

**LCB File No. R213-99**

**NOTICE OF INTENT TO ACT UPON A REGULATION**

Notice of Hearing for the Adoption, Amendment and Repeal of

Regulations of the State of Nevada Committee on Domestic Violence

The State of Nevada Committee on Domestic Violence will hold a public hearing at 10:00 a.m., on Wednesday, March 15, 2000, at the Midby-Byron Building, Room 109, 1041 N. Virginia Street, Reno, Nevada 89557. The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment or repeal of regulations that pertain to chapter 228 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

The need and purpose of the proposed regulations is to clarify existing regulations and to enable the Committee on Domestic Violence to carry out its responsibilities to certify, evaluate and monitor programs for the treatment of persons who commit domestic violence.

The proposed regulations include procedures and requirements for program certification including reciprocity; qualifications for treatment providers and supervisors; supervisors' duties; provisions concerning indigent clients and sliding scale fees; procedures and requirements for committee approval of treatment program changes; requirements of treatment programs including client confidentiality, group size, co-facilitators, treatment approaches, and criteria for termination and discharge of clients; procedures and requirements concerning continuing education including accreditation; procedures and requirements concerning annual on-site inspections and renewal of certification; grounds for refusal to issue or renew a certificate and for revocation, suspension or placement on probation of a treatment program; definitions; and provisions concerning practice and procedure before the committee including complaints and accusations, hearings and rehearings, motions, pleadings, service of process, and petitions for declaratory orders, advisory opinions and for the adoption, amendment or repeal of regulations. The proposed regulations establish a new fee for applying for and renewing treatment program certification.

There is no immediate economic impact to the regulated community other than the additional time and resources necessary to bring some programs into compliance with the proposed requirements for treatment programs.

The proposed regulations have no immediate economic impact on the public. A potential longer-term impact on persons who commit domestic violence may be an increase in fees for treatment resulting from programs passing along increased costs due to compliance with the proposed regulations. A potential benefit may be greater availability of reduced fees for treatment for those with very low incomes. Other long-term beneficial effects of the proposed regulations include further standardization of court-ordered domestic violence treatment and the future

prevention of domestic violence.

The Committee will not incur additional costs as a result of the proposed regulations.

To the Committee's knowledge, the proposed regulations do not duplicate existing regulations of other state, local or federal governmental agencies.

Persons wishing to comment upon the proposed action of the State of Nevada Committee on Domestic Violence may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to Nancy Hart, Deputy Attorney General, 1325 Airmotive Way, #340, Reno, Nevada 89502. Written submissions must be received on or before March 3, 2000. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the State of Nevada Committee on Domestic Violence may proceed immediately to act upon any written submissions.

A copy of this notice and the regulations to be adopted, amended and repealed will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulations to be adopted, amended and repealed will be available at 2915 W. Charleston, Suite 12, Las Vegas, Nevada 89102, and at the main public library in all counties in the State of Nevada, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulations are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulations will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

Univ. of Nevada - Reno  
University Campus  
Reno, NV 89557

Jean Nidetch Women's Center  
Univ. of Nevada - Las Vegas  
4505 Maryland Parkway  
Las Vegas, NV 89154

Midby-Byron Building  
1041 N. Virginia St.  
Reno, NV 89557

Office of the Attorney General  
100 N. Carson Street  
Carson City, NV 89701

Grant Sawyer State Office Bldg.  
555 E. Washington Avenue  
Las Vegas, NV 89101

## **NOTICE OF INTENT TO ACT UPON A REGULATION**

### **Notice of Hearing for the Adoption, Amendment and Repeal of Regulations of the State of Nevada Committee on Domestic Violence**

The State of Nevada Committee on Domestic Violence will hold a public hearing at 10:00 a.m., on Thursday, January 20, 2000, in Council Chambers at Reno City Hall, 490 S. Center Street, Reno, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment or repeal of regulations that pertain to chapter 228 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

The need and purpose of the proposed regulations is to clarify existing regulations and to enable the Committee on Domestic Violence to carry out its responsibilities to certify, evaluate and monitor programs for the treatment of persons who commit domestic violence.

The proposed regulations include procedures and requirements for program certification including reciprocity; qualifications for treatment providers and supervisors; supervisors' duties; provisions concerning indigent clients and sliding scale fees; procedures and requirements for committee approval of treatment program changes; requirements of treatment programs including client confidentiality, group size, co-facilitators, treatment approaches, and criteria for termination and discharge of clients; procedures and requirements concerning continuing education including accreditation; procedures and requirements concerning annual on-site inspections and renewal of certification; grounds for refusal to issue or renew a certificate and for revocation, suspension or placement on probation of a treatment program; definitions; and provisions concerning practice and procedure before the committee including complaints and accusations, hearings and rehearings, motions, pleadings, service of process, and petitions for declaratory orders, advisory opinions and for the adoption, amendment or repeal of regulations. The proposed regulations establish a new fee for applying for and renewing treatment program certification.

There is no immediate economic impact to the regulated community other than the additional time and resources necessary to bring some programs into compliance with the proposed requirements for treatment programs.

