
44 7. A division, office or department which receives a report  
45 pursuant to this section shall cause the investigation of the report to



1 commence within 3 working days. A copy of the final report of the  
2 investigation conducted by a division, office or department, other  
3 than the Aging and Disability Services Division of the Department  
4 of Health and Human Services, must be forwarded within 30 days  
5 after the completion of the report to the:

6 (a) Aging and Disability Services Division;

7 (b) Repository for Information Concerning Crimes Against  
8 Older Persons created by NRS 179A.450; and

9 (c) Unit for the Investigation and Prosecution of Crimes.

10 8. If the investigation of a report results in the belief that an  
11 older person is abused, neglected, exploited, isolated or abandoned,  
12 the Aging and Disability Services Division of the Department of  
13 Health and Human Services or the county's office for protective  
14 services may provide protective services to the older person if the  
15 older person is able and willing to accept them.

16 9. A person who knowingly and willfully violates any of the  
17 provisions of this section is guilty of a misdemeanor.

18 10. As used in this section, "Unit for the Investigation and  
19 Prosecution of Crimes" means the Unit for the Investigation and  
20 Prosecution of Crimes Against Older Persons in the Office of the  
21 Attorney General created pursuant to NRS 228.265.

22 **Sec. 25.** NRS 200.50935 is hereby amended to read as  
23 follows:

24 200.50935 1. Any person who is described in subsection 3  
25 and who, in a professional or occupational capacity, knows or has  
26 reasonable cause to believe that a vulnerable person has been  
27 abused, neglected, exploited, isolated or abandoned shall:

28 (a) Report the abuse, neglect, exploitation, isolation or  
29 abandonment of the vulnerable person to a law enforcement agency;  
30 and

31 (b) Make such a report as soon as reasonably practicable but not  
32 later than 24 hours after the person knows or has reasonable cause to  
33 believe that the vulnerable person has been abused, neglected,  
34 exploited, isolated or abandoned.

35 2. If a person who is required to make a report pursuant to  
36 subsection 1 knows or has reasonable cause to believe that the  
37 abuse, neglect, exploitation, isolation or abandonment of the  
38 vulnerable person involves an act or omission of a law enforcement  
39 agency, the person shall make the report to a law enforcement  
40 agency other than the one alleged to have committed the act or  
41 omission.

42 3. A report must be made pursuant to subsection 1 by the  
43 following persons:

44 (a) Every physician, dentist, dental hygienist, chiropractor,  
45 optometrist, podiatric physician, medical examiner, resident, intern,



1 professional or practical nurse, perfusionist, physician assistant  
2 licensed pursuant to chapter 630 or 633 of NRS, psychiatrist,  
3 psychologist, marriage and family therapist, clinical professional  
4 counselor, clinical alcohol and drug abuse counselor, alcohol and  
5 drug abuse counselor, *behavioral healthcare peer recovery support*  
6 *specialist*, music therapist, athletic trainer, driver of an ambulance,  
7 paramedic, licensed dietitian or other person providing medical  
8 services licensed or certified to practice in this State, who examines,  
9 attends or treats a vulnerable person who appears to have been  
10 abused, neglected, exploited, isolated or abandoned.

11 (b) Any personnel of a hospital or similar institution engaged in  
12 the admission, examination, care or treatment of persons or an  
13 administrator, manager or other person in charge of a hospital or  
14 similar institution upon notification of the suspected abuse, neglect,  
15 exploitation, isolation or abandonment of a vulnerable person by a  
16 member of the staff of the hospital.

17 (c) A coroner.

18 (d) Every person who maintains or is employed by an agency to  
19 provide nursing in the home.

20 (e) Any employee of the Department of Health and Human  
21 Services.

22 (f) Any employee of a law enforcement agency or an adult or  
23 juvenile probation officer.

24 (g) Any person who maintains or is employed by a facility or  
25 establishment that provides care for vulnerable persons.

26 (h) Any person who maintains, is employed by or serves as a  
27 volunteer for an agency or service which advises persons regarding  
28 the abuse, neglect, exploitation, isolation or abandonment of a  
29 vulnerable person and refers them to persons and agencies where  
30 their requests and needs can be met.

31 (i) Every social worker.

32 (j) Any person who owns or is employed by a funeral home or  
33 mortuary.

34 4. A report may be made by any other person.

