

**PROPOSED REGULATION OF THE COMMITTEE ON
DOMESTIC VIOLENCE**

LCB File No. R161-97

November 7, 1997

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

AUTHORITY: §§2-46, NRS 228.470.

Section 1. Chapter 228 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 46, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 46, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Committee” means the committee on domestic violence appointed pursuant to NRS 228.470.*

Sec. 4. *“Domestic violence” has the meaning ascribed to it in NRS 33.018 and may include, without limitation, physical, sexual or psychological violence.*

Sec. 5. *“Program” means a program for the treatment of persons who commit domestic violence.*

Sec. 6. *1. An organization which desires to obtain a certificate of accreditation for a program must submit a written application to the committee on a form provided by the*

committee, including, without limitation, proof that it has satisfied the requirements of subsection 2.

2. To obtain a certificate of accreditation, an organization which operates a program must:

(a) Employ its personnel pursuant to the provisions of section 7 of this regulation;

(b) Employ two or more providers of qualified treatment for persons who commit domestic violence;

(c) Conduct counseling sessions that focus primarily on ending physical, sexual and psychological violence and hold the person who committed domestic violence accountable for his violence and for changing his violent behavior;

(d) Satisfactorily use a safety plan, a control plan, a client contract, an intake evaluation and discharge criteria;

(e) Provide a treatment program for persons who have been convicted of a first offense that constitutes domestic violence within the immediately preceding 7 years which includes, at a minimum, weekly counseling sessions which are conducted for only one gender and which meet not less than 1 1/2 hours per week for not less than 6 months;

(f) Provide a treatment program for persons who have been convicted of a second offense that constitutes domestic violence within the immediately preceding 7 years which includes, at a minimum, weekly counseling sessions which are conducted for only one gender and which meet not less than 1 1/2 hours per week for 12 months; and

(g) Adopt the “State of Nevada Standards of Treatment Programs for Domestic Violence Perpetrators” dated August 1997, which may be obtained from Temporary Assistance for Domestic Crisis, 2915 W. Charleston, Suite 12, Las Vegas, Nevada 89102, for the price of \$15.

3. The committee will appoint at least one member of the committee to conduct at least annually an on-site inspection of each program that has been certified by the committee and its facility to determine whether the organization which operates the program is complying with sections 2 to 11, inclusive, of this regulation and with the “State of Nevada Standards of Treatment Programs for Domestic Violence Perpetrators” adopted pursuant to section 8 of this regulation. The member appointed by the committee pursuant to this subsection will recommend, at a public meeting of the committee, whether to renew the certification of each program he inspects.

Sec. 7. 1. *A person may be employed as a supervisor of treatment at a program that is certified by the committee before November 1, 1999, if he:*

- (a) Possesses a master’s or doctorate degree in a field of clinical human services;*
- (b) Has satisfactorily completed at least 60 hours of formal training in domestic violence which includes at least 30 hours of training in providing services to victims of domestic violence and at least 30 hours of training in providing treatment for persons who commit domestic violence;*
- (c) Has never been convicted of a crime involving moral turpitude;*
- (d) Is free of violence in his own life; and*

(e) Is not currently an abuser of drugs or alcohol.

2. A person may be employed as a supervisor of treatment at a program that is certified on or after November 1, 1999, if he:

(a) Is licensed in good standing in the State of Nevada in psychology pursuant to chapter 641 of NRS, marriage and family therapy pursuant to chapter 641A of NRS or social work pursuant to chapter 641B of NRS, or is licensed in good standing to practice medicine pursuant to chapter 630 of NRS and practices psychiatry;

(b) Possesses a master's or doctorate degree in a field of clinical human services;

(c) Has satisfactorily completed at least 60 hours of formal training in domestic violence which includes at least 30 hours of training in providing services to victims of domestic violence and at least 30 hours of training in providing treatment for persons who commit domestic violence;

(d) Has never been convicted of a crime involving moral turpitude;

(e) Is free of violence in his own life; and

(f) Is not currently an abuser of drugs or alcohol.

3. A person may be employed at a program as a provider of treatment in a position other than supervisor if he:

(a) Possesses a bachelor's degree or more advanced degree in a field of human resources from an accredited college or university;

(b) Is supervised by a supervisor of treatment who is qualified pursuant to subsection 1 or 2, and such supervision includes, without limitation, meeting with the supervisor in

person at least once a month and having the supervisor submit annual reports of satisfactory performance to the committee;

(c) Has satisfactorily completed at least 60 hours of in-service training in domestic violence, including at least 30 hours of training in providing services and treatment to victims of domestic violence;

(d) On or after July 1, 1998, has satisfactorily completed at least 60 hours of approved formal training in domestic violence, in addition to the training required pursuant to paragraph (c) of this subsection;

(e) Has never been convicted of a crime involving moral turpitude;

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

(g) Is not currently an abuser of drugs or alcohol.