The proposed regulations have no immediate economic impact on the public. A potential longer-term impact on persons who commit domestic violence may be an increase in fees for treatment resulting from programs passing along increased costs due to compliance with the proposed regulations. A potential benefit may be greater availability of reduced fees for treatment for those with very low incomes. Other long-term beneficial effects of the proposed regulations include further standardization of court-ordered domestic violence treatment and the future prevention of domestic violence.

The Committee will not incur additional costs as a result of the proposed regulations.

To the Committee's knowledge, the proposed regulations do not duplicate existing regulations of other state, local or federal governmental agencies.

Persons wishing to comment upon the proposed action of the State of Nevada Committee on Domestic Violence may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to Nancy Hart, Deputy Attorney General, 1325 Airmotive Way, #340, Reno, Nevada 89502. Written submissions must be received on or before January 10, 2000. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the State of Nevada Committee on Domestic Violence may proceed immediately to act upon any written submissions.

A copy of this notice and the regulations to be adopted, amended and repealed will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulations to be adopted, amended and repealed will be available at 2915 W. Charleston, Suite 12, Las Vegas, Nevada 89102, and at the main public library in all counties in the State of Nevada, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulations are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulations will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

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Reno City Hall  
490 S. Center Street  
Reno, NV 89501

Office of the Attorney General  
100 N. Carson Street  
Carson City, NV 89701

Grant Sawyer State Office Bldg.  
555 E. Washington Avenue  
Las Vegas, NV 89101

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

**Proposed Changes to NAC Chapter 228**

New material is indicated in underlined italics; ~~[brackets indicate omitted material]~~

**AUTHORITY: NRS 228.470**

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

**Sec. 2.** *“Continuing education hour” means 60 minutes of instruction devoted to a program of continuing education.*

**Sec. 3.** *“Program of continuing education” means a course or program of education and training that is:*

*1. Offered for the purpose of maintaining, improving or enhancing the treatment of persons who have committed domestic violence; and*

*2. Approved by the committee.*

**Sec. 4.** *“Treatment provider” means a group co-facilitator qualified pursuant to NAC 228.110 who provides treatment to persons who commit domestic violence.*

**Sec. 5.** **Application Fees** (to follow NAC 228.100)

*An applicant must pay the following fees for certification:*

- 1. *Initial application* .....\$50
- 2. *Annual renewal* .....\$50

**Sec. 6. Conditional Certification** (to follow 228.100)

*1. The committee may grant conditional certification to a treatment program which has substantially complied with the application requirements set forth in NAC 228.100.*

*Certification pursuant to this section shall be conditioned upon the receipt of any required information identified as lacking by the committee.*

*2. Conditional certification shall extend until the next regularly scheduled meeting of the committee, and may be renewed by the committee for an additional two regularly scheduled meetings.*

*3. Once the committee has granted full certification to a conditionally certified program, the certification period will be deemed to have started on the date the committee first conditionally certified the treatment program.*

**Sec. 7. Out-of-State Treatment Programs; Reciprocity** (to follow 228.100)

*1. An out-of-state batterer’s treatment program is certified to provide treatment to an out-of-state offender if the program and the personnel are certified by the state in which the offender resides.*

*2. If the state in which the offender resides does not certify batterers treatment programs, a treatment program will be considered certified if written curricula and personnel qualifications are provided to and approved by the sentencing court.*

**Sec. 8. Ability to Pay; Indigent Clients** (to follow NAC 228.100)

*1. All treatment programs must employ a sliding scale for payment and must accept clients regardless of their ability to pay fees.*

*2. The treatment program must determine the client's ability to pay by obtaining a financial statement from the client and using the federal poverty guidelines as follows:*

*(a) Clients whose household income is at or below 150% of the federal poverty level must be charged no more than \$1 per session; a minimum of five percent of a treatment program's clients must be at or below this income level;*

*(b) Fees for all other clients must be collected on a sliding scale that enables clients to afford treatment.*

**Sec. 9. Supervisors' Duties** (to follow 228.110)

*A supervisor of treatment must perform the minimum functions as follows:*

*1. Meet in person (individually??) at least once a month with the treatment providers he supervises at any given treatment program;*

*2. Be available by telephone for consultation;*

*3. Review a random sample of client files every month;*

*4. Observe the group process of each treatment team of co-facilitators a minimum of once every quarter; and*

*5. Prepare and submit to the committee annual performance reports concerning each supervised treatment provider.*

**Sec. 10. Program Changes; Committee Approval** (to follow 228.120)

*1. An organization which operates a treatment program must report any program changes to the committee within 15 days of the change. Program changes include:*

- (a) Any changes in or additions to treatment provider staff;*
- (b) Substantial changes in or additions to treatment program content;*
- (c) Program relocation;*
- (d) Program no longer provides domestic violence treatment services;*
- (e) Any other changes in conditions relating to the treatment program's certification.*

*2. An organization which operates a treatment program must request and receive approval of a program change from the committee.*

*(a) If the request is received at least 30 days before the next regularly scheduled meeting of the committee, it will be placed on the agenda for review and consideration at the next regularly scheduled meeting.*

*(b) If the request is received within 30 days before the next regularly scheduled meeting of the committee, it will be placed on the agenda for review and consideration at the following regularly scheduled meeting.*

*3. The certification of the treatment program shall continue pending the committee's decision on the request for approval.*

