

Proposed Regulation of the State Board of Health
Amendments to Nevada Administrative Code (NAC) Chapter 228

Key:

~~Red strikethrough:~~ deletions

Light blue bold italics: additions

Section 1. NAC 228.101 is hereby amended as follows:

~~NAC 228.101—Application: Provision to Committee; meeting of Committee to consider; transmittal of Committee's recommendation to Division. (NRS 439.258)~~

~~—1. Upon receiving an application for the certification of a program pursuant to NAC 228.100, the Division will provide to the Committee:~~

~~—(a) The application for a recommendation as to whether the program should be certified; and~~

~~—(b) The date by which the Committee must include the application on an agenda of a meeting of the Committee, which must be at least 30 days after the date on which the Division provides the application to the Committee.~~

~~—2. Not later than 15 days after the meeting of the Committee described in paragraph (b) of subsection 1, the Committee shall provide to the Division its written recommendation as to whether the program whose application was included on the agenda of the meeting should be certified. The recommendation may be provided electronically. Except as otherwise provided in subsection 1 of NAC 228.102, the Division will not certify a program until it receives the written recommendation of the Committee.~~

~~—(Added to NAC by Div. of Pub. & Behavioral Health by R159-17, eff. 8-30-2018)~~

Section 2. NAC 228.102 is hereby amended as follows:

NAC 228.102 Provisional certificate. (NRS 228.470, 439.258)

1. The Division may issue a provisional certificate to an organization that operates a program if:

(a) The organization has submitted an application pursuant to NAC 228.100 and has substantially complied with the requirements set forth in that section; and

~~—(b) The Division has not yet received the written recommendation of the Committee pursuant to subsection 2 of NAC 228.101.~~

2. A provisional certificate expires on the date that the Division grants or denies certification to the program.

3. 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:

(a) 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; and

(b) A director of the program who meets the requirements of NAC 228.108.

(Added to NAC by Com. on Domestic Violence by R213-99, eff. 8-1-2000; A by Div. of Pub. & Behavioral Health by R159-17, 8-30-2018)

Section 3. Section 6 of LCB File No. R071-20 is hereby amended as follows:

Sec. 6. NAC 228.110 is hereby amended to read as follows:

228.110 1. 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 3, 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 633 of NRS and practices psychiatry;
 - (c) Except as otherwise provided in subsection 2, 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) Has satisfactorily completed at least 60 hours of formal training in domestic violence 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) Has satisfactorily completed at least 15 hours of the training in domestic violence required by paragraph (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 supervisor of treatment at the program;
 - (f) Except for any conviction which is the subject of a pending appeal or with respect to which the time for filing a notice of appeal has not yet expired, attests, in the form 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;
 - (g) Is free of violence in his or her life;
 - (h) Is not currently a person with an addictive disorder related to prescription drugs or alcohol or a user of illegal drugs; and
 - (i) Except as otherwise provided in subsections 3 and 9, is approved by the Division to work as a supervisor of treatment pursuant to section 2 of this regulation.
2. The provisions of paragraph (c) 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.
3. 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 for approval to work as a supervisor of treatment to the Division that includes, without limitation:
- (1) A statement concerning his or her work history, education and experience; and (2) Except as otherwise provided in subsection 9, the application required for approval to work as a supervisor of treatment described in section 2 of this regulation;
 - (b) Upon the request of the Division, the person participates in an interview with the Division in person or by telephone, videoconference or other electronic means; and
 - (c) The Division approves the request for approval to work as a supervisor of treatment.
4. Within 120 days after the Division receives a request for approval to work as a supervisor of treatment pursuant to subsection 3, the Division will provide written notice of its approval or denial of the request to the person who submitted the request. If the Division denies the request, the notice will include the reasons for the denial of the request.
5. Unless 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 3 fails to renew his or her approval to work as a supervisor of treatment in a timely manner pursuant to section 3 of this regulation, the person is approved to work 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

6. 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) Except as otherwise provided in subsection 7, possesses a bachelor's degree or more advanced degree;

(b) Is supervised by a supervisor of treatment who is qualified pursuant to subsection 1, 2 or 3 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 Division;

(c) Has satisfactorily completed at least 60 hours of formal training in domestic violence 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) Has satisfactorily completed at least 15 hours of the training in domestic violence required by paragraph (c) 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;

(e) Except for any conviction which is the subject of a pending appeal or with respect to which the time for filing a notice of appeal has not yet expired, attests, in the form 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;

(f) Is free of violence in his or her life;

(g) Is not currently a person with an addictive disorder related to prescription drugs or alcohol or a user of illegal drugs; and

(h) Except as otherwise provided in subsections 7 and 9, is approved to work as a provider of treatment pursuant to section 2 of this regulation.