Sec. 8. *The provisions set forth in the “State of Nevada Standards of Treatment Programs for Domestic Violence Perpetrators” dated August 1997, are hereby adopted by reference and incorporated herein. A copy of the publication may be obtained from Temporary Assistance for Domestic Crisis, 2915 W. Charleston, Suite 12, Las Vegas, Nevada 89102, for the price of \$15.*

Sec. 9. *1. An organization that has obtained a certificate of accreditation for a program pursuant to section 6 of this regulation must renew its certification each year. An organization that wishes to renew its certification must submit a form for renewal to the committee.*

2. The certificate of accreditation must be renewed if the committee determines that:

(a) The organization which operates the program has satisfied the requirements of subsection 2 of section 6 of this regulation; and

(b) The program has passed the inspection of the committee conducted pursuant to subsection 3 of section 6 of this regulation.

Sec. 10. *The committee may refuse to issue or renew a certificate of accreditation, or may revoke or suspend a certificate of accreditation or place a certified program on probation for a specified period if:*

1. The organization that operates the program has not complied with sections 2 to 11, inclusive, of this regulation or with the “State of Nevada Standards of Treatment Programs for Domestic Violence Perpetrators” adopted pursuant to section 8 of this regulation;

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

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

4. A staff member of the program, while on 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 a crime involving moral turpitude;

6. *A state or other regulatory board has taken disciplinary action against 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 program provides treatment after its certificate of accreditation has expired;*

9. *The organization that operates the program or a staff member of the program has engaged in any other unjust practice, method or treatment which the committee determines warrants such action; or*

10. *Any combination of the above.*

Sec. 11. *The committee may refuse to issue or renew a certificate of accreditation, or may revoke or suspend a certificate of accreditation, only upon 20 days' written notice provided to any person who may be affected by such action. The notice must contain a brief statement of the reasons for the contemplated action of the committee and designate the time and place of a hearing to be held before any final action is taken by the committee.*

Sec. 12. *The provisions of sections 12 to 46, inclusive, of this regulation govern all practice and procedure before the committee whenever the committee is acting as an agency, as that term is defined in NRS 233B.031, including, without limitation, whenever the committee is authorized by law to make regulations or to determine contested cases.*

Sec. 13. *The provisions of sections 12 to 46, inclusive, of this regulation must be liberally construed to secure a just, speedy and economical determination of all issues*

presented to the committee and to carry out the purposes of chapter 233B of NRS and NRS 228.470.

Sec. 14. *1. Parties to proceedings before the committee must be styled*

“applicant,” “petitioner,” “complainant,” “respondent,” “intervener” or “interested party,” according to the nature of the proceedings and the relationship of the parties.

2. Any person who applies or petitions for any certificate of accreditation from the committee must be styled “applicant.”

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

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

5. Any person against whom any complaint is filed or investigation is initiated must be styled “respondent.”

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

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

Sec. 15. 1. *At any hearing, all parties named in section 14 of this regulation, except interested parties, are entitled to enter an appearance, introduce evidence, examine and cross-examine witnesses, make arguments and generally participate in the conduct of the proceeding. Interested parties may be acknowledged to state their possible interest.*

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

Sec. 16. 1. *A party is entitled to be heard in person or by his attorney or other representative.*

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

Sec. 17. *Following the entry of an appearance by an attorney for a party, all notices, pleadings and orders thereafter served must be served upon the attorney. The service is considered valid service for all purposes upon the party represented.*

Sec. 18. *Any attorney of record wishing to withdraw from a proceeding before the committee shall, in writing, immediately notify the committee or the presiding officer, the party whom he represented and any other parties to the proceeding.*

Sec. 19. *A person appearing in a proceeding shall conform to the recognized standards of ethical and courteous conduct.*

Sec. 20. *1. Pleadings before the committee must be styled “applications,” “petitions,” “accusations” and “answers.”*

2. The committee may, when substantial rights of the parties are not violated, allow any pleading to be amended or corrected, or allow any omission to be supplied.

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

Sec. 21. *All pleadings requesting a certificate of accreditation from the committee must be styled “applications.” The full name and address of the applicant and such facts or exhibits as may be required by statute or sections 2 to 46, inclusive, of this regulation must be contained in an application. The application must be signed by the applicant.*

Sec. 22. *All pleadings praying for affirmative relief, other than applications, accusations or answers, including requests for declaratory orders, advisory opinions and requests for the adoption, filing, amendment or repeal of any regulation, must be styled*

“petitions.” All petitions must set forth the full name and post office address of the petitioner and must be signed by the petitioner.