**Sec. 11.**        *Requirements of Treatment Programs* (through Section 16)

**Client Confidentiality** (to follow NAC 228.120)

*1. A treatment provider shall not discuss, without the written consent of the client any confidential communications made by the client to the treatment provider during the course of*



*treatment; nor shall a treatment program employee or associate, whether clerical or professional, disclose any confidential information acquired through that individual's work capacity; except:*

*(a) By written consent of the client;*

*(b) In accordance with the Court ordering the client to a treatment program;*

*(c) Pursuant to an investigation or on-site visit by the committee;*

*(d) To warn potential victims of imminent danger if the treatment provider believes that the victim may be at risk from a client because of threats made or behaviors exhibited; or*

*(e) As otherwise provided by law.*

*2. Records showing a client's problem and the scope of the treatment provider's services must be maintained so as to ensure security and confidentiality. NO confidential records or information contained therein may be released except:*

*(a) By written consent of the client;*

*(b) In accordance with the Court ordering the client to a treatment program;*

*(c) Pursuant to an investigation or on-site visit by the Committee; or*

*(d) To warn potential victims of imminent danger if the treatment provider believes that the victim may be at risk from a client because of threats made or behaviors exhibited; or*

*(e) As otherwise provided by law.*

*3. A treatment provider must inform his client of the limits of confidentiality as enumerated in subsections 1 and 2 and shall obtain a signed "Consent for Release of Information" acknowledging and validating these limits before any treatment can be commenced.*

**Sec. 12. Group Treatment; Group Size, Co-Facilitators** (to follow Sec. 11)

- 1. Intervention for domestic violence perpetrators must be group treatment.*
- 2. Individuals who are deemed inappropriate for group treatment by the program supervisor must be provided appropriate treatment and/or referral for treatment; if no domestic violence treatment is provided, the treatment program must advise the client to return to court to explain his circumstances.*
- 3. Separate group counseling sessions must be provided for batterers who are minors who are not suitable for adult sessions.*
- 4. Groups must be single gender and must consist of at least 3 clients and no more than 24 clients.*
- 5. Each group must be co-facilitated by a male/female team of treatment providers; co-facilitators may be treatment providers or supervisors.*

**Sec. 13. Treatment Approaches and Standards** (to follow Sec. 12)

*Treatment programs must comply with the following treatment approaches and treatment standards that are also set forth in the Standards adopted by reference in NAC 228.120:*

- 1. A treatment provider must evaluate each client individually upon intake;*
- 2. A treatment provider must develop a written treatment plan that addresses domestic violence, child abuse, sexual abuse, alcohol and/or controlled substance abuse, and the presence or absence of psychosis;*
- 3. A treatment program must include an individualized written client contract which specifies the responsibilities of the treatment provider and the client and must be signed by the client and witnessed by the treatment provider; and*

*4. A treatment program must include an individualized written client control plan to control and prevent the client from acting violently.*

**Sec. 14. Victim Rights** (to follow Sec. 13)

*To effectuate the goal of victim safety through cessation of violence:*

- 1. Staff members of the treatment program must not covertly or overtly blame the victim or in any way place the victim in danger; and,*
- 2. The treatment provider will assist a person who is victim of domestic violence or at risk for becoming a victim with developing and implementing a safety and protection plan.*

**Sec. 15. Inappropriate Treatment** (to follow Sec. 14)

- 1. Inappropriate treatment is any treatment that treats domestic violence as a disease or addictive behavior.*
- 2. Treatment for substance abuse may not be substituted for a client's treatment for domestic violence behavior; when the initial intake evaluation indicates substance abuse, the condition should be addressed at the outset of domestic violence treatment and referrals to other agencies for substance abuse treatment should be initiated.*
- 3. Couples or family therapy must not be used for domestic violence treatment unless:*
  - (a) The victim feels safe and plans have been made to ensure the victim's safety; and*
  - (b) The perpetrator has completed mandatory domestic violence treatment.*

**Sec. 16. Completion of Treatment; Discharge; Termination; Failure to Renew** (to follow Sec. 15)

- 1. The treatment program must deliver a certificate of completion if the client successfully completes the program and fulfills the client contract.*
- 2. The treatment program must grant an administrative discharge if the client is unable to continue in the program due to moving out of the geographic area or referral to another treatment program.*
- 3. The treatment program must terminate from the treatment program a client who violates the client contract; termination must include a written summary of the perpetrator's behavior in treatment.*
- 4. Upon administrative discharge or termination, the treatment program must notify the perpetrator to request that the referring court reassign him to another treatment program and determine how many, if any, of the treatment sessions completed will count toward completion of the perpetrator's required treatment. If the court declines to decide which sessions count, then the treatment program supervisor must determine how many count, if any.*
- 5. At the time that administrative discharge or termination is being considered, if the client exhibits behavioral signs of violence and is resistant to treatment, the treatment provider must in a timely manner:
  - (a) Contact the victim, if possible;*
  - (b) Contact court officials, any parole/probation officers, the prosecutor, and Child Protective Services and provide a statement of the client's progress and standing in the treatment program, with a recommendation regarding termination of or continuation in treatment; and**

*(c) Ask the client to continue therapy with increased involvement or refer client to another treatment program.*

