

PROPOSED REGULATION OF THE DIVISION OF PUBLIC AND BEHAVIORAL HEALTH

AUTHORITY: NRS 228.470 & SB 25 of 2017 Legislative Session, Subsection 22.5

Section 1 “Form” defined. “Form” includes, without limitation, a printed form, an electronic form or an online or interactive process provided via the Internet.

Sec. 2 “Electronic signature” defined. “Electronic Signature” means a user name attached to or logically associated with a record and executed or adopted by an applicant with the intent to sign an electronic application or other document.

Sec. 3 “Signed or Signs” defined. Signed means a wet signature or an electronic signature. A scanned or faxed copy of a wet signature is also included.

Sec. 4 “Division” defined. “Division” means the Division of Public and Behavioral Health of the Department of Health and Human Services.

Sec. 5 “Violation” defined.

1. “Violation” means noncompliance with any provision of NRS Chapter 228 or NAC Chapter 228.

Sec. 6 NAC 228.100 is hereby amended to read as follows:

1. Except as otherwise provided in subsection 5 ~~[4]~~, an organization which desires to obtain a certificate for a program must submit an application to the ~~[Committee]~~ Division on a form provided by the ~~[Committee]~~ Division, including, without limitation:

(a) Proof that the organization has satisfied the requirements of subsection 4 ~~[3]~~; ~~and~~

(b) A copy of the curriculum and the instructional materials that will be used in the program and that satisfy the requirements set forth in NAC 228.185;

(c) Provide the program’s active Nevada business identification number issued by the Nevada Secretary of State’s office unless exempted by the Secretary of State’s office from having a Nevada business identification number;

(d) The name and location of the program;

(e) The name of the owner or owners of the program or, if a corporation, the names of the officers, directors and owners of 10 percent or more of its shares;

(f) Except as otherwise provided in subsection 5 of Section 11 the telephone number and electronic email address of the program;

(g) The name of the program director; and

(h) Such other information as the Division may deem necessary or expedient to carry out its powers and duties under this chapter.

(i) A supervisor of treatment may also act as the program director.

2. The application must be signed by ~~†~~:

~~(a) The person who will manage and control the organization; and~~

~~(b) [†]the person who will be the supervisor of treatment for the program~~ director or his or her designee.

3. The program's director must attest that the program complies with the standards contained in this chapter.

~~3.†~~ 4. To obtain a certificate, an organization which operates a program must:

(a) Employ, or retain as an independent contractor, one or more providers of treatment who are qualified pursuant to [NAC 228.110](#) to treat persons who commit domestic violence;

(b) Employ, or retain as an independent contractor, at least one supervisor of treatment who is qualified pursuant to [NAC 228.110](#) to supervise the treatment of persons who commit domestic violence;

(c) Employ, or retain as an independent contractor, a program director.

~~(†)~~ (d) Satisfy the requirements of [NAC 228.010](#) to [228.225](#), inclusive;

~~(†)~~ (e) Provide treatment to persons who have been convicted of a first offense that constitutes domestic violence within the immediately preceding 7 years which includes, at a minimum:

(1) If the offender resides 70 miles or less from the nearest program, weekly counseling sessions which meet not less than 1 1/2 hours per week for not less than 6 months; or

(2) If the offender resides more than 70 miles from the nearest program, counseling sessions which meet once every other week for not less than 6 months and which amount to not less than 6 hours of counseling per month;

(e) Provide treatment to persons who have been convicted of a second offense that constitutes domestic violence within the immediately preceding 7 years which includes, at a minimum:

(1) If the offender resides 70 miles or less from the nearest program, weekly counseling sessions which meet not less than 1 1/2 hours per week for 12 months; or

(2) If the offender resides more than 70 miles from the nearest program, counseling sessions which meet once every other week for 12 months and which amount to not less than 6 hours of counseling per month;

(f) Prohibit persons who have been convicted of a first offense that constitutes domestic violence within the immediately preceding 7 years from having more than four unexcused absences within a period of 6 months; and

(g) Prohibit persons who have been convicted of a second offense that constitutes domestic violence within the immediately preceding 7 years from having more than eight unexcused absences within a period of 12 months.

(3) If the offender resides more than 70 miles from the nearest program he or she may attend counseling sessions or other meetings through electronic media if:

(a) He or she has attended at least one physical counseling session, on-site, at the program's location and provided a copy of a recent photograph to be kept on file by the program;

(b) The electronic media to be used is videoconference, webinar with video, Skype or any other similar media in which the offender's face can be visualized by the supervisor of treatment or provider of treatment overseeing the counseling session or meeting and who verifies the identity of the offender with the copy of the offender's photo on file with the program.

~~[4.]~~ 5. In lieu of complying with the provisions of subsections 1 and 2, an organization that operates a program certified pursuant to this section and wishes to obtain a certificate for another program may submit an abbreviated application to the ~~[Committee]~~ Division if the curriculum and instructional materials for the additional program are substantially similar to the curriculum and instructional materials used in the certified program. An application submitted pursuant to this subsection must be on a form ~~[provided]~~ prescribed by the ~~Committee~~-Division and be signed by ~~;~~

~~[(a) The person who will manage and control the organization; and]~~

~~[(b) T]he~~ ~~[person who will be the supervisor of treatment]~~ program director or his or her designee for the additional program.

~~{5.}~~ 6. By submitting an application pursuant to subsection 1 or ~~[4.]~~ 5., an applicant authorizes the ~~Committee~~ Division to investigate as it determines is necessary to verify the information set forth in the application. Upon the request of the ~~Committee~~ Division, the applicant must submit verification of that information.

7. In accordance to Senate Bill 25 of the 2017 Legislative Session, the Committee shall only review the program for treatment of domestic violence and make recommendations to the Division for the initial certification of a program. The Division shall give the Committee a minimum of 30 days notice prior to requesting that a new program be put on a Committee agenda for review and recommendations.

8. Within 15 days after the Committee renders its recommendations concerning such an application, the Committee will provide written notice to the Division of such recommendations. Written notice may include in an electronic format.

9. An application submitted to the Division pursuant to subsection 1, shall not be approved until the written recommendations pursuant to subsection 8 are received by the Division.

Sec. 7 NAC 228.102 is hereby amended to read as follows:

1. The ~~Committee~~ Division may issue a provisional certificate to an organization that operates a program if the organization has submitted an application pursuant to [NAC 228.100](#) and has substantially complied with the requirements set forth in that section. If the requirements in this subsection are met, the Division may issue a provisional certificate while awaiting the recommendations of the Committee pursuant to subsection 8 of Section 6.

~~2.—A provisional certificate expires on the date of the next regularly scheduled meeting of the Committee unless the Committee renews the provisional certificate at that meeting. If the provisional certificate is renewed, it expires at the first regular meeting that is scheduled to be held after the meeting at which the Committee renewed the provisional certificate unless the Committee renews the provisional certificate a second time. If the provisional certificate is renewed for a second time, it expires at the first regular meeting that is scheduled to be held after the meeting at which the Committee renewed the provisional certificate for a second time.~~

~~3. The Committee will not renew a provisional certificate more than twice.~~

4. For the purposes of this section an organization has substantially complied with the requirements set forth in [NAC 228.100](#) if the organization has employed, or retained as an independent contractor, one or more providers of treatment and at least one supervisor of treatment who meet the training and education requirements set forth in [NAC 228.110](#).

Sec. 8 NAC 228.104 is hereby amended to read as follows:

1. The ~~Committee~~ Division will certify, for 1 year, a program that is located in another state and that provides treatment to an offender who is authorized by a court in this State to participate in a program located in that state if the program:

(a) Is certified by and in good standing with a regulatory agency in that state; or

(b) Is not certified by a regulatory agency in that state but is approved by the court that sentenced the offender.

~~2. Upon request, the Committee will renew the certification of such a program. A certificate issued pursuant to this section is valid for 12 months and is renewable annually on or before the date of its expiration. The program shall notify the Division if it does not plan on renewing, at which point the program will be considered closed.~~

Sec. 9 NAC 228.106 is hereby amended to read as follows:

An organization that operates a program shall ensure that:

1. At least 5 percent of the offenders accepted by the program are indigent.
2. The program determines the ability of an offender to pay for the program and charges the offender a fee that is based on a sliding scale that enables the offender to pay for the program.
3. The program does not deny an offender participation in the program solely because of the offender's inability to pay for the program.