Sec. 23. *All pleadings must be verified.*

Sec. 24. *1. A motion is a request directed at the authority of the committee to act on a given subject.*

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

3. All written motions must set forth the nature of relief sought and the grounds for the relief requested.

4. A party desiring to oppose a motion may serve and file a written response to the motion.

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

6. A decision must be rendered without oral argument unless oral argument is requested by the committee, in which event the committee will set a date and time for hearing.

Sec. 25. *An original and two legible copies of all pleadings, motions or other papers must be filed with the committee. The committee may direct that a copy of all pleadings and motions be made available by the party filing them to any other person who the committee determines may be affected by the proceeding and who desires copies.*

Sec. 26. *1. All notices, documents, advisory opinions and declaratory orders required to be served by the committee will be served by mail, and service is complete*

when a true copy of the document, properly addressed and stamped, is deposited in the United States mail. Parties will be notified either personally or by certified mail of any adverse decision or order.

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

Sec. 27. *There must appear on all documents required to be served by the committee, other than decisions or orders, an acknowledgment of service or the following certificate:*

*I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding (by delivering a copy in person to)
(by mailing a copy, properly addressed, with postage prepaid, to).*

Dated at this day of, 19.....

.....

Signature

Sec. 28. *1. Upon its own initiative, or following receipt of a verified complaint, the committee may cause an accusation to be filed alleging one or more grounds for*

action arising pursuant to section 10 of this regulation. Facts constituting grounds for action must be stated with such particularity as to enable the respondent to identify the actions in question.

2. All applicable citations, statutes, regulations or orders of the committee must be stated together with the dates on which the acts or omissions occurred.

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

Sec. 29. *1. All proceedings and investigations after the filing of a complaint are confidential, except to the extent necessary for the conduct of an investigation, until the committee determines to proceed with disciplinary action. If the committee dismisses the complaint, the proceedings remain confidential. If the committee proceeds with disciplinary action, confidentiality concerning the proceedings is no longer required.*

2. If the committee conducts an investigation upon a complaint against a certified program, the committee will not limit the scope of its investigation to the matters set forth in the complaint but may extend the investigation to any additional matters that appear to constitute a violation of any provision of sections 2 to 46, inclusive, of this regulation.

3. If, after its investigation, the committee dismisses the complaint, the dismissal does not operate as a limitation on or a deterrent to any subsequent investigation or other action by the committee.

4. Whenever the committee directs that an investigation be conducted into a matter for which the committee may take action pursuant to section 10 of this regulation, the

results of the investigation or any information relating to the investigation will not be examined by, and must not be disclosed to, the members of the committee before the hearing of the committee on the matter.

Sec. 30. *1. A party or parties against whom an accusation is filed must, within 15 days of receipt of the accusation, notify the committee in writing as to whether a hearing on the accusation is requested. Failure to request a hearing is a waiver of the right to hearing. The committee may allow a hearing notwithstanding the fact that it was not requested within 15 days.*

2. If a hearing is requested, the respondent shall file an answer within 20 days of receipt thereof.

Sec. 31. *1. Hearings must be held before the committee. A quorum of the committee is sufficient to convene any hearing.*

2. Notice of the hearing will include:

(a) A statement of the time, place and nature of the hearing;

(b) A statement of the legal authority and jurisdiction under which the hearing is to be held;

(c) A reference to the particular sections of the statutes and regulations involved; and

(d) A short and plain statement of the matters asserted.

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

4. *Hearings will be held at such place in the state as may be designated by the committee in the notice of hearing.*

Sec. 32. *The committee will grant a continuance upon a joint stipulation of the parties or the existence of emergency conditions or for good cause shown upon a written request filed with the committee not later than 10 days before the hearing and physically served upon the opposing party at least 10 days before the hearing. “Good cause shown” will be narrowly construed. Any party requesting a continuance for good cause shown shall appear on the date set for the hearing and be prepared to proceed.*

Sec. 33. *1. If a party fails to appear at a hearing scheduled by the committee and no continuance has been requested or granted, the committee may hear the evidence of such witnesses as may have appeared and the committee may proceed to consider the matter and dispose of it on the basis of the evidence before it.*

2. If, because of accident, sickness or other reasonable cause, a person fails to appear for a hearing scheduled by the committee or fails to request a continuance, the person may, within a reasonable time not to exceed 15 days from the date of the hearing, apply to the secretary of the committee to reopen the proceedings. The committee, upon finding cause sufficient and reasonable, will immediately fix a time and place for hearing and give the person notice thereof. At the time and place fixed, a hearing must be held at which the person may testify in his own behalf or present such other evidence as may be beneficial to his cause.