35 5. If a person who is required to make a report pursuant to  
36 subsection 1 knows or has reasonable cause to believe that a  
37 vulnerable person has died as a result of abuse, neglect, isolation or  
38 abandonment, the person shall, as soon as reasonably practicable,  
39 report this belief to the appropriate medical examiner or coroner,  
40 who shall investigate the cause of death of the vulnerable person and  
41 submit to the appropriate local law enforcement agencies and the  
42 appropriate prosecuting attorney his or her written findings. The  
43 written findings must include the information required pursuant to  
44 the provisions of NRS 200.5094, when possible.



1 6. A law enforcement agency which receives a report pursuant  
2 to this section shall immediately initiate an investigation of the  
3 report.

4 7. A person who knowingly and willfully violates any of the  
5 provisions of this section is guilty of a misdemeanor.

6 **Sec. 26.** NRS 449.0045 is hereby amended to read as follows:

7 449.0045 "Facility for the dependent" includes:

- 8 1. A facility for the treatment of abuse of alcohol or drugs;
- 9 2. A halfway house for recovering alcohol and drug abusers;
- 10 3. A facility for the care of adults during the day;
- 11 4. A residential facility for groups;
- 12 5. An agency to provide personal care services in the home;
- 13 6. A facility for transitional living for released offenders;
- 14 7. A home for individual residential care;
- 15 8. A *behavioral healthcare* peer *recovery* support ~~recovery~~  
16 organization; and
- 17 9. A community health worker pool.

18 **Sec. 27.** NRS 449.01563 is hereby amended to read as  
19 follows:

20 449.01563 ~~Peer~~ "*Behavioral healthcare peer recovery*  
21 support ~~recovery~~ organization" means a person or agency which,  
22 for compensation, provides *behavioral healthcare* peer *recovery*  
23 support services to persons who are 18 years of age or older and  
24 who suffer from mental illness or addiction or identify themselves  
25 as at risk for mental illness or addiction.

26 **Sec. 28.** NRS 449.01566 is hereby amended to read as  
27 follows:

28 449.01566 ~~Peer~~ "*Behavioral healthcare peer recover*  
29 support services" means supportive services relating to mental  
30 ~~health, addiction or~~ *disorders, including, without limitation,*  
31 substance ~~abuse~~ *use disorders* which:

32 1. ~~Do not require the person offering the supportive services~~  
33 ~~to be licensed.~~

34 ~~2.~~ Are offered to a person in need of such services.

35 ~~3.~~ 2. May include, without limitation:

- 36 (a) Helping to stabilize such a person;
- 37 (b) Helping such a person with recovery;
- 38 (c) Helping such a person to access community-based  
39 behavioral health care;
- 40 (d) Assisting such a person during a crisis situation or an  
41 intervention;
- 42 (e) Providing assistance with preventive care;
- 43 (f) Providing strategies and education relating to the whole  
44 health needs of such a person; and



1 (g) Providing encouragement, peer mentoring and training in  
2 self-advocacy and self-direction to such a person.

3 **Sec. 29.** NRS 449.03015 is hereby amended to read as  
4 follows:

5 449.03015 A person who is licensed pursuant to this chapter as  
6 a facility for the dependent or a medical facility and who employs  
7 persons to provide *behavioral healthcare* peer *recovery* support  
8 services is not required to obtain an additional license as a  
9 *behavioral healthcare* peer *recovery* support ~~recovery~~  
10 organization.

11 **Sec. 30.** NRS 449.065 is hereby amended to read as follows:

12 449.065 1. Except as otherwise provided in subsections 6 and  
13 7 and NRS 449.067, each facility for intermediate care, facility for  
14 skilled nursing, *behavioral healthcare* peer *recovery* support  
15 ~~recovery~~ organization, residential facility for groups, home for  
16 individual residential care, agency to provide personal care services  
17 in the home and agency to provide nursing in the home shall, when  
18 applying for a license or renewing a license, file with the  
19 Administrator of the Division of Public and Behavioral Health a  
20 surety bond:

21 (a) If the facility, agency, organization or home employs less  
22 than 7 employees, in the amount of \$5,000;

23 (b) If the facility, agency, organization or home employs at least  
24 7 but not more than 25 employees, in the amount of \$25,000; or

25 (c) If the facility, agency, organization or home employs more  
26 than 25 employees, in the amount of \$50,000.