*6. A treatment program that fails to obtain renewal of its certification must:*

*(a) Notify all referring courts of the nonrenewal; and*

*(b) Notify the perpetrator to request that the referring court reassign him to another treatment program and determine how many, if any, of the treatment sessions completed will count toward completion of the perpetrator's required treatment.*

**Sec. 17. Continuing Education; Requirements** (to follow 228.120)

*1. All treatment providers and supervisors must complete at least 15 hours per year of continuing education approved by the committee. The content of the continuing education must be relevant to the problem of domestic violence.*

*2. A treatment provider or supervisor may not take a program of continuing education which presents the same material he took during the previous certification period.*

*3. Upon renewal of certification, each organization which operates a treatment program shall submit to the committee evidence of completion of required continuing education for its staff. Each treatment program shall maintain sufficient documentation which verifies the content and completion of the required continuing education hours for each of its treatment providers and supervisors for at least 2 years.*

**Sec. 18. Continuing Education; Accreditation** (to follow 228.120)

*1. A program of continuing education must be accredited by the committee.*

*2. Before the committee accredits a course or program, the committee must be satisfied that the course or program:*

*(a) Will be taught by a competent instructor as demonstrated by his educational, professional and teaching experience;*

*(b) Contains current and relevant educational material concerning domestic violence and batterer's treatment;*

*(c) Is of professional quality;*

*(d) Is appropriately designed for instructional purposes; and*

*(e) Includes a written evaluation of the content and presentation of the course or program and its relevance to continuing education for each provider to complete.*

*3. An applicant requesting accreditation of a course or program must submit to the committee an application containing the information required by the committee for its review pursuant to subsection 2.*

*(a) An individual or a treatment program requesting accreditation of a course or program given by someone else must include with its application the course outline, hand-outs, curricula vitae for the instructors, and pre- and post-test materials.*

*(b) A provider of continuing education requesting accreditation of a course or program given by itself may be required to submit the applicable course outline, hand-outs, curricula vitae for the instructors, and pre- and post-test materials.*

*4. If the application for accreditation is received at least 30 days before the next regularly scheduled meeting of the committee, the application will be placed on the agenda for review and consideration at the next regularly scheduled meeting. If the application is received within 30 days before the next regularly scheduled meeting of the committee, it will*

*be placed on the agenda for review and consideration at the following regularly scheduled meeting.*

*5. If the committee approves the course or program for accreditation , the notice of accreditation must state the number of continuing education hours for which the course or program is accredited. Accreditation of the course or program will:*

*(a) Be given for a particular presentation or series of presentations; or*

*(b) Expire on a specific date set forth in the notice of accreditation.*

*6. If the committee denies accreditation of a course or program, the applicant may, within 30 days after receiving notice of the denial, request in writing that the committee reconsider its decision.*

**Sec. 19. Petition to appear before committee** (to follow 228.640)

*Any person may petition the committee to appear and be heard on any matter within the jurisdiction of the committee, as follows:*

*1. The petition must be in writing and contain a brief summary of the subject matter and the reasons for bringing the matter before the committee.*

*2. The petition must be received by the committee at least 30 days before the meeting at which the petitioner wishes to be heard, but the committee may waive this requirement.*

**Sec. 20. NAC 228.040 is hereby amended to read as follows:**

**[“Program”] “Treatment program”** means a program for the treatment of persons who commit domestic violence.

**Sec. 21. NAC 228.100 is hereby amended to read as follows:**

1. *Except as otherwise provided in subsection 4, an ~~[An]~~ organization which desires to obtain a certificate for a **treatment** 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. **The application must include copies of all curricula and hand-outs, and must be signed by the person or persons who are legally entitled to manage, direct and control the organization and by the proposed supervisor of the treatment program.***

2. To obtain a certificate, an organization which operates a **treatment** program must:

(a) ~~[Employ its personnel pursuant to the provisions of NAC 228.110;~~

~~—(b) Employ one or more providers of [qualified] treatment for persons who commit domestic violence;~~ **[qualified pursuant to NAC 228.110;**

**(b) Employ at least one supervisor qualified pursuant to NAC 228.110;**

(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;~~ **Be responsible for ensuring that its treatment program follows the "State of Nevada Standards for Domestic Violence Treatment Programs" adopted by reference in NAC 228.120 and the requirements set forth at 228.110 through \_\_\_\_, inclusive;**

(d) ~~[(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;



(e) ~~[(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 . ~~;~~

~~————(g) Provide a separate group counseling session for persons under the age of 18 who have committed domestic violence and are not suitable for an adult session; and~~

~~————(h) 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 NAC 228.010 to 228.150, inclusive, and with the "State of Nevada Standards of Treatment Programs for Domestic Violence Perpetrators" adopted pursuant to NAC 228.120. 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.]~~

*3. By submitting an application, the applicant grants the committee full authority to make any investigation or personal contact necessary to verify the authenticity of the matters and information stated within the application. If the committee so requests, the applicant must supply such verification.*

*4. An organization that has a certified treatment program and desires a certificate for another treatment program may submit an abbreviated application to the committee if the curricula and hand-outs for the new treatment program are identical to those for the certified*