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

Sec. 34. *All parties to hearings, their counsel and spectators shall conduct themselves in a respectful manner.*

Sec. 35. *The presiding member of the committee shall call the proceeding to order and proceed to take the appearances, and act upon any pending motions or petitions. The parties may then make opening statements.*

Sec. 36. *All testimony to be considered by the committee in any hearing, except matters noticed officially or entered by stipulation, must be sworn testimony. Before taking the witness stand, each person shall swear or affirm that the testimony he is about to give is the truth, the whole truth and nothing but the truth.*

Sec. 37. 1. *Evidence will be received in the following order:*

(a) *Upon applications and petitions:*

- (1) *Applicant or petitioner.*
- (2) *Staff of the committee.*
- (3) *Intervener.*
- (4) *Rebuttal by applicant or petitioner.*

(b) *Upon accusations:*

- (1) *The committee.*
- (2) *Respondent.*
- (3) *Rebuttal by committee.*

2. *This procedure may be modified by the committee or presiding member.*
3. *Closing statements by the parties may be allowed at the discretion of the presiding member of the committee.*

Sec. 38. *The presiding member of the committee may consolidate two or more proceedings into one hearing whenever it appears that the issues are substantially the same and the interests of the parties will not be prejudiced by consolidation. At any consolidated hearing, the presiding member of the committee shall determine the order of procedure.*

Sec. 39. *With the approval of the presiding member, the parties may stipulate as to any fact at issue, either by written stipulation introduced in evidence as an exhibit or by oral statement shown upon the record. Any stipulation is binding upon all parties to the stipulation, and it may be treated as evidence at the hearing. The presiding member may require proof by evidence of the facts stipulated to, notwithstanding the stipulation of the parties.*

Sec. 40. *The committee may take official notice of judicially cognizable facts and of recognized technical or scientific facts within the specialized knowledge of the committee, including, without limitation, the following matters:*

1. *Regulations, official reports, decisions, orders, standards or records of the committee and any regulatory agency of this state or any court of record.*
2. *Matters of common knowledge and technical or scientific facts of established character.*

3. *Official documents, if pertinent, when properly introduced into the record of formal proceedings by reference. Reference to the documents must be made by the party offering them. The documents must be published and generally circulated so that an opportunity is given to all the parties of interest to the hearing to examine them and present rebuttal evidence.*

Sec. 41. *The committee may request briefs to be filed within such time as may be allowed by the committee. The brief must be accompanied by proof of service in accordance with section 27 of this regulation.*

Sec. 42. 1. *A decision or order that is adverse to a party in any hearing will be in writing or stated in the record and will include findings of fact and conclusions of law.*

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

3. *A proceeding stands as submitted for decision by the committee after the taking of evidence, the filing of briefs or the presentation of any oral argument permitted by the committee.*

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

Sec. 43. 1. *Within 15 days of the rendering of a decision or order by the committee, the aggrieved party may apply for a rehearing by filing a written petition for rehearing setting forth the grounds for the petition.*

2. *The committee will act upon the petition within 30 days after the effective date of the order or decision upon which the rehearing is requested. If no action is taken by the committee within the time specified, the petition shall be deemed denied and the decision of the committee is final.*

3. *The committee, on its own motion, may order a rehearing within 30 days of its decision if mistake, fraud or misconception of facts existed in the forming of its original decision.*

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

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

Sec. 44. 1. *Upon the filing of a petition for judicial review of a final decision in a contested case, the committee will cause a record to be made in accordance with subsection 6 of NRS 233B.121.*

2. *Persons desiring copies of the record may obtain them from the office of the committee upon payment of the fees assessed by the committee.*

Sec. 45. 1. *The committee will consider petitions for declaratory orders or advisory opinions relating to the applicability of any statutory provision, regulation or decision of the committee.*

2. *All petitions for declaratory orders and advisory opinions must be in writing using substantially the format of Form No. 1.**

3. *Upon submission of a petition for a declaratory order or advisory opinion, the committee will, within 30 days, either deny the petition in writing, stating its reasons, or initiate proceedings in accordance with NRS 233B.060.*

**See adopting agency for form.*

Sec. 46. *1. Any interested person may petition the committee requesting the adoption, amendment or repeal of any regulation. The petition must include relevant data, views and arguments.*

*2. All petitions requesting the adoption, amendment or repeal of any regulation must be in writing using the format of Form No. 2.**

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

**See adopting agency for form.*