27 2. A bond filed pursuant to this section must be executed by  
28 the facility, agency, organization or home as principal and by a  
29 surety company as surety. The bond must be payable to the Aging  
30 and Disability Services Division of the Department of Health and  
31 Human Services and must be conditioned to provide  
32 indemnification to an older patient who the Specialist for the Rights  
33 of Elderly Persons determines has suffered property damage as a  
34 result of any act or failure to act by the facility, agency, organization  
35 or home to protect the property of the older patient.

36 3. Except when a surety is released, the surety bond must cover  
37 the period of the initial license to operate or the period of the  
38 renewal, as appropriate.

39 4. A surety on any bond filed pursuant to this section may be  
40 released after the surety gives 30 days' written notice to the  
41 Administrator of the Division of Public and Behavioral Health, but  
42 the release does not discharge or otherwise affect any claim filed by  
43 an older patient for property damaged as a result of any act or failure  
44 to act by the facility, agency, organization or home to protect the



1 property of the older patient alleged to have occurred while the bond  
2 was in effect.

3 5. A license is suspended by operation of law when the facility,  
4 agency, organization or home is no longer covered by a surety bond  
5 as required by this section or by a substitute for the surety bond  
6 pursuant to NRS 449.067. The Administrator of the Division of  
7 Public and Behavioral Health shall give the facility, agency,  
8 organization or home at least 20 days' written notice before the  
9 release of the surety or the substitute for the surety, to the effect that  
10 the license will be suspended by operation of law until another  
11 surety bond or substitute for the surety bond is filed in the same  
12 manner and amount as the bond or substitute being terminated.

13 6. The Administrator of the Division of Public and Behavioral  
14 Health may exempt a *behavioral healthcare* peer *recovery* support  
15 ~~{recovery}~~ organization, residential facility for groups or a home for  
16 individual residential care from the requirement of filing a surety  
17 bond pursuant to this section if the Administrator determines that  
18 the requirement would result in undue hardship to the *behavioral*  
19 *healthcare* peer *recovery* support ~~{recovery}~~ organization,  
20 residential facility for groups or home for individual residential care.

21 7. The requirement of filing a surety bond set forth in this  
22 section does not apply to a facility for intermediate care, facility for  
23 skilled nursing, *behavioral healthcare* peer *recovery* support  
24 ~~{recovery}~~ organization, residential facility for groups, home for  
25 individual residential care, agency to provide personal care services  
26 in the home or agency to provide nursing in the home that is  
27 operated and maintained by the State of Nevada or an agency  
28 thereof.

29 8. As used in this section, "older patient" means a patient who  
30 is 60 years of age or older.

31 **Sec. 31.** NRS 449.067 is hereby amended to read as follows:

32 449.067 1. As a substitute for the surety bond required  
33 pursuant to NRS 449.065, a facility for intermediate care, a facility  
34 for skilled nursing, a *behavioral healthcare* peer *recovery* support  
35 ~~{recovery}~~ organization, a residential facility for groups, a home for  
36 individual residential care, an agency to provide personal care  
37 services in the home and an agency to provide nursing in the home  
38 may deposit with any bank or trust company authorized to do  
39 business in this State, upon approval from the Administrator of the  
40 Division of Public and Behavioral Health:

41 (a) An obligation of a bank, savings and loan association, thrift  
42 company or credit union licensed to do business in this State;

43 (b) Bills, bonds, notes, debentures or other obligations of the  
44 United States or any agency or instrumentality thereof, or  
45 ga guaranteed by the United States; or





1 (c) Any obligation of this State or any city, county, town,  
2 township, school district or other instrumentality of this State, or  
3 guaranteed by this State, in an aggregate amount, based upon  
4 principal amount or market value, whichever is lower.

5 2. The obligations of a bank, savings and loan association,  
6 thrift company or credit union must be held to secure the same  
7 obligation as would the surety bond required by NRS 449.065. With  
8 the approval of the Administrator of the Division of Public and  
9 Behavioral Health, the depositor may substitute other suitable  
10 obligations for those deposited, which must be assigned to the  
11 Aging and Disability Services Division of the Department of Health  
12 and Human Services and are negotiable only upon approval by the  
13 Administrator of the Aging and Disability Services Division.

14 3. Any interest or dividends earned on the deposit accrue to the  
15 account of the depositor.

