

**PROPOSED REGULATION OF THE
STATE BOARD OF HEALTH**

LCB File No. R134-16

July 25, 2016

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

AUTHORITY: §1, NRS 458.025 and 484C.310.

A REGULATION relating to abuse of alcohol and drugs; revising a limitation on the common ownership or operation of an evaluation center program and a treatment program in certain counties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides that if an offender is found guilty of driving under the influence of alcohol or drugs and certain other requirements are met, the court is required to order an evaluation of the offender to determine whether the offender is an abuser of alcohol or drugs. In most circumstances, this evaluation must be conducted by an alcohol and drug abuse counselor, a clinical alcohol and drug abuse counselor or a physician at an evaluation center. After the evaluation, the counselor or physician is required to report to the court the results of the evaluation and make a recommendation concerning the length and type of treatment required for the offender. (NRS 484C.300, 484C.350) Existing regulations prohibit an evaluation center program that is provided in a county whose population is 100,000 or more from being operated by an operator who operates or has a financial interest in a treatment program in the same geographic area. (NAC 458.336) This regulation exempts from this requirement an evaluation center program that: (1) is operated by an Indian tribe; and (2) only provides services to American Indians and Alaska Natives who are enrolled members of federally recognized tribes and their descendants.

Section 1. NAC 458.336 is hereby amended to read as follows:

458.336 ~~{An}~~

1. Except as otherwise provided in subsection 2, an evaluation center program must not be operated by an operator who operates or has a financial interest in a treatment program or any other organization which provides treatment for substance-related disorders in the same

geographic area at which the evaluation center program will be provided if the evaluation center program is provided in a county whose population is 100,000 or more.

2. The provisions of subsection 1 do not apply to an evaluation center program that is operated by an Indian tribe and provides services only to American Indians and Alaska Natives who are enrolled members of federally recognized tribes and their descendants.