*program and only the staff for the new treatment program is different. The abbreviated application must be in writing on a form provided by the committee and it must be signed by the person or persons who are legally entitled to manage, direct and control the organization and by the proposed supervisor of the new treatment program.*

Sec. 22. NAC 228.110 is hereby amended to read as follows:

1. ~~Except as otherwise provided in subsection 4, a~~A person may be employed as a supervisor of treatment at a *treatment* program *originally certified* before November 1, 1999, if he:

(a) Possesses a master's or doctorate degree in a field of clinical human services from an accredited college or university;

(b) *Except as otherwise provided in subsection 3, 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 clinical 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;*

(c) *Has two (2) years of experience working in a supervisory capacity within the field of domestic violence;*

~~(b)~~(d) 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;

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

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

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

2. ~~[Except as otherwise provided in subsection 4, a]~~ A person may be employed as a supervisor of treatment at a *treatment* program *certified* on or after November 1, 1999, if he:

(a) *Possesses a master's or doctorate degree in a field of clinical human services from an accredited college or university;*

(b) *Except as otherwise provided in subsection 3, is* ~~[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 clinical 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 from an accredited college or university;]~~

(c) *Has two (2) years of experience working in a supervisory capacity within the field of domestic violence;*

~~(e)~~(d) 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;

(e) *Has satisfactorily completed at least 60 hours of in-service training;*

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

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

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

3. *A person may be employed as a supervisor of treatment at a treatment program although he does not meet the requirements of paragraph (b) of subsections 1 or 2 if he:*

*(a) Submits a written request to the committee including his work history and curriculum vitae;*

*(b) Undergoes an interview with the committee; and*

*(c) Satisfies the committee that he is qualified as a supervisor of treatment without professional licensure.*

4. *The committee shall render a decision regarding a subsection 3 request within 120 days of receiving the request.*

5. *A person employed at a treatment program pursuant to subsection 3 is qualified as a supervisor of treatment so long as he works continuously for treatment programs that are certified by the committee.*

~~3~~(6). Except as otherwise provided in subsection ~~4~~(7), a person may be employed at a *treatment* program as a provider of treatment in a position other than supervisor if he:

(a) Possesses a *high school diploma or GED*;  ~~[bachelor's degree or more advanced degree in a field of human [resources] services from an accredited college or university;]~~

(b) Is supervised by a supervisor of treatment who is qualified pursuant to subsection ~~1~~  
~~or 2~~ *1, 2 or 3*, 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, which includes at least 30 hours of training in providing services and treatment to victims of domestic violence;]~~

(d) ~~[On or after July 1, 1998, h]~~Has satisfactorily completed at least 60 hours of ~~[approved]~~ 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; [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.

~~[4]~~(7). A person may be employed at a *treatment* program *as a provider of treatment in a position other than supervisor* although he does not meet the requirements of paragraph (a) of subsection 4, ~~[1, paragraph (b) of subsection 2 or paragraph (a) of subsection 3, whichever is applicable,]~~ if the *treatment* program is *operated* ~~[located]~~ in a county whose population is less than 50,000 and the person proves, to the satisfaction of the committee, that:

(a) There is ~~[not more than one]~~ *no other certified treatment* program *operating* ~~[located]~~ within a 50-mile radius of the program, or within the city or county in which the *treatment* program is located;

(b) He possesses the necessary skills and training to perform his job; and

(c) He has satisfied all other requirements of this section.

*8. A person employed at a treatment program pursuant to subsection 5 is qualified as a provider of treatment in a position other than supervisor for one year from the date of the committee's approval.*

*9. As used in this section, "free of violence in his own life" means that the person does not employ physical violence or regularly or habitually engage in or use verbal abuse, threats,*

*coercion, or intimidation, or practice minimizing, denying of personal responsibility or blaming of others in his own life and the person is an exemplar of nonviolent behavior.*

*10. As used in this section, “in-service training” means participating in a group or observing a group that is co-facilitated by a male/female treatment team that meets the requirements of the Standards. The participant cannot be one of the co-facilitators.*

*11. As used in this section, “formal training in domestic violence” means a course or program relevant to the problem of domestic violence which is approved by the committee pursuant to the requirements for accreditation of a program of continuing education.*

**Sec. 23.** NAC 228.120 is hereby amended to read as follows:

The provisions set forth in the "State of Nevada Standards ~~[of Treatment Programs for Domestic Violence Perpetrators]~~ *for Domestic Violence Treatment Programs*" dated ~~[August 1997]~~ *September 1999*, 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]~~ *the Office of the Attorney General, 1325 Airmotive Way, Suite 340, Reno, Nevada 89502*, for the price of \$15.