4. In cases of an offender's inability to pay for a program, despite the use of a sliding scale as outlined in subsection 2, a program may choose to require the offender to take a corresponding amount of community service equal to the length of the class he or she would take with the program.

Sec. 10 NAC 228.110 is hereby amended to read as follows:

1. Except as otherwise provided in subsection 3, a person may be employed, or retained as an independent contractor, in the position of a supervisor of treatment at a program if he or she:

(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 4, is licensed in good standing in this State:

- (1) As a psychologist pursuant to [chapter 641](#) of NRS;
- (2) As a marriage and family therapist pursuant to [chapter 641A](#) of NRS;
- (3) As a clinical professional counselor pursuant to [chapter 641A](#) of NRS;
- (4) As a clinical social worker pursuant to [chapter 641B](#) of NRS; or

(5) To practice medicine pursuant to [chapter 630](#) or [chapter 633](#) of NRS and practices psychiatry;

(c) Has:

(1) At least 2 years of experience in a supervisory capacity in the provision of services to victims of domestic violence or in the treatment of persons who commit domestic violence; or

(2) At least 5 years of experience in the direct provision of services to victims of domestic violence or treatment of persons who commit domestic violence;

(d) ~~[If the person is employed, or retained as an independent contractor, in the position of a supervisor of treatment on or before January 1, 2015, h]~~ Has satisfactorily completed at least 60 hours of an established formal training in domestic violence approved by the Division which includes at least 30 hours of training in the provision of services to victims of domestic violence

and at least 30 hours of training in the provision of treatment to persons who commit domestic violence;

(e) Courses that are used to satisfy the established formal training in domestic violence requirements in subsection 1 (d) must be courses approved by the Division. Courses may include, but are not limited, to topics such as:

- (i) Confidentiality;
- (ii) Ethics;
- (iii) Nevada domestic violence laws;
- (iv) Provisions of this chapter;
- (v) Dynamics of power and control batterer tactics;
- (vi) Gender roles, socialization and the nature and function of violence;
- (vii) Shelter movement, victim safety and sensitivity;
- (viii) Substance abuse and domestic violence;
- (ix) Victims who use violent self-defense;
- (x) The effects of violence on children;
- (xi) Post- trauma stress;
- (xii) Cultural competency and diversity;
- (xiii) Batterer intervention programs and coordinated community response;
- (xiv) Group facilitation;
- (xv) Intake and assessment;
- (xvi) Meditation for self-control;
- (xvii) Epigenetic attachment disorders;
- (xviii) Training in the use of Self-Evaluation Questions;
- (xix) Training in the Curriculum of the provider's agency;
- (xx) Training in the main treatment methodologies;
- (xxi) Training in Intimacy Skills; or
- (xxii) Any other domestic violence course approved by the Division.

~~(f) [(e) If the person is employed, or retained as an independent contractor, in the position of a supervisor of treatment after January 1, 2015, has satisfactorily completed the following formal training:~~

- ~~—— (1) Eight hours in the dynamics of power and control and batterer tactics;~~
- ~~—— (2) Eight hours in gender roles, socialization and the nature and function of violence;~~
- ~~—— (3) Eight hours in shelter movement, victim safety and sensitivity;~~
- ~~—— (4) Two hours in Nevada domestic violence laws;~~
- ~~—— (5) Four hours in substance abuse and domestic violence;~~
- ~~—— (6) Four hours in victims who use violent self-defense;~~
- ~~—— (7) Four hours in the effects of violence on children;~~

- ~~——(8) Four hours in post-trauma stress;~~
- ~~——(9) Four hours in cultural competency and diversity;~~
- ~~——(10) Two hours in batterer intervention programs and coordinated community response;~~
- ~~——(11) Four hours in group facilitation;~~
- ~~——(12) Two hours in intake and assessment;~~
- ~~——(13) Two hours in confidentiality;~~
- ~~——(14) Two hours in ethics, including, without limitation, collusion; and~~
- ~~——(15) Two hours in the provisions of chapter 228 of NAC;~~
- ~~—(f) If the person is employed, or retained as an independent contractor, in the position of a supervisor of treatment after January 1, 2015, has satisfactorily completed at least 12 hours of approved training in clinical supervision;]~~

(g) Has satisfactorily completed at least 15 hours of the training in domestic violence required by paragraph ~~[(d) or]~~ (e) during the 2 years immediately preceding the date on which the person is employed, or retained as an independent contractor, in the position of a supervisor of treatment at the program;

~~(h) Has satisfactorily completed at least 60 hours of in-service training;~~

~~(i)] (h) [Has never:]~~

~~[(1) Entered a plea of guilty, guilty but mentally ill or nolo contendere to;~~

~~(2) Been found guilty or guilty but mentally ill of; or]~~

~~[(3)] Must attest, in a manner prescribed by the Division, that he or she has never been convicted of,~~

↳ a crime which demonstrates the person's unfitness to act as a supervisor of treatment, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal;

~~(j) (i) Is free of violence in his or her life; and~~

~~(k) (j) Is not currently an abuser of prescription drugs or alcohol or a user of illegal drugs.~~

2. The ~~Committee~~ Division may review the qualifications of a person who may be employed, or retained as an independent contractor, in the position of a supervisor of treatment at a program to determine whether the person satisfies the requirements of subsection 1.

3. The provisions of paragraphs (c) ~~[and (h)]~~ of subsection 1 do not apply to a person who is employed, or retained as an independent contractor, in the position of a supervisor of treatment at a program on August 1, 2000.

4. A person who does not comply with the requirements of paragraph (b) of subsection 1 may be employed, or retained as an independent contractor, in the position of a supervisor of treatment at a program if:

(a) The person submits a written request to the ~~Committee~~ Division that includes, without limitation, a statement concerning his or her work history, education and experience;

~~—(b) The person participates in an interview with the Committee;~~ and

~~(e)~~ (b) The ~~Committee~~ Division determines that the person is qualified to be employed, or retained as an independent contractor, in the position of a supervisor of treatment at a program.

5. Within 120 days after the ~~Committee~~ Division receives a request pursuant to subsection 4, the ~~Committee~~ Division will provide written notice of its approval or denial of the request to the person who submitted the request. If the ~~Committee~~ Division denies the request, the notice will include the reasons for the denial of the request.

6. The Division may request that a person who submits a written request pursuant to subsection 4, be interviewed by phone, video conference, Skype or similar program, or in person to gather any information the Division feels it needs to make a determination to approve or deny the request.

~~[6.]~~ 7. A person who is employed, or retained as an independent contractor, in the position of a supervisor of treatment at a program pursuant to subsection 4 is qualified as a supervisor of treatment until the person is no longer employed, or retained as an independent contractor, by an organization that operates a program if he or she meets the annual continuing education requirements set forth in [NAC 228.210](#).

~~[7.]~~ 8. Except as otherwise provided in subsection ~~[9]~~ 10, a person may be employed, or retained as an independent contractor, in the position of a provider of treatment at a program if the person:

(a) Possesses a bachelor's degree or more advanced degree;

(b) Is supervised by a supervisor of treatment who is qualified pursuant to subsection 1, 3 or 4 and that supervision includes, without limitation, meeting with the supervisor of treatment in person at least once each month and having the supervisor of treatment submit annual reports of satisfactory performance to the ~~[Committee]~~ Division;

(c) ~~If the person is employed, or retained as an independent contractor, in the position of a provider of treatment on or before January 1, 2015, has~~ Has satisfactorily completed at least 60 hours of an established formal training in domestic violence approved by the Division that

includes, without limitation, at least 30 hours of training in the provision of services to victims of domestic violence and at least 30 hours of training in the provision of treatment to persons who commit domestic violence;

(d) Courses that are used to satisfy the established formal training in domestic violence requirements in subsection 8 (c) must be courses approved by the Division. Courses may include, but are not limited, to topics such as:

- (xxiii) Confidentiality;
- (xxiv) Ethics;
- (xxv) Nevada domestic violence laws;
- (xxvi) Provisions of this chapter;
- (xxvii) Dynamics of power and control batterer tactics;
- (xxviii) Gender roles, socialization and the nature and function of violence;
- (xxix) Shelter movement, victim safety and sensitivity;
- (xxx) Substance abuse and domestic violence;
- (xxxi) Victims who use violent self-defense;
- (xxxii) The effects of violence on children;
- (xxxiii) Post- trauma stress;
- (xxxiv) Cultural competency and diversity;
- (xxxv) Batterer intervention programs and coordinated community response;
- (xxxvi) Group facilitation;
- (xxxvii) Intake and assessment;
- (xxxviii) Meditation for self-control;
- (xxxix) Epigenetic attachment disorders;
- (xl) Training in the use of Self-Evaluation Questions;
- (xli) Training in the Curriculum of the provider's agency;
- (xlii) Training in the main treatment methodologies;
- (xlili) Training in Intimacy Skills; or
- (xliv) Any other domestic violence course approved by the Division.