7. The Division may approve a person to 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 6, and a program may employ, or retain as an independent contractor, the person approved by the Division, if the program is located in a county whose population is less than 50,000 and the person proves, to the satisfaction of the 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;

(c) Except as otherwise provided in subsection 9, the person has submitted to the Division the application required to be approved to work as a provider of treatment described in section 2 of this regulation; and

(d) The person has satisfied all other requirements of this section.

8. 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 7 is approved to work as a provider of treatment for a period which ends on:

(a) The expiration date of the approval to work as a provider of treatment, if the provider of treatment fails to renew the approval in a timely manner pursuant to section 3 of this regulation; or

(b) The date on which the program ceases to operate, whichever occurs first.

9. The provisions of paragraph (i) of subsection 1, subparagraph (2) of paragraph (a) of subsection 3, paragraph (h) of subsection 6 and paragraph (c) of subsection 7 do not apply to a person who is employed, or retained as an independent contractor, in the position of a supervisor of treatment or provider of treatment on the effective date of this regulation.

~~10. The director of a program or his or her designee shall:~~

~~(a) Upon hiring, or retaining as an independent contractor, a person in the position of a supervisor of treatment or a provider of treatment, attest in writing that the person meets the requirements of this section as a supervisor of treatment or a provider of treatment, as applicable; and~~

~~(b) Maintain a copy of the written attestation described in paragraph (a) for the duration of the person's employment or service as an independent contractor and provide it to the Division upon request and as required by NAC 228.130.~~

~~11. 10.~~ As used in this section, "free of violence in his or her life" means that a person:

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

Section 4. Section 7 of LCB File No. R071-20 is hereby amended as follows:

Sec. 7. NAC 228.130 is hereby amended to read as follows:

228.130 1. Except as otherwise provided in subsections 5 and 6, an organization that has obtained a certificate for a program pursuant to NAC 228.100 must submit a completed application to renew its certification not later than 12 months after the effective date of the certificate and every 12 months thereafter. 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 18 months after the Division first issued the provisional certificate.

2. The certificate will be renewed if the Division determines that:

- (a) The application for renewal is complete;
- (b) The organization which operates the program has satisfied the requirements of subsection 3 of NAC 228.100;
- (c) The program has passed the inspection of the Division conducted pursuant to NAC 228.270, if one is conducted;
- (d) The organization which operates the program has submitted:
 - ~~(1) Proof of completion of the hours of continuing education required by NAC 228.210;~~
 - ~~(2) For each person hired or retained as an independent contractor in the position of a supervisor of treatment or a provider of treatment during the previous year, a copy of the attestation required by subsection 10 of NAC 228.110;~~
 - ~~(3) (1)~~ The annual reports required by NAC 228.115;
 - ~~(4) (2)~~ The names of each provider of treatment or supervisor of treatment hired or retained as an independent contractor by the program after the date on which the initial application or the most recent application for renewal of the certificate, whichever is more recent, was submitted;
 - ~~(5) Proof that each provider of treatment or supervisor of treatment hired or retained as an independent contractor by the program has completed the continuing education required by NAC 228.210 for the period after the date on which the initial application or the most recent application for renewal of the certificate, whichever is more recent, was submitted;~~
 - ~~(6) (3)~~ Any notification required by NAC 228.125; and
 - ~~(7) (4)~~ Any other information required by the Division; and
- (e) The director of the program or his or her designee has signed the application for renewal. 3. Except as otherwise provided in subsection 6, if a completed application and the documents described in paragraph (d) of subsection 2 are not received by the Division on or before the renewal date of the certificate, the certificate expires 30 days after that date.

4. If a completed application is:

(a) Submitted electronically, it shall be deemed received by the Division on the date on which the Division records the application as having been received.

~~(b) Deposited with the United States Postal Service, it shall be deemed received by the Division on the date indicated on the post office cancellation mark stamped upon the envelope containing the document if:~~

~~(1) The envelope is properly addressed as instructed by the Division; and~~

~~(2) That date is earlier than the actual receipt of that document~~

5. If an incomplete application for the renewal of a certificate is submitted, the Division will notify the applicant of the additional information required to complete the application. If the Division does not receive the additional information within 90 days after the date of the notice, the Division will deny the application.

6. The organization may renew the certificate within 30 days after the renewal date of the certificate if the organization complies with the requirements set forth in subsection 2.

7. If a certificate is not renewed in a timely manner as required by subsection 1 or 6 or renewal of a certificate is denied pursuant to subsection 5:

(a) The Division will remove the program from the list of programs that it makes available to the courts of this State; and

(b) The organization which operated the program may reapply for certification of the program pursuant to NAC 228.100.