**Sec. 24.** NAC 228.130 is hereby amended to read as follows:

*1. The committee will conduct at least annually an on-site inspection of each treatment program that has been certified by the committee and its facility to determine whether the treatment program is consistent with the treatment program originally certified by the committee and to determine whether the organization which operates the treatment program is complying with NAC 228.010 to 228.\_\_\_\_, inclusive.*

2. An organization that has obtained a certificate for a *treatment* program pursuant to NAC 228.100 must renew its certification each year. An organization that wishes to renew its certification must submit a ~~form~~ *completed application* for renewal to the committee *at least 30 days before the renewal date of the certificate.*

3. ~~2.~~ *At a public meeting of the committee, the committee will determine whether to renew the certification of each inspected program.* The certificate must be renewed if the committee determines that:

(a) *The application for renewal required in subsection 2 has been satisfactorily completed;*

(b) The organization which operates the *treatment* program has satisfied the requirements of subsection 2 of NAC 228.100; ~~and~~

~~(b)~~(c) The *treatment* program has passed the inspection of the committee conducted pursuant to subsection 1; ~~3 of NAC 228.100.~~

(d) *The organization which operates the treatment program has submitted to the committee evidence of completion of required continuing education for its program staff;*

(e) *The organization which operates the treatment program has submitted to the committee its supervisor's annual performance reports for each treatment provider; and*

(f) *The required renewal fee has been paid.*

4. *If the items described in paragraphs (a), (d), (e) and (f) are not postmarked on or before the annual date of renewal of the certificate, the certificate becomes delinquent and the committee shall, within 30 days after the certificate becomes delinquent, send a notice to that effect by certified mail, return receipt requested, to the last known address of the organization operating the treatment program according to the records of the committee.*

*(a) The organization operating the treatment program may renew the certificate within 90 days after the certificate becomes delinquent if it complies with all the requirements of subsection 3.*

*(b) If the certificate is not renewed within 90 days after the certificate becomes delinquent, the certificate expires without any further notice or a hearing and the treatment program will be removed from the certified treatment program list provided to the courts.*

*(c) If the certificate expires pursuant to paragraph (b), the organization that operated the treatment program may reapply in accordance with NAC 228.100.*

**Sec. 25.** NAC 228.140 is hereby amended to read as follows:

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

~~1.~~*(a)* The organization that operates the *treatment* program has not complied with NAC 228.010 to 228.~~150~~\_\_\_\_, inclusive; ~~[- or with the "State of Nevada Standards of Treatment Programs for Domestic Violence Perpetrators" adopted pursuant to NAC 228.120;]~~

~~2.~~*(b)* The organization that operates the *treatment* program has obtained a certificate or any other license by fraudulent misrepresentation;

~~3.~~*(c)* A staff member of the *treatment* program has committed gross malpractice in his actions or omissions related to the program;

~~4.~~*(d)* A staff member of the *treatment* program, while ~~on~~ *at* a facility of the program or while performing any work for the program, has been intoxicated or has used or possessed a controlled substance without a prescription;



~~[5.](e)~~ A staff member of the *treatment* program has engaged in violent behavior or a crime involving moral turpitude;

~~[6.](f)~~ A state or other regulatory board has taken disciplinary action against a staff member of the *treatment* program;

~~[7.](g)~~ The organization that operates the *treatment* program or a staff member of the *treatment* program has engaged in unethical practice in the treatment of persons who commit domestic violence;

*h. The organization that operates the treatment program fails to report changes that are required in section 9;*

*i. The organization that operates the treatment program or any treatment provider or supervisor fails to comply with a stipulation, agreement, order, advisory opinion or declaratory order issued by the board;*

~~[8.](j)~~ The program provides treatment *for court-ordered offenders* after its certificate has expired;

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

~~[10.](l)~~ **Any combination of the above.**

*2. If the committee revokes or suspends a certificate or places a certified treatment program on probation, the committee may by order require the treatment program to pay all costs incurred by the committee relating to the discipline of the treatment program. The order of the committee may contain other terms, provisions or conditions as the committee deems proper and which are not inconsistent with law.*

**Sec. 26.** NAC 228.150 is hereby amended to read as follows:

The committee may refuse to *renew a certificate for failure to comply with 228.130(3)(b) or (c), may refuse to* issue ~~for renew~~ a certificate, or may revoke or suspend a certificate, 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. 27.** NAC 228.320 Classification of parties. (NRS 228.470)

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 from the committee must be styled "applicant."~~

~~3.]~~ Any person who petitions for affirmative relief, other than a complainant, must be styled "petitioner."

~~4.]3.~~ A person who complains to the committee of any act or of any person must be styled "complainant."

~~5.]4.~~ Any person against whom any complaint is filed or investigation is initiated must be styled "respondent."

~~[6.]~~5. 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.]~~6. 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. 28.** NAC 228.370 Standards of conduct (NRS 228.470)

~~[A person appearing in a proceeding shall conform to the recognized standards of ethical and courteous conduct.]~~

*1. An attorney appearing in a hearing before the committee shall ensure that his conduct complies with the Nevada Rules of Professional Conduct.*

*2. All persons appearing at a proceeding before the committee shall conform to the standards of ethical and courteous conduct required in the courts of this state.*

*3. If a person fails to conform his conduct to the standards required by this section, the committee may:*

*(a) Limit the evidence presented by that person; or*

*(b) Exclude the person or his representative from the hearing.*

*4. Any action taken by the committee pursuant to this section and the specific reasons for that action will be stated on the record.*

**Sec. 29.** NAC 228.380 Captions, amendments and construction of pleadings (NRS 228.470)

1. ~~[Pleadings before the committee must be styled "applications," "petitions," "accusations" and "answers."]~~ *Formal pleadings before the committee, including requests for declaratory orders, advisory opinions and requests for the adoption, filing, amendment or repeal of any regulation, must be captioned as follows: "Before the State of Nevada Committee on Domestic Violence in the matter of" and must be signed by the party submitting the pleading or his legal representative.*

2. *All other requests for committee action must be in writing and must set forth the full name and mailing address of the person making the request and must be signed by the person making the request.*

~~[2.]~~3. 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.]~~4. 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.

