

PROPOSED REGULATION OF THE BOARD OF HEALTH

NEVADA ADMINISTRATIVE CODE CHAPTER 433

AUTHORITY: SB 69 of the 81st (2021) Legislative Session

Italics: New proposed language

Sec. 1

1. The Division, upon receiving a complaint alleging a violation of Section 8 or Section 15.6 of Senate Bill 69, shall investigate the complaint, which may include investigations into the employer of any person who provides or supervises the provision of peer recovery support services, the individual providing such services, or any other person or entity against whom the allegations have been made, and is authorized to interview any persons determined by the Division as necessary to complete its investigation, onsite observations of any premises determined by the Division needed to complete its investigation, and request submission of documentation, as needed, to carry out the provisions of this section, including but not limited to :

- a) The name of the person or entity;*
- b) The residential or business address of the person or entity;*
- c) The email address of the person or entity;*
- d) The phone number of the person or entity;*
- e) The investigative notes and results of any investigation by the Nevada Certification Board, the employer of the person providing or supervising the provision of peer recovery support services, or any other person or entity's investigation related to the allegation of violation of Section 8 or Section 15.6 of Senate Bill 69 by a person providing or supervising the provision of peer recovery support services; and*
- f) Any other information that is required by the Division to complete its complaint investigation pursuant to this section.*

2. The Nevada Certification Board or its successor organization is authorized to provide any evidence, interviews or documentation to the Division, in a format prescribed by the Division, to carry out the provisions of this section.

3. The Division may provide the Nevada Certification Board, or its successor organization, any information collected or distributed pursuant to this section.

4. The Division may, after notice pursuant to NAC 439.345, impose a civil monetary penalty to any person or entity, for each violation of Section 8 or Section 15.6 of Senate Bill 69, of \$100 for each such violation.

5. In addition to the initial civil monetary penalty assessed pursuant to subsection 1, the Division may impose a monetary penalty for each day of noncompliance from the date the noncompliance is identified until compliance is verified. The aggregate civil penalty that may be imposed against a person or entity pursuant to this subsection may not exceed \$10,000.

6. Except as otherwise provided in this section and NRS 239.0115, any records or information obtained during the course of the investigation conducted pursuant to this section and any record of investigation are confidential.

7. Any complaint or other document filed with the Division used to initiate a civil monetary penalty and all documents and information when considered by the Division when determining whether to impose a civil monetary penalty are public record.

Sec. 2

If a person is aggrieved by a decision of the Division relating to the imposition of a civil monetary penalty pursuant to section 1, the aggrieved person may file an appeal of the decision with the Division in accordance with the procedures set forth in NAC 439.300 to 439.395, inclusive.

Sec. 3.

1. An employee or independent contractor described in subsection 1 of Section 15.6 of Senate Bill 69 who has, within the immediately preceding 5 years, had a substantiated report of child abuse or neglect or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 made against him or her may petition the Division, in a format prescribed by the Division, to continue to provide or supervise the provision of peer recovery support services and have regular and substantial contact with minors despite the report.

2. A petition submitted pursuant to this section must include:

- a) Petitioner's date of birth;*
- b) Petitioner's social security number or if the petitioner does not have a social security number, a taxpayer identification number;*
- c) Petitioner's consent to be interviewed;*
- d) Authorization to access information or interview any person or entity that the Division requires to assist it in making a determination on the petition, including but not limited to, obtaining a copy of the substantiated report of child abuse or neglect or report of a violation of NRS 201.540, 201.560, 392.4633 or 394.366 from the issuing entity, interviewing employers, family members or any other entity or person that may assist the Division in making its determination; and*
- e) Any documentation requested by the Division, in a manner prescribed by the Division, including but not limited to, the substantiated report of child abuse or neglect or report of a violation of NRS 201.540, 201.560, 392.4633 or 394.366.*

3. The Division shall take the following factors into consideration when making a determination on a petition submitted in accordance with this section:

- a) Passage of time since the last substantiated report of child abuse or neglect or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 is made against him or her;*
- b) The number of times the person has had a substantiated report of child abuse or neglect or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 made against him or her;*
- c) Extenuating circumstances;*

- d) Demonstration of rehabilitation;*
- e) Relevancy of the violation or substantiated report of child abuse or neglect with respect to the current employment of the person;*
- f) If the person is currently employed, whether the current employer is aware of the of the violation or substantiated report of child abuse or neglect;*
- g) Whether the person is on or required to be on the national sex offender registry; and*
- h) Whether the individual is on or required to be on the Nevada sex offender registry.*

4. Not later than 90 days after a petition is submitted to the Division, the Division shall issue a decision on the petition in writing to inform the employee or independent contractor in writing as to whether petitioner may continue to provide or supervise the provision of peer recovery support services and have regular and substantial contact with minors.

5. The Division may rescind a determination made pursuant to subsection 4 at any time.

6. A person may submit a new petition to the Division not earlier than 2 years after the final determination of the initial petition submitted to the Division.

7. A petition submitted pursuant to this section and all information included therein is confidential and not subject to disclosure. The final decision of the Division is a public record.