~~(d) If the person is employed, or retained as an independent contractor, in the position of a provider of treatment after January 1, 2015, has satisfactorily completed the following formal training:~~

- ~~(1) Eight hours in the dynamics of power and control and batterer tactics;~~
- ~~(2) Eight hours in gender roles, socialization and the nature and function of violence;~~
- ~~(3) Eight hours in shelter movement, victim safety and sensitivity;~~
- ~~(4) Two hours in Nevada domestic violence laws;~~
- ~~(5) Four hours in substance abuse and domestic violence;~~
- ~~(6) Four hours in victims who use violent self-defense;~~

- ~~(7) Four hours in the effects of violence on children;~~
- ~~(8) Four hours in post-trauma stress;~~
- ~~(9) Four hours in cultural competency and diversity;~~
- ~~(10) Two hours in batterer intervention programs and coordinated community response;~~
- ~~(11) Four hours in group facilitation;~~
- ~~(12) Two hours in intake and assessment;~~
- ~~(13) Two hours in confidentiality;~~
- ~~(14) Two hours in ethics, including, without limitation, collusion; and~~
- ~~(15) Two hours in the provisions of chapter 228 of NAC;~~

(e) Has satisfactorily completed at least 15 hours of the training in domestic violence required by paragraph ~~[(e) or]~~ (d) during the 2 years immediately preceding the date on which the person is employed, or retained as an independent contractor, in the position of a provider of treatment at the program;

~~(f) Has satisfactorily completed at least 60 hours of in-service training;~~

(f) ~~Has never:~~

- ~~(1) Entered a plea of guilty, guilty but mentally ill or nolo contendere to;~~
- ~~(2) Been found guilty or guilty but mentally ill of; or]~~

~~[(3)]~~ Must attest, in a manner prescribed by the Division, that he or she has never been convicted of,

↳ a crime which demonstrates the person's unfitness to act as a provider of treatment, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal;

~~—(h) (g)~~ Is free of violence in his or her life; and

~~(i)~~ (h) Is not currently an abuser of prescription drugs or alcohol or a user of illegal drugs.

~~[8.]~~ 9. The ~~[Committee]~~ Division may review the qualifications of a person who may be employed, or retained as an independent contractor, in the position of a provider of treatment at a program, to determine whether the person satisfies the requirements of subsection ~~[7]~~ 8.

~~[9.]~~ 10. A person may be employed, or retained as an independent contractor, in the position of a provider of treatment at a program although the person does not meet the requirements of paragraph (a) of subsection ~~[7]~~ 8, if the program is located in a county whose population is less than 50,000 and the person proves, to the satisfaction of the ~~[Committee]~~ Division, that:

- (a) There is not another program located within a 50-mile radius of the program, or within the city or county in which the program is located;
- (b) The person possesses the necessary skills and training to perform his or her job; and
- (c) The person has satisfied all other requirements of this section.

~~[10.]~~ 11. A person who is employed, or retained as an independent contractor, in the position of a provider of treatment at a program pursuant to subsection ~~[9]~~ 10 is qualified as a provider of treatment for a period which ends on the expiration date of the certificate issued for the program pursuant to [NAC 228.100](#).

~~— 11. The in-service training required by this section may be completed by observing a group counseling session via distance media if:~~

~~— (a) The in-service training is completed in a county whose population is less than 50,000 and which is located more than 50 miles from a program;~~

~~— (b) The distance media has been approved by the Committee; and~~

~~— (c) The person receiving the in-service training meets in person or via telephone with at least one provider of treatment or supervisor of treatment who is familiar with the group counseling session that was observed to discuss that group counseling session.~~

~~[12. Not more than one-half of the formal training required by paragraphs (d) and (e) of subsection 1 and paragraphs (c) and (d) of subsection 7 may be completed via distance media.]~~

13. As used in this section:

(a) “Free of violence in his or her life” means that a person:

- (1) Does not engage in acts of physical violence;
- (2) Does not verbally abuse, threaten, coerce or intimidate other persons on a regular basis;
- (3) Does not deny personal responsibility for the person’s actions or blame other persons for his or her mistakes on a regular basis; and
- (4) Lives his or her life in a manner that is capable of serving as a model of nonviolent behavior.

~~—(b) “In-service training”:~~

~~——(1) Means participation or observation of a group counseling session that:~~

~~———(I) Is conducted for offenders in a program;~~

~~———(II) Complies with the requirements of NAC 228.010 to 228.225, inclusive; and~~

~~———(III) Includes a discussion reviewing the group counseling session that is conducted in person with both providers of treatment or the provider of treatment and the supervisor of treatment acting as a provider of treatment who conducted the group counseling session.~~

~~———(2) Does not include the conducting of a group counseling session by a provider of treatment or a supervisor of treatment acting as a provider of treatment.~~

Sec. 11 Duties of Program Director

1) The program director shall:

(a) Ensure that each provider of treatment and each supervisor of treatment meets the requirements set forth in NAC 228.110 prior to providing treatment to perpetrators;

(b) Ensure compliance with NRS Chapter 228 and NAC Chapter 228;

(c) Ensure a treatment program develops and follows policies, procedures, and supervision schedules that provide adequate supervision for all treatment staff;

(d) Provides supervision to staff and volunteers; and

(e) Provides program oversight and program development.

Sec 12 NAC 228.125 is hereby amended to read as follows:

1. ~~[Except as otherwise provided in subsection 6, a]~~An organization that operates a program shall submit [request, in writing,] on a form prescribed by the Division, [approval from the Committee at least 10 days before making] any changes to the information submitted pursuant to [NAC 228.100](#), within 30 days of making the change, including, without limitation:

(a) ~~[An addition of a provider of treatment or supervisor of treatment;]~~A change of ownership;

~~[(b) A substantial change in the program;]~~ A change of name;

(c) A relocation of the program;

(d) The discontinuance of the program; ~~{or}~~

(e) A change of the program director;

(f) A change in phone number or electronic mail address; or

~~[(e)]~~ (g) Any other changes to the information provided in the application submitted in accordance with NAC 228.100. ~~[that relates to the certification of the program.]~~

~~2.—If an organization that operates a program seeks to employ, or retain as an independent contractor, in the position of a provider of treatment or supervisor of treatment, a person who is not currently employed, or retained as an independent contractor, in the position of a provider of treatment or supervisor of treatment at another program, the organization shall request approval from the Committee, on a form approved by the Committee which includes proof that the person is qualified pursuant to NAC 228.110.~~

~~—3.—Except as otherwise provided in subsection 7, if the Committee receives a request submitted pursuant to subsection 1 or 2:~~

~~—(a) At least 30 days before the next regularly scheduled meeting of the Committee, the Committee will include the request on the agenda for that meeting.~~

~~—(b) Less than 30 days before its next regularly scheduled meeting, the Committee will include the request on the agenda for the first regular meeting that is scheduled to be held more than 30 days after the Committee receives the request.~~

~~—4.—Within 15 days after the Committee renders its decision concerning the request, it will provide written notice to the organization of its approval or denial of the request. If the Committee denies the request, the notice will include the reasons for the denial.~~

~~[5] 2.~~ The certification of the program remains in effect until the ~~[Committee]~~ Division provides notice to the organization in the manner prescribed by NAC 228.150 as long as the program keeps its certificate current by renewing its certificate in accordance with Section 12.