5. *Matters which do not affect the substantial rights of the parties may be considered and resolved by the committee or a person designated by the committee through informal conferences, meetings, agreements, stipulations or other informal action as may be appropriate under the circumstances. Such informal action is held without prejudice to the committee, and formal proceedings may be instituted subsequently by the committee or a person designated by the committee for the same or related matters. If new evidence is*

*discovered, the matter may at any time be opened again and investigated further if circumstances so warrant.*

**Sec. 30.** NAC 228.390 Applications (NRS 228.470)

~~[All pleadings requesting a certificate 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 this chapter must be contained in an application. The application must be signed by the applicant.]~~

**Sec. 31.** NAC 228.400 Petitions (NRS 228.470)

~~[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. 32.** NAC 228.410 Verification (NRS 228.470)

~~[All pleadings must be verified.]~~

**Sec. 33.** NAC 228.420 Motions (NRS 228.470)

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. *A written motion must be served on the opposing party and the committee at least 10 days before the time set for the hearing on the motion.*

4. ~~[A party desiring to oppose a motion may serve and file a written response to the motion.]~~ *An opposing party may file a written response to a motion within 7 days after the receipt of the motion by serving the written response on all parties and the committee, but in no case may a written response be filed less than 3 days before the time set for the hearing on the motion except for good cause shown and with the permission of the committee.*

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]~~ *shall* 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.]~~ *In the event that oral argument is ordered by the committee, the parties shall be prepared to present oral argument at the time of the hearing.*

**Sec. 34.** NAC 228.430 Filing (NRS 228.470)

An original and two legible copies of all pleadings, motions or other papers must be filed with the committee. The committee, *its counsel or the committee chair* 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. 35.** NAC 228.440 Service of process (NRS 228.470)

1. All notices, documents, advisory opinions and declaratory orders required to be served by the committee will be *delivered in person* or served by mail, and service *by mail* is complete when a true copy of the document, properly addressed and stamped, is deposited in the United States mail, *addressed to the last known address provided to the committee by the treatment program*. 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 *in person or* by mail, and service *by mail* is complete when a true copy of the document, properly addressed and stamped, is deposited in the United States mail.

**Sec. 36. NAC 228.450 ~~[Acknowledgment]~~ *Proof* of service (NRS 228.470)**

~~[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]~~

*Each document to be served by the committee or any party to a proceeding before the committee must include an acknowledgement of service or proof of service.*

**Sec. 37. Complaints *and Accusations***

NAC 228.460 General requirements (NRS 228.470)

~~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 NAC 228.140. Facts constituting grounds for action must be stated with such particularity as to enable the respondent to identify the actions in question.~~ *Any claim of misconduct regarding a certified treatment program initially will be considered as an informal complaint. Upon its own initiative, or following receipt of an informal complaint, a person designated by the committee will examine the claim of misconduct to determine whether it alleges sufficient facts to warrant further proceedings.*

*2. If the committee's designee determines that the informal complaint does allege sufficient facts, the committee's designee shall:*

*(a) Notify the respondent treatment program and any respondent treatment providers or supervisors identified in the claim of misconduct and request a response for review by the committee's designee before a hearing is set;*

*(b) Have a formal accusation drafted for the committee's consideration; and*

*(c) Set the accusation for hearing.*

*3. A formal accusation must contain a statement of facts alleging one or more grounds for action arising pursuant to NAC 228.140. Facts constituting grounds for action must be stated with such particularity as to enable the respondent to identify the actions in question.*

~~2.~~4. All applicable citations, statutes, regulations or orders of the committee must be stated together with the dates on which the acts or omissions *are alleged to have* occurred.

~~3.~~5. If more than one cause of action is alleged, each cause of action must be stated and numbered separately.



*6. An accusation may be amended at any time. The committee will grant a continuance if the amendment materially alters the accusation or a respondent demonstrates an inability to prepare for the case in a timely manner.*

**Sec. 38.** NAC 228.470 Confidentiality of proceedings; investigation (NRS 228.470)

1. All proceedings and investigations after the filing of an *informal* complaint are confidential, except to the extent necessary for the conduct of an investigation, until the committee determines to proceed with ~~[disciplinary action]~~ a *formal accusation*. If the committee dismisses the *informal* complaint, the proceedings remain confidential. If the committee proceeds with ~~[disciplinary action]~~ a *formal accusation*, confidentiality concerning the proceedings is no longer required, except that any information which may establish the identify of a victim of domestic violence, including, without limitation, his address or telephone number, the address or telephone number of his employer, the address or location of his child, or the school attended by his child is confidential and may not be disclosed by the committee.

2. If the committee conducts an investigation upon a complaint against a certified *treatment* 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 this chapter.

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 NAC 228.140, 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 who will hear the matter before the hearing of the committee on the matter.

