

SENATE BILL NO. 501—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE DEPARTMENT OF ADMINISTRATION)

MARCH 25, 2013

Referred to Committee on Health and Human Services

SUMMARY—Makes various changes concerning substance abuse prevention and