~~—6.—If an organization that operates a program loses a provider of treatment or supervisor of treatment, the organization:~~

~~—(a) Shall notify the Committee, in writing, of the loss within 10 days after losing the provider of treatment or supervisor of treatment; and~~

~~—(b) May replace the provider of treatment or supervisor of treatment immediately if the organization requests, in writing, approval from the Committee within 10 days after replacing the provider of treatment or supervisor of treatment.~~

~~—7.—If an organization that operates a program seeks to employ, or retain as an independent contractor, in the position of a provider of treatment or supervisor of treatment, a person who is currently employed, or retained as an independent contractor, in the position of a provider of treatment or supervisor of treatment at another program, the organization shall request approval from the Committee pursuant to subsection 1. The Committee may approve the request without placing the request on an agenda for a meeting of the Committee.~~

~~[8-]~~ 3. If an organization that operates a program is no longer in compliance with the provisions of [NAC 228.010](#) to [228.225](#), inclusive, because the only supervisor of treatment or the only male or female provider of treatment, employed or retained at the program is no longer employed or retained at the program, the organization shall submit, within 10 days after the person ceases to be employed or retained, a written plan describing the actions the organization will take to regain compliance with the provisions of [NAC 228.010](#) to [228.225](#), inclusive, within 45 days after submission of the written plan.

4. The failure of an applicant to comply with the requirements of this section constitutes grounds for disciplinary action that may include, without limitation:

(a) Placing the program on probation with specified conditions;

(b) Denial of the application; or

(b) Suspension or revocation of the applicant's certificate; or

(d) Any combination of the disciplinary actions described in paragraphs (a), (b) and (c).

5. In addition to any applicable statutory or regulatory requirements, an application submitted pursuant to this chapter or chapter 228 of NRS must include a method by which the Division may communicate with the applicant other than by telephone or mail, which may include, without limitation, an electronic mail address or a telephone number that will accept electronic mail. The Division may exempt an applicant from the requirements of this subsection if the applicant attests that no additional methods of communication are feasible for the applicant and acknowledges that mail is the only means by which to communicate with the applicant.

6. Any notice that is required to be provided to a certificate holder or applicant for a certificate pursuant to this chapter or chapter 228 of NRS shall be deemed sufficient if the notice is sent to the last address or electronic mail address that was provided to the Division by the certificate holder or applicant.

Sec. 13 NAC 228.130 is hereby amended to read as follows:

1. The ~~Committee~~ Division may, each year *or as deemed necessary by the Division*, conduct an on-site inspection of each program to determine whether the organization that operates the program is in compliance with the provisions of [NAC 228.010](#) to [228.225](#), inclusive.

If the ~~Committee~~ Division finds a ~~[violation of NAC 228.010 to 228.225]~~ violation, inclusive, during the on-site inspection of the program: ~~[, the Committee may require the organization that operates the program to complete a plan detailing the action necessary to remedy the violation within 45 days after the date the organization is notified of the violation. The Committee will review the plan to determine compliance at the first subsequent meeting of the Committee after the plan is completed and will determine whether to approve the plan.]~~

~~(a)~~ Upon completion of an inspection, the Division shall:

(I) Compile a report of the inspection, including each violation discovered during the inspection, if any; and

(II) Make the report available to the program that was inspected by a method prescribed by the Division.

~~(b)~~ If a violation is indicated in the report, the program shall correct each violation indicated in the report by:

(I) Developing a plan of correction for each violation and submitting the plan to the Division for approval within 10 days after receipt of the statement of deficiencies. The plan of correction must include specific requirements for corrective action, which must include times within which the deficiencies are to be corrected and the title of the individual responsible for ensuring the plan is implemented.

(II) If the plan is not acceptable to the Division, the Division may direct the program to resubmit a plan of correction or the Division may develop a directed plan of correction with which the program must comply.

(III) Failure to submit the plan of correction to the Division within 10 days constitutes a separate violation and the Division may place a program on probation with specified conditions, suspend or revoke the program's certificate.

2. An organization that has obtained a certificate for a program pursuant to [NAC 228.100](#) must renew its certification within 12 ~~[year]~~ months ~~[after obtaining]~~ from the effective date of the initial certificate and must renew the certificate every 12 month on or before the expiration date to maintain the program's certification. If the organization was issued a provisional certificate pursuant to [NAC 228.102](#) before it obtained a certificate for a program pursuant to [NAC 228.100](#), the certificate obtained pursuant to [NAC 228.100](#) expires ~~[1-year]~~ 18 months after the ~~[Committee]~~ Division first issued the provisional certificate.

3. An organization that wishes to renew its certification must submit a completed application for renewal to the ~~Committee~~ Division on or before the date of expiration ~~at least 60 days before the certificate expires.~~

4. The certificate will be renewed if the ~~Committee~~ Division determines that:

(a) The application for renewal is complete;

(b) The organization which operates the program has satisfied the requirements of subsection ~~[3]~~ 4 of [NAC 228.100](#) Section 6;

(c) The program has passed the inspection of the ~~Committee~~ Division conducted pursuant to subsection 1, if one is conducted; and

(d) The organization which operates the program has submitted:

(1) Proof of completion of the hours of continuing education required by [NAC 228.210](#);
and

(2) The annual reports required by [NAC 228.115](#).

5. The program director or his or her designee attests that each addition of a provider of treatment or supervisor of treatment meets the requirements set forth in NAC 228.110 prior to providing services to perpetrators. The program must submit proof of compliance with this subsection upon request of the Division.

6. The program director or his or her designee signs the renewal application.

7. The program director or his or her designee updates any changes to the program's phone number or electronic mail address.

8. The program director or his or her designee submits any documentation needed by the Division to prove that the program continues to meet the standards for certification.

~~—5.— If a completed application and the documents described in paragraph (d) of subsection 4 are received by the Committee on or before the expiration date of the certificate, the certificate remains in effect after the expiration date of the certificate unless the Committee provides notice to the organization in the manner prescribed by [NAC 228.150](#).~~

~~{6.} 9. If a completed application and the documents described in paragraph (d) of subsection 4 are not received by the Committee Division on or before the expiration date of the certificate, the certificate becomes delinquent and the Committee will, within expires after 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 as indicated in the records of the Committee.~~

~~{7.} 10. If a completed application is submitted electronically it shall be deemed received by the Division the date it is recorded in the Division's online licensing system as received or if the completed application [or a document described in paragraph (d) of subsection 4] is deposited with the United States Postal Service, it shall be deemed received by the [Committee] Division on the date indicated on the post office cancellation mark stamped upon the envelope containing the document if:~~

~~(a) The envelope is properly addressed as instructed on the application ~~to the Committee~~;~~
and

~~(b) That date is earlier than the actual receipt of that document.~~

11. Unless otherwise provided by subsection 1 of Section 7, if an incomplete application is submitted, the Division shall notify the program that the application is not complete, and give the program 90 days to complete the application. If the program does not submit the missing information required to complete the application within 90 days, the application will be denied.

~~[8.]~~ 12. The organization may renew the certificate within ~~9~~30 days after the certificate expiration date pursuant to subsection 9, ~~becomes delinquent~~ if the organization complies with the requirements set forth in subsections ~~4, 5, 6, 7, or 8.~~

~~[9.]~~ 13. If a certificate is not renewed ~~within 90 days after the certificate becomes delinquent pursuant to subsections 4, 5, 6, 7 or 8, the certificate expires without further notice or a hearing~~ and the ~~Committee~~ Division will remove the program from the list of programs that it provides to the courts of this State.

10. If a certificate expires pursuant to subsection 9 *or is denied pursuant to subsection 11*, the organization which operated the program may reapply for certification of the program pursuant to [NAC 228.100](#).