**Sec. 39.** NAC 228.480 Request for hearing; filing of answer (NRS 228.470)

~~[1. A party or parties against whom an accusation is filed must, within 15 days after 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 after receipt thereof.]~~

**Sec. 40.** NAC 228.490 Notice; location (NRS 228.470)

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

2. *Except as provided in subsection 3*, ~~[N]~~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. If a notice of hearing and formal accusation are served at the same time, they may be considered together to satisfy the requirements of subsection 2 and NRS 233B.121.*

~~3.~~4. 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.~~5. Hearings will be held at such place in the state as may be designated by the committee in the notice of hearing.

**Sec. 41.** NAC 228.500 Continuance (NRS 228.470)

*1. Except as otherwise provided in subsection 2, the ~~[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.]~~*

*2. The committee chair may grant a request for continuance or extension of time without committee approval as long as doing so would not cause substantial prejudice to any other parties.*

**Sec. 42.** NAC 228.510 Failure of party to appear (NRS 228.470)

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 after 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 *new* time and place for hearing and give the ~~[person]~~ *respondents* notice thereof. At the time and place fixed, ~~[a hearing must be held at which the person]~~ *the respondent* 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. 43.** NAC 228.520 Conduct at hearings (NRS 228.470)

~~[All parties to hearings, their counsel and spectators shall conduct themselves in a respectful manner.]~~

**Sec. 44.** NAC 228.530 Preliminary procedure (NRS 228.470)

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. 45.** NAC 228.540 Testimony must be under oath (NRS 228.470)

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]~~ *must* swear or affirm that the testimony he is about to give is the truth, the whole truth and nothing but the truth.

**Sec. 46.** NAC 228.550 Presentation of evidence; closing statements (NRS 228.470)

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

(a) Upon ~~applications and~~ petitions:

(1) ~~Applicant or p~~ Petitioner.

(2) ~~Staff~~ *Designee* of the committee.

(3) Intervener.

(4) Rebuttal by ~~applicant or~~ petitioner.

(b) Upon *formal* accusations:

(1) ~~The~~ *Counsel for the* committee.

(2) Respondent.

(3) Rebuttal by *counsel for the* committee.

(4) *Surrebuttal by respondent.*

2. This procedure may be modified by the committee or *its* presiding member.

3. Closing statements by the parties may be allowed at the discretion of the presiding member of the committee.

**Sec. 47.** NAC 228.570 Stipulations (NRS 228.470)

~~With the approval of the presiding member, the p~~ 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 *of the committee* may require proof by evidence of the facts stipulated to, notwithstanding the stipulation of the parties.

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**Sec. 48.** NAC 228.580 Official notice of facts (NRS 228.470)

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]~~ *or* any *other* regulatory agency of this state or any court of record.

2. Matters of common knowledge and technical or scientific facts of established character *whose authenticity and correctness cannot be reasonably questioned.*

~~[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. 49.** NAC 228.590 Filing of briefs (NRS 228.470)

The committee may request briefs to be filed within such time as may be allowed by the committee. ~~[The]~~ *A* brief must be accompanied by proof of service in accordance with NAC 228.450

**Sec. 50.** NAC 228.600 Decisions and orders by committee; service (NRS 228.470)

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 after 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 *any* briefs, or the presentation of any oral argument permitted by the committee, *whichever occurs last*.

4. ~~[Decisions]~~ *Adverse 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. 51.** NAC 228.610 Rehearings (NRS 228.470)

1. Within 15 days after the ~~[rendering of a decision or order by the committee]~~ *committee has made a decision or issued an order*, the aggrieved party may apply for a rehearing by filing a written petition for rehearing setting forth the grounds for the petition. *The only grounds for rehearing which will be considered by the committee are:*

*(a) Material mistake or fraud affecting the decision; or*

*(b) The discovery of previously unavailable material evidence.*

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]~~ *at the next regularly scheduled meeting which falls at least 30 days after receipt of the petition*. 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]~~ *up to 6 months* after 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. 52.** NAC 228.620 Filing of petition for judicial review; records of hearings (NRS 228.470)

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]~~ *reproduction costs*.

**Sec. 53.** NAC 228.630 Petitions for declaratory orders or advisory opinions (NRS 228.470)

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.\*]~~ *and contain relevant data, views and arguments*.

3. Upon submission of a petition for a declaratory order or advisory opinion, the committee will, within ~~[30]~~ *60* days, either deny the petition in writing, stating its reasons, or ~~[initiate proceedings in accordance with NRS 233B.060.]~~ *grant the petition. If the petition for a declaratory order or advisory opinion is granted, the chair of the committee, its counsel or*



*member designated by the committee shall prepare a draft of the order or opinion for adoption at the next regularly scheduled committee meeting.*

~~[\*See adopting agency for form.]~~

*4. Any violation of a declaratory order or advisory opinion rendered by the committee will be considered grounds for action pursuant to NAC 228.140.*

**Sec. 54.** NAC 228.640 Petitions for adoption, amendment or repeal of regulations (NRS 228.470)

1. Any interested person may petition the committee *in writing* 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.\*]~~ *Petitions for the adoption, amendment or repeal of any regulation are considered submitted to the committee 30 days after the petition first appears for discussion on a committee agenda.*

3. Within 30 days after 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.]~~