16 4. The deposit must be an amount at least equal to the surety  
17 bond required by NRS 449.065 and must state that the amount may  
18 not be withdrawn except by direct and sole order of the  
19 Administrator of the Aging and Disability Services Division.

20 **Sec. 32.** NRS 449.089 is hereby amended to read as follows:

21 449.089 1. Each license issued pursuant to NRS 449.030 to  
22 449.2428, inclusive, expires on December 31 following its issuance  
23 and is renewable for 1 year upon reapplication and payment of all  
24 fees required pursuant to NRS 449.050 unless the Division finds,  
25 after an investigation, that the facility has not:

26 (a) Satisfactorily complied with the provisions of NRS 449.030  
27 to 449.2428, inclusive, or the standards and regulations adopted by  
28 the Board;

29 (b) Obtained the approval of the Director of the Department of  
30 Health and Human Services before undertaking a project, if such  
31 approval is required by NRS 439A.100; or

32 (c) Conformed to all applicable local zoning regulations.

33 2. Each reapplication for an agency to provide personal care  
34 services in the home, an agency to provide nursing in the home, a  
35 community health worker pool, a facility for intermediate care, a  
36 facility for skilled nursing, a hospital described in 42 U.S.C. §  
37 1395ww(d)(1)(B)(iv) which accepts payment through Medicare, a  
38 residential facility for groups, a program of hospice care, a home for  
39 individual residential care, a facility for the care of adults during the  
40 day, a facility for hospice care, a nursing pool, a *behavioral*  
41 *healthcare* peer *recovery* support ~~frecovery~~ organization, the  
42 distinct part of a hospital which meets the requirements of a skilled  
43 nursing facility or nursing facility pursuant to 42 C.F.R. §  
44 483.5(b)(2), a hospital that provides swing-bed services as described  
45 in 42 C.F.R. § 482.66 or, if residential services are provided to



1 children, a medical facility or facility for the treatment of abuse of  
2 alcohol or drugs must include, without limitation, a statement that  
3 the facility, hospital, agency, program, pool, organization or home is  
4 in compliance with the provisions of NRS 449.119 to 449.125,  
5 inclusive, and 449.174.

6 3. Each reapplication for an agency to provide personal care  
7 services in the home, a community health worker pool, a facility for  
8 intermediate care, a facility for skilled nursing, a facility for the care  
9 of adults during the day, a *behavioral healthcare* peer *recovery*  
10 support ~~frecovery~~ organization, a residential facility for groups or a  
11 home for individual residential care must include, without  
12 limitation, a statement that the holder of the license to operate, and  
13 the administrator or other person in charge and employees of, the  
14 facility, agency, pool, organization or home are in compliance with  
15 the provisions of NRS 449.093.

16 **Sec. 33.** NRS 449.119 is hereby amended to read as follows:

17 449.119 As used in NRS 449.119 to 449.125, inclusive,  
18 “facility, hospital, agency, program or home” means an agency to  
19 provide personal care services in the home, an agency to provide  
20 nursing in the home, a community health worker pool, a facility for  
21 intermediate care, a facility for skilled nursing, a hospital described  
22 in 42 U.S.C. § 1395ww(d)(1)(B)(iv) which accepts payment through  
23 Medicare, a *behavioral healthcare* peer *recovery* support ~~frecovery~~  
24 organization, a residential facility for groups, a program of hospice  
25 care, a home for individual residential care, a facility for the care of  
26 adults during the day, a facility for hospice care, a nursing pool, the  
27 distinct part of a hospital which meets the requirements of a skilled  
28 nursing facility or nursing facility pursuant to 42 C.F.R. §  
29 483.5(b)(2), a hospital that provides swing-bed services as described  
30 in 42 C.F.R. § 482.66 or, if residential services are provided to  
31 children, a medical facility or facility for the treatment of abuse of  
32 alcohol or drugs.