Sec 14 NAC 228.140 is hereby amended to read as follows:

The ~~[Committee]~~ Division may refuse to issue or renew a certificate for a program, revoke or suspend a certificate or place a program on probation with specified conditions for a specified period if:

1. The organization that operates the program has not complied with *any provisions of NRS or NAC Chapter 228* ~~[NAC 228.010 to 228.225]~~, inclusive;

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

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

4. A staff member of the program, while 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. A staff member of the program has engaged in violent behavior or has:

(a) Entered a plea of guilty, guilty but mentally ill or nolo contendere to;

(b) Been found guilty or guilty but mentally ill of; or

(c) Been convicted of,

↳ a crime which demonstrates his or her unfitness to act as a staff member of the program, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal;

6. A state or other regulatory board has taken disciplinary action against a staff member of 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 organization that operates the program fails to request approval of a change in the program as required by [NAC 228.125](#);

9. The organization that operates the program or a staff member of the program fails to comply with a stipulation, agreement, order, advisory opinion or declaratory order issued by the ~~[Committee]~~ Division;

10. The program provides treatment to an offender after its certificate has expired; or

11. 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]~~ Division determines warrants such an action.

Sec 15 NAC 228.150 is hereby amended to read as follows:

1. The ~~[Committee]~~ Division may:

(a) Refuse to issue a certificate for a program;

(b) Refuse to renew a certificate for a program for failure to comply with the provisions of paragraph (b) or (c) of subsection 4, 5, 6, 7, or 8 of [NAC 228.130](#); or

(c) Revoke or suspend a certificate for a program,

↪ only upon notice pursuant to NAC 439.345. ~~{20 days' written notice provided to any person who may be affected by such an action.}~~

~~{2. The notice will 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 16 NAC 228.160 is hereby amended to read as follows:

1. A provider of treatment, a supervisor of treatment who is acting as a provider of treatment, or any other staff member of the program does not disclose any confidential communications made by an offender during the course of treatment or acquired through his or her work with the program, except:

(a) Upon the written consent of the offender;

(b) To the extent necessary to report the status of the treatment of an offender to the court that ordered the offender to participate in the program;

(c) To the extent necessary to comply with the provisions of subsection 2 of [NAC 228.180](#) or subsection 3 of [NAC 228.195](#);

(d) Pursuant to an investigation or on-site inspection by the ~~[Committee]~~ *Division*;

(e) To notify a person whom the provider of treatment believes may be at risk of imminent danger because of threats made or behavior exhibited by the offender;

(f) To report evidence of child abuse or neglect to an agency which provides child welfare services or to a law enforcement agency;

(g) To report evidence of abuse, neglect, exploitation or isolation of an older person to an entity described in [NRS 200.5093](#); or

(h) As otherwise required by law.

2. Each staff member of the program maintains a confidential record indicating the reason for the treatment of the offender or the course and scope of treatment provided by a provider of treatment.

3. No staff member of the program discloses a confidential record or information contained in such a record to another person except:

(a) Upon the written consent of the offender;

(b) To the extent necessary to report the status of the treatment of an offender to the court that ordered the offender to participate in the program;

(c) To the extent necessary to comply with the provisions of subsection 2 of [NAC 228.180](#) or subsection 3 of [NAC 228.195](#);

(d) Pursuant to an investigation or on-site inspection by the ~~[Committee]~~ *Division*;

(e) To notify a person whom the provider of treatment believes may be at risk of imminent danger because of threats made or behavior exhibited by the offender;

(f) To report evidence of child abuse or neglect to an agency which provides child welfare services or to a law enforcement agency;

(g) To report evidence of abuse, neglect, exploitation or isolation of an older person to an entity described in [NRS 200.5093](#); or

(h) As otherwise required by law.

4. A provider of treatment:

(a) Informs each offender of the provisions set forth in subsections 1 and 3; and

(b) Before providing any treatment to the offender, obtains written consent from the offender on a form prescribed by the ~~[Committee]~~ *Division* that sets forth that a confidential communication made by the offender and a confidential record relating to the offender or information contained in such a record may be disclosed for any of the purposes set forth in subsection 1 or 3.

Sec 17 NAC 228.165 is hereby amended to read as follows:

1. An organization that operates a program shall ensure that:

(a) The treatment provided to an offender by the program is provided in a group counseling session that:

(1) Is conducted by:

(I) Two providers of treatment, one of whom is male and one of whom is female;

(II) A provider of treatment and a supervisor of treatment who is acting as a provider of treatment, one of whom is male and one of whom is female; or

(III) One provider of treatment only if an emergency exists which prevents a group counseling session from being conducted pursuant to sub-subparagraph (I) or (II) and not more than four group counseling sessions in a period of 26 weeks, or eight group counseling sessions in a period of 52 weeks, are conducted by one provider of treatment only;

(2) Is conducted for the gender of the offenders in the group counseling session; and

(3) Except as otherwise provided in subsection 2, consists of not less than 3 offenders or more than ~~[24]~~ 12 offenders.

(b) If a supervisor of treatment determines that an offender cannot be treated in a group counseling session because the offender has a physical or mental limitation that is not related to the abuse of drugs or alcohol, the offender is referred to an appropriate provider of health care or other services.

(c) A supervisor of treatment who is making a determination pursuant to paragraph (b) has provided reasonable accommodation to the known physical or mental limitations of an offender with a disability who is otherwise eligible to obtain treatment in a group counseling session, unless the supervisor of treatment can demonstrate that such accommodation would result in a fundamental alteration of the program or an undue financial or administrative burden.

(d) If an offender does not receive treatment by the program because of a determination made pursuant to paragraph (b), the supervisor of treatment notifies the court that sentenced the offender of that fact and advises the offender to do the same.

(e) Except as otherwise provided in subsection 2, a separate group counseling session is provided for an offender who is under the age of 18 years and for whom an adult session is not suitable.

2. An organization that operates a program shall ensure that each offender be provided, at a minimum, one private counseling session with a supervisor of treatment or provider of treatment at least once a month.

~~[2].~~ ~~3.~~ The ~~Chair of the Committee~~ Division may waive any of the requirements set forth in ~~[subparagraph (3) of paragraph (a) of subsection 1 or paragraph (e) of subsection 1 if he or she]~~ this section if the Division determines that it would be impracticable or impossible for an organization that operates a program to comply with those requirements.

~~[3.]~~ 4. As used in this section, “provider of health care or other services” includes:

(a) A physician or a physician assistant who is licensed pursuant to [chapter 630](#) or [chapter 633](#) of NRS;

(b) A psychologist who is licensed pursuant to [chapter 641](#) of NRS;

(c) A marriage and family therapist who is licensed pursuant to [chapter 641A](#) of NRS;

(d) A clinical professional counselor who is licensed pursuant to [chapter 641A](#) of NRS; and

(e) A clinical social worker who is licensed pursuant to [chapter 641B](#) of NRS.

NAC 228.170 Method and standards of treatment. ([NRS 228.470](#)) An organization that operates a program shall ensure that: No changes

1. The program holds an offender accountable for accepting responsibility for his or her violence and for changing his or her violent behavior, including, without limitation, developing concern and empathy for a person who is a victim of domestic violence.

2. A provider of treatment:

(a) Evaluates individually each offender for whom he or she will provide treatment upon the admission of the offender to the program;

(b) Develops a written plan of treatment for the offender that includes, without limitation:

(1) Treatment relating to a history of domestic violence, child abuse, sexual abuse or the abuse of drugs or alcohol by the offender and treatment relating to the evaluation of the offender by the provider of treatment; and

(2) A mechanism for measuring the progress of the offender in the program, including, without limitation, his or her attendance and participation in group counseling sessions, completion of assignments, and behavior and attitudinal changes;

(c) Develops, in consultation with the offender, a written plan of control for the offender to deter the offender from engaging in violent behavior or behavior that is harmful to himself or herself or other persons;

(d) Reports evidence of child abuse or neglect to an agency which provides child welfare services or to a law enforcement agency; and

(e) Reports evidence of abuse, neglect, exploitation or isolation of an older person to an entity described in [NRS 200.5093](#).

3. A provider of treatment prepares a written report of the results of the evaluation conducted pursuant to subsection 2 that includes, without limitation:

(a) A profile of information relating to the violent behavior of the offender that includes, without limitation, descriptions of the violent behavior obtained from a victim of domestic violence by the offender, an agency of criminal justice or another provider of treatment, if applicable;

(b) Observations regarding the mental status of the offender, if the provider of treatment determines that it is appropriate to include those observations in the evaluation;

(c) An assessment of the degree to which the offender is likely to harm himself or herself or other persons;

(d) The medical and psychological history of the offender, if the provider of treatment determines that it is appropriate to include that information in the evaluation;

(e) A description of any abuse of drugs or alcohol by the offender and the effect that the abuse had on the offender and his or her family; and

(f) The social and cultural history of the offender as it relates to domestic violence.

4. Upon the admission of an offender to the program, the program requires a written agreement that sets forth the responsibilities of the offender and the provider of treatment and includes the provisions set forth in [NAC 228.175](#). The agreement must be signed by:

(a) The offender in the presence of a provider of treatment; and

(b) The provider of treatment who witnessed the signature pursuant to paragraph (a).

Sec 18 NAC 228.210 is amended to read as follows:

1. An organization that operates a program shall:

(a) Ensure that each supervisor of treatment and each provider of treatment complete annually at least 15 hours of continuing education approved by the ~~[Committee]~~ Division ~~[of which]~~ or taken by an approved nationally recognized provider of continuing education pursuant to subsection 4, Section 18.

(b) Each supervisor of treatment shall meet annually with the providers of treatment which he or she supervises, and will assess each provider's training needs. This assessment shall be used as the basis for choosing the courses to take pursuant to subsection 1 (a).

~~[(1) Not more than 10 hours may be completed via distance media if the supervisor of treatment or provider of treatment provides services to offenders anywhere in this State other than in Boulder City, Carson City, Henderson, Las Vegas, North Las Vegas, Reno or Sparks.]~~

~~[(2) Not more than 7.5 hours may be completed via distance media if the supervisor of treatment or provider of treatment provides services to offenders in Boulder City, Carson City, Henderson, Las Vegas, North Las Vegas, Reno or Sparks.]~~

~~—[(3) At least 1 hour must specifically pertain to supervision and must include education in at least one of the following:~~

~~——(I) An overview of a supervision model;~~

~~——(II) Areas of focus for a supervisor and the roles of a supervisor;~~

~~——(III) The process of supervising and the practical application of that process;~~

~~——(IV) Ethical dilemmas involved in supervising; or~~

~~——(V) Methods of effectively addressing and preventing ethical dilemmas in supervising.]~~

~~[(b)]~~ (c) Maintain proof of the content and completion of the hours of continuing education required pursuant to paragraph (a) for each supervisor of treatment and each provider of treatment for at least 2 years after the 15 hours of continuing education are completed.

~~[(d)]~~ (d) Maintain proof of the content and completion of the ~~[hours of]~~ established formal training required pursuant to [NAC 228.110](#) for each supervisor of treatment and each provider of treatment until the supervisor of treatment or provider of treatment is no longer employed, or retained as an independent contractor, by the organization.

2. A provider of treatment or supervisor of treatment may not receive credit for continuing education for completing a course of continuing education if he or she has already completed the course within the immediately preceding 2 years.

Sec. 19 NAC 228.215 is hereby amended to read as follows:

1. A person who wishes to offer or teach a course of continuing education or *an established* formal training in domestic violence must submit to the ~~[Committee]~~ *Division* an application that includes, without limitation:

(a) The name and address of the instructor of the course;

(b) The resume of the instructor;

(c) The syllabus for the course;

(d) The ~~[instructional materials]~~ *content of the information* that will be ~~[distributed in the]~~ *provided as part of a course regardless of the course format, for example, in person or online;*

(e) A written evaluation of the content and presentation of the course that will be completed by each person who is enrolled in the course; and

(f) A statement describing:

(1) The purpose of the course; and

(2) The requirements for attendance.

2. The ~~[Committee]~~ *Division* may request additional information or documentation from an applicant as the ~~[Committee]~~ *Division* deems necessary.

3. The ~~[Committee]~~ *Division* will consider the materials and information submitted pursuant to paragraph (d) of subsection 1 to be proprietary information and will not release that information without the consent of the applicant.

4. The Division may approve nationally recognized providers of continuing education who provide domestic violence related courses that providers of treatment and supervisors of treatment may take to meet continuing education or established formal training in domestic violence requirements pursuant to this Chapter.

Sec. 20 NAC 228.220 is hereby amended to read as follows:

1. A provider of treatment or supervisor of treatment who wishes to obtain credit for a course of continuing education or approval for formal training in domestic violence that has not been approved by the ~~[Committee]~~ *Division* must submit to the ~~[Committee]~~ *Division* an application that includes the information set forth in subsection 1 of [NAC 228.215](#).

2. The ~~[Committee]~~ Division may request additional information or documentation from an applicant as the ~~[Committee]~~ Division deems necessary.

Sec. 21 NAC 228.225 is hereby amended to read as follows:

1. The ~~[Committee]~~ Division will approve a course of continuing education or formal training in domestic violence or award credit for completion of a course of continuing education if the course:

(a) Will be taught by a qualified instructor as demonstrated by his or her educational, professional and teaching experience;

(b) Contains appropriate educational material concerning domestic violence or the treatment of an offender, or both; and

(c) Requires the completion of a written evaluation of the content and presentation of the course by each provider of treatment and supervisor of treatment who is enrolled in the course.

~~[2.— If the Committee approves a course pursuant to subsection 1, the approval of the course expires 2 years after the date on which the course was approved unless another application is submitted to and approved by the Committee.]~~

~~[3.— If the Committee receives an application pursuant to NAC 228.215 or 228.220 30 days or more before its next regularly scheduled meeting, the Committee will include the application on the agenda for that meeting. If the Committee receives such an application less than 30 days before its next regularly scheduled meeting, the Committee will include the application on the agenda for the first regular meeting of the Committee that is scheduled to be held more than 30 days after the Committee receives the request.]~~

~~4.~~ 2. Within 15 days after the ~~[Committee]~~ Division renders its decision concerning such an application, it will provide written notice of its decision to the applicant.

~~5.~~ 3. If the ~~[Committee]~~ Division approves the course or will award credit for the completion of the course, the notice of approval will set forth:

(a) The number of hours of continuing education for which the course is approved or for which the applicant will receive credit; and

(b) If the application was submitted pursuant to [NAC 228.215](#), the number of times the course may be offered or the date the approval for the course expires.

~~6.~~ 4. If the ~~[Committee]~~ Division does not approve the course or will not award credit for the completion of the course, the notice will include the reasons for the disapproval of the course or the denial of credit. The applicant may, within 30 days after receiving the notice, submit a written request to the Committee for reconsideration of its decision.

Sec. 22

1. An applicant or certificate holder who is aggrieved by an action of the Division relating to the denial, suspension or revocation of a certificate may appeal pursuant to the procedures set forth in [NAC 439.300 to 439.395](#), inclusive.
2. If the Division suspends a treatment program's certification, the Division shall provide the treatment program with:
 - (a) Any remedial steps which the program must complete to the satisfaction of the Division before the Division will reinstate the program's certification and lift the suspension; and
 - (b) The deadline for completion of any remedial steps.
3. If the Division issues a written warning to a program, the Division shall provide the treatment program with:
 - (a) The specific reasons for the written warning;
 - (b) A citation of the statutory and regulatory authority the written warning is based on; and
 - (c) Any remedial steps which the program must complete to the satisfaction of the Division.
4. Prior to denying, suspending or revoking a program's certificate the Division shall provide notice in accordance with [NAC 439.345](#).

Sec. 23

1. A person who is aggrieved by an action of the Division relating to the denial of an application to teach a course of continuing education or an established formal training in domestic violence pursuant to Section 18 may appeal pursuant to the procedures set forth in [NAC 439.300 to 439.395](#), inclusive.
2. Prior to denying an application pursuant to subsection 1, the Division shall provide notice in accordance with [NAC 439.345](#).

Sec. 24 [NAC 228.460](#) is amended to read as follows:

~~[1.—The Committee will initially consider any claim of misconduct relating to a program as an informal complaint.]~~

1. The Division may begin an investigation of a domestic violence perpetrator treatment program without a written complaint if the department believes that the program:
 - (1) Has placed victims at risk; or
 - (2) Failed to follow the standards outlined in this chapter.
2. Any person may submit a complaint to the Division, in the format prescribed by the Division, if the person has the following concerns about a certified program:
 - (1) The program has acted in a way that places victims at risk; or
 - (2) The program has failed to follow standards in this chapter.The investigation of a complaint may include:

(1) Contact with:

(a) The person making the complaint;

(b) Other persons involved in the complaint; or

(c) The treatment program.