33 **Sec. 34.** NRS 449.174 is hereby amended to read as follows:

34 449.174 1. In addition to the grounds listed in NRS 449.160,  
35 the Division may deny a license to operate a facility, hospital,  
36 agency, program or home to an applicant or may suspend or revoke  
37 the license of a licensee to operate such a facility, hospital, agency,  
38 program or home if:

39 (a) The applicant or licensee has been convicted of:

40 (1) Murder, voluntary manslaughter or mayhem;

41 (2) Assault or battery with intent to kill or to commit sexual  
42 assault or mayhem;

43 (3) Sexual assault, statutory sexual seduction, incest,  
44 lewdness or indecent exposure, or any other sexually related crime  
45 that is punished as a felony;



1 (4) Prostitution, solicitation, lewdness or indecent exposure,  
2 or any other sexually related crime that is punished as a  
3 misdemeanor, within the immediately preceding 7 years;

4 (5) A crime involving domestic violence that is punished as a  
5 felony;

6 (6) A crime involving domestic violence that is punished as a  
7 misdemeanor, within the immediately preceding 7 years;

8 (7) Abuse or neglect of a child or contributory delinquency;

9 (8) A violation of any federal or state law regulating the  
10 possession, distribution or use of any controlled substance or any  
11 dangerous drug as defined in chapter 454 of NRS, within the  
12 immediately preceding 7 years;

13 (9) Abuse, neglect, exploitation, isolation or abandonment of  
14 older persons or vulnerable persons, including, without limitation, a  
15 violation of any provision of NRS 200.5091 to 200.50995,  
16 inclusive, or a law of any other jurisdiction that prohibits the same  
17 or similar conduct;

18 (10) A violation of any provision of law relating to the State  
19 Plan for Medicaid or a law of any other jurisdiction that prohibits  
20 the same or similar conduct, within the immediately preceding 7  
21 years;

22 (11) A violation of any provision of NRS 422.450 to  
23 422.590, inclusive;

24 (12) A criminal offense under the laws governing Medicaid  
25 or Medicare, within the immediately preceding 7 years;

26 (13) Any offense involving fraud, theft, embezzlement,  
27 burglary, robbery, fraudulent conversion or misappropriation of  
28 property, within the immediately preceding 7 years;

29 (14) Any other felony involving the use or threatened use of  
30 force or violence against the victim or the use of a firearm or other  
31 deadly weapon; or

32 (15) An attempt or conspiracy to commit any of the offenses  
33 listed in this paragraph, within the immediately preceding 7 years;

34 (b) The licensee has, in violation of NRS 449.125, continued to  
35 employ a person who has been convicted of a crime listed in  
36 paragraph (a); or

37 (c) The applicant or licensee has had a substantiated report of  
38 child abuse or neglect made against him or her and if the facility,  
39 hospital, agency, program or home provides residential services to  
40 children.

41 2. In addition to the grounds listed in NRS 449.160, the  
42 Division may suspend or revoke the license of a licensee to operate  
43 an agency to provide personal care services in the home, an agency  
44 to provide nursing in the home, a community health worker pool or  
45 a *behavioral healthcare* peer *recovery* support ~~recovery~~



1 organization if the licensee has, in violation of NRS 449.125,  
2 continued to employ a person who has been convicted of a crime  
3 listed in paragraph (a) of subsection 1.

4 3. As used in this section:

5 (a) "Domestic violence" means an act described in NRS 33.018.

6 (b) "Facility, hospital, agency, program or home" has the  
7 meaning ascribed to it in NRS 449.119.

8 (c) "Medicaid" has the meaning ascribed to it in NRS 439B.120.

9 (d) "Medicare" has the meaning ascribed to it in NRS 439B.130.

10 **Sec. 35.** NRS 449.194 is hereby amended to read as follows:

11 449.194 Any person who is employed by an agency to provide  
12 personal care services in the home, a community health worker pool  
13 or a *behavioral healthcare* peer *recovery* support ~~recovery~~  
14 organization who:

15 1. Has successfully completed a course in cardiopulmonary  
16 resuscitation according to the guidelines of the American National  
17 Red Cross or American Heart Association;

18 2. Has successfully completed the training requirements of a  
19 course in basic emergency care of a person in cardiac arrest  
20 conducted in accordance with the standards of the American Heart  
21 Association; or

22 3. Has successfully completed the training requirements of a  
23 course in the use and administration of first aid, including  
24 cardiopulmonary resuscitation,

25 ➤ and who in good faith renders emergency care or assistance in  
26 accordance with the person's training, in the course of his or her  
27 regular employment or profession, to an elderly person or a person  
28 with a disability, is not liable for any civil damages as a result of any  
29 act or omission, not amounting to gross negligence, by that person  
30 in rendering that care.

31 **Sec. 36.** This act becomes effective on July 1, 2017.