(2) A request for written documentation of evidence; and/or

(3) An on-site visit to the program to interview staff and clients of the program, review records and make observations.

~~[2.]~~3. Upon the ~~[initiative of the Committee or following the]~~ receipt of a ~~[n-informal]~~ complaint, ~~[a person designated by the Committee]~~ *the Division* shall provide written notice of the ~~[informal]~~ complaint to *the complainant* ~~[organization that operates the program and any staff member of the program identified in the informal complaint]~~. The notice must include acknowledgment that the complaint has been received.

~~[(a) A summary of the allegations stated in the informal complaint;~~

~~—(b) A statement that the organization may file a written response to the allegations in the informal complaint with the Committee within 30 days after receipt of the notice.~~

~~—3.— If, after an investigation and a review of any information received by the Committee concerning the informal complaint, the person designated by the Committee determines that the informal complaint alleges sufficient facts to warrant further proceedings, that person shall:~~

~~—(a) Cause a formal complaint to be prepared for consideration by the Committee; and~~

~~—(b) Set the formal complaint for hearing.~~

~~—4.— A formal complaint 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.~~

~~—5.— 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.~~

~~—6.— If more than one cause of action is alleged, each cause of action must be stated and numbered separately.~~

~~—7.— A formal complaint may be amended at any time. The Committee will grant a continuance if the amendment materially alters the formal complaint or a respondent demonstrates an inability to prepare for the case in a timely manner.]~~

4. Upon completion of an investigation, the Division shall:

(a) Compile a report of the investigation, including each violation discovered during the investigation, if any; and

(b) Forward a copy of the report to the program within 10 working days.

5. If a violation is indicated in the report, the program shall develop a plan of correction for each violation and submit the plan to the Division for approval within 10 days after receipt of the statement of deficiencies. The plan of correction must include specific requirements for corrective action, which must include times within which the deficiencies are to be corrected.

6. If the plan is not acceptable to the Division, the Division may direct the facility to resubmit a plan of correction or the Division may develop a directed plan of correction with which the facility must comply.

7. Failure to submit the plan of correction to the Division within 10 days constitutes a separate violation subject to placement of the program on probation with specified conditions, suspension or revocation of a certificate.

8. If the Division determines that a complaint against a program is substantiated, the Division may:

- (1) Place the program on probation with specified conditions;
- (2) Revoke the treatment program's certification;
- (2) Suspend the treatment program's certification; or
- (3) Send a written warning to the treatment program.

9. The Division must initiate its investigation within forty-five days of receipt of a complaint.

Sec. 25 NAC 228.470 is hereby amended to read as follows:

1. All proceedings and investigations after the filing of a ~~[n-informal]~~ complaint are confidential, except to the extent necessary for the conduct of an investigation., until the investigation is completed. [Committee determines to proceed with a formal complaint. If the Committee dismisses the informal complaint, the proceedings remain confidential. If the Committee proceeds with a formal complaint, confidentiality concerning the proceedings is not required, except that] After the complaint is completed, the report pursuant to NAC 228.460, after it is made available to the program, and plan of correction pursuant to NAC 228.460, after it has been approved by the Division. are not confidential. [a]Any information which may establish the identity of a victim of domestic violence, including, without limitation, the victim's address or telephone number, the address or telephone number of his or her employer, the address or location of his or her child, or the school attended by his or her child is confidential and may not be disclosed by the [Committee] Division.

2. If the ~~[Committee]~~ Division conducts an investigation upon a ~~[n-informal]~~ complaint against a program, the ~~[Committee]~~ Division will not limit the scope of its investigation to the matters set forth in the ~~[informal]~~ 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]~~ Division dismisses the ~~[informal]~~ complaint, the dismissal does not operate as a limitation on or a deterrent to any subsequent investigation or other action by the ~~[Committee]~~ Division.

~~[—4.— If 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. 26

1. Any interested person who desire the adoption, filing, amendment or repeal of any regulation of the Division, may petition the Administrator by a signed letter, accompanied by relevant data, views, and arguments.
2. The Administrator shall respond to the written request within 30 days, either with the plan to make changes to the regulation or with a denial of the request with stated reasons for the denial.

Sec. 27

1. Any person with a direct and tangible interest in the applicability of any statutory provision regulation or decision of the Division who desires a declaratory or advisory order as to that applicability may petition for the order or opinion to the Administrator of the Division.
2. A copy of the declaratory order of advisory opinion shall be mailed to the petitioner.

SECTIONS TO BE REPEALED

~~[General Provisions]~~

~~[NAC 228.300—Scope. (NRS 233B.050)—The provisions of NAC 228.300 to 228.640, inclusive, 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.~~

~~—(Added to NAC by Com. on Domestic Violence by R161-97, eff. 1-6-98; A by R213-99, 8-1-2000)~~

~~—NAC 228.310—Construction and purpose. (NRS 233B.050)—The provisions of NAC 228.300 to 228.640, inclusive, 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 NRS 228.470 and chapter 233B of NRS.~~

~~—(Added to NAC by Com. on Domestic Violence by R161-97, eff. 1-6-98)~~

~~—NAC 228.315—Informal actions for resolution. (NRS 233B.050)—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 the circumstances so require.~~

~~—(Added to NAC by Com. on Domestic Violence by R213-99, eff. 8-1-2000)~~

~~Parties~~

~~—NAC 228.320—Classification of parties. (NRS 233B.050)~~

~~—1.—Parties to proceedings before the Committee must be styled “petitioner,” “complainant,” “respondent,” “intervener” or “interested party,” according to the nature of the proceedings and the relationship of the parties.~~

~~—2.—Any person who petitions for affirmative relief, other than a complainant, must be styled “petitioner.”~~

~~—3.—A person who complains to the Committee of any act or of any person must be styled “complainant.”~~

~~—4.—Any person against whom a formal complaint is filed or investigation is initiated must be styled “respondent.”~~

~~—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.~~

~~—6.—Any person who believes that he or she may be affected by a proceeding, but who does not seek to participate in a proceeding, must be styled “interested party.”~~

~~—(Added to NAC by Com. on Domestic Violence by R161-97, eff. 1-6-98; A by R213-99, 8-1-2000)~~

~~—NAC 228.330—Rights of parties in proceedings; appearances. (NRS 233B.050)~~

~~—1.—At any hearing, all parties named in NAC 228.320, 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.~~

~~—(Added to NAC by Com. on Domestic Violence by R161-97, eff. 1-6-98)~~

~~—NAC 228.340—Representation of parties; qualifications of attorneys. (NRS 233B.050)~~

~~—1.— A party is entitled to be heard in person or by his or her 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.~~

~~—(Added to NAC by Com. on Domestic Violence by R161-97, eff. 1-6-98)~~

~~—NAC 228.350—Service of process on attorney. (NRS 233B.050)— 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.~~

~~—(Added to NAC by Com. on Domestic Violence by R161-97, eff. 1-6-98)~~

~~—NAC 228.360—Withdrawal of attorney. (NRS 233B.050)— 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 or she represented and any other parties to the proceeding.~~

~~—(Added to NAC by Com. on Domestic Violence by R161-97, eff. 1-6-98)~~

~~—NAC 228.370—Standards of conduct. (NRS 233B.050)~~

~~—1.— An attorney appearing in a hearing before the Committee shall ensure that his or her conduct complies with the Nevada Rules of Professional Conduct.~~

~~—2.— All persons appearing in a hearing 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 or her conduct to the standards required by this section, the Committee may:~~

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

~~—(b) Exclude that person or the person's representative from the hearing.~~

~~—4.—Any action taken by the Committee pursuant to this section and the reasons for that action will be stated on the record.~~

~~—(Added to NAC by Com. on Domestic Violence by R161-97, eff. 1-6-98; A by R213-99, 8-1-2000)~~

~~Pleadings, Motions and Other Papers~~

~~—NAC 228.380—Captions, amendments and construction of pleadings. (NRS 233B.050)~~

~~—1.—Pleadings before the Committee, including a request for a declaratory order, an advisory opinion or the adoption, filing, amendment or repeal of a regulation, must:~~

~~—(a) Bear the caption “Before the Committee on Domestic Violence in the matter of”; and~~

~~—(b) Be signed by the party who submits the pleading or his or her legal representative.~~

~~—2.—A request for action by the Committee, other than for an action set forth in subsection 1, must include the full name and mailing address of the person who makes the request and be signed by that person.~~

~~—3.—The Committee may, if substantial rights of the parties are not violated, allow any pleading to be amended or corrected, or allow any omission to be supplied.~~

~~—4.—All pleadings will 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.~~

~~—(Added to NAC by Com. on Domestic Violence by R161-97, eff. 1-6-98; A by R213-99, 8-1-2000)~~

~~—NAC 228.420—Motions. (NRS 233B.050)~~

~~—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:~~

~~—(a) Set forth the nature of relief sought and the grounds for the relief requested; and~~

~~—(b) Be served on the opposing party and the Committee at least 10 days before the time set for the hearing on the motion.~~

~~—4.—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 will be rendered without oral argument unless oral argument is ordered by the Committee. If oral argument is so ordered, the parties must be prepared to present oral argument at the time of the hearing.~~

~~—(Added to NAC by Com. on Domestic Violence by R161-97, eff. 1-6-98; A by R213-99, 8-1-2000)~~

~~—NAC 228.430—Filing. (NRS 233B.050)—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 Chair of 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 may be affected by the proceeding and who desires copies.~~

~~—(Added to NAC by Com. on Domestic Violence by R161-97, eff. 1-6-98; A by R213-99, 8-1-2000)~~

~~—NAC 228.440—Service of process. (NRS 233B.050)~~

~~—1.—All notices, documents, advisory opinions and declaratory orders required to be served by the Committee will be served in person or by mail. If the service is by mail, the service is complete when a true copy of the document, properly addressed and stamped, is deposited with the United States Postal Service. The notice, document, advisory opinion or declaratory order must be addressed to the last known address of the party as indicated in the records of the Committee.~~

~~—2.—All documents required to be served by parties must be served in person or by mail. If the service is by mail, the service is complete when a true copy of the document, properly addressed and stamped, is deposited with the United States Postal Service.~~

~~—(Added to NAC by Com. on Domestic Violence by R161-97, eff. 1-6-98; A by R213-99, 8-1-2000)~~

~~—NAC 228.450—Acknowledgment or proof of service. (NRS 233B.050)—Each document served by the Committee or any party to a proceeding of the Committee must include an acknowledgment of service or proof of service.]~~

Hearings

~~—NAC 228.490—Notice; location. (NRS 233B.050)~~

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

~~—2.—Except as otherwise provided in subsection 3, 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 the hearing and a formal complaint are served at the same time, the notice and complaint will be considered together in satisfying the requirements of subsection 2 and NRS 233B.121.~~

~~—4.—Notice of the hearing will be served at least 20 days before the time set for the hearing. A hearing that has previously been continued may be reset on notice of not less than 10 days.~~

~~—5.—Hearings will be held at such place in this State as may be designated by the Committee in the notice of hearing.~~

~~—(Added to NAC by Com. on Domestic Violence by R161-97, eff. 1-6-98; A by R213-99, 8-1-2000)~~

~~—NAC 228.500—Continuance. (NRS 233B.050)~~

~~—1.—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.~~

~~—2.—The Chair of the Committee may grant a request for a continuance or for an extension of time if he or she determines that to do so would not substantially prejudice the rights of any other party.~~

~~—(Added to NAC by Com. on Domestic Violence by R161-97, eff. 1-6-98; A by R213-99, 8-1-2000)~~

~~—NAC 228.510—Failure of party to appear. (NRS 233B.050)~~

~~—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 Committee to reopen the proceedings. The Committee, upon finding sufficient cause, will immediately fix a new time and place for a hearing and give the respondent notice thereof. At the time and place fixed, a hearing must be held at which the respondent may testify in his or her own behalf or present such other evidence as may be beneficial to his or her cause.~~

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

~~—(Added to NAC by Com. on Domestic Violence by R161-97, eff. 1-6-98; A by R213-99, 8-1-2000)~~

~~—NAC 228.530—Preliminary procedure. (NRS 233B.050)—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.~~

~~—(Added to NAC by Com. on Domestic Violence by R161-97, eff. 1-6-98)~~

~~—NAC 228.540—Testimony must be under oath. (NRS 233B.050)—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 or she is about to give is the truth, the whole truth and nothing but the truth.~~

~~—(Added to NAC by Com. on Domestic Violence by R161-97, eff. 1-6-98)~~

~~—NAC 228.550—Presentation of evidence; closing statements. (NRS 233B.050)~~

~~—1.— Unless otherwise ordered by the Committee, evidence will be received in the following order:~~

~~—(a) Upon a petition:~~

~~—(1) The petitioner.~~

~~—(2) A person designated by the Committee.~~

~~—(3) The intervener.~~

~~—(4) Rebuttal by the petitioner.~~

~~—(b) Upon a formal complaint:~~

~~—(1) The counsel for the Committee.~~

~~—(2) The respondent.~~

~~—(3) Rebuttal by the counsel for the Committee.~~

~~—(4) Surrebuttal by the 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.~~

~~—(Added to NAC by Com. on Domestic Violence by R161-97, eff. 1-6-98; A by R213-99, 8-1-2000)~~

~~—NAC 228.560 Consolidation. (NRS 233B.050) 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.~~

~~—(Added to NAC by Com. on Domestic Violence by R161-97, eff. 1-6-98)~~

~~—NAC 228.570 Stipulations. (NRS 233B.050) The parties may stipulate as to any fact at issue 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.~~

~~—(Added to NAC by Com. on Domestic Violence by R161-97, eff. 1-6-98; A by R213-99, 8-1-2000)~~

~~—NAC 228.580 Official notice of facts. (NRS 233B.050) 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, 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 if their authenticity and correctness cannot be reasonably questioned.~~

~~—(Added to NAC by Com. on Domestic Violence by R161-97, eff. 1-6-98; A by R213-99, 8-1-2000)~~

~~—NAC 228.590—Filing of briefs. (NRS 233B.050)—The Committee may request briefs to be filed within such time as may be allowed by the Committee. A brief must be accompanied by an acknowledgment of service or proof of service in accordance with NAC 228.450.~~

~~—(Added to NAC by Com. on Domestic Violence by R161-97, eff. 1-6-98; A by R213-99, 8-1-2000)~~

~~—NAC 228.600—Decisions and orders by Committee; service. (NRS 233B.050)~~

~~—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 briefs or the presentation of any oral argument authorized by the Committee, whichever occurs last.~~

~~—4.—An adverse decision or order 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.~~

~~—(Added to NAC by Com. on Domestic Violence by R161-97, eff. 1-6-98; A by R213-99, 8-1-2000)~~

~~—NAC 228.610—Rehearings. (NRS 233B.050)~~

~~—1.—Within 15 days after the Committee has rendered a decision or issued an order, the aggrieved party may apply for a rehearing by filing a written petition for a rehearing setting forth the grounds for the petition. The Committee will consider the following grounds for a rehearing:~~

~~—(a) A material mistake or fraud affecting the decision; or~~

~~—(b) The discovery of material evidence that was previously unavailable.~~

~~—2.—The Committee will act upon the petition at the next regularly scheduled meeting which is held 30 days or more after the petition is filed. 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 motion, may order a rehearing within 6 months after its decision if mistake, fraud or misconception of facts existed in the forming of its original decision.~~

~~—4.—Rehearings will 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.~~

~~—(Added to NAC by Com. on Domestic Violence by R161-97, eff. 1-6-98; A by R213-99, 8-1-2000)~~

~~—NAC 228.620 Filing of petition for judicial review; records of hearings. (NRS 233B.050)~~

~~—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 the copies from the office of the Committee upon payment of the cost to copy the record.~~

~~—(Added to NAC by Com. on Domestic Violence by R161-97, eff. 1-6-98; A by R213-99, 8-1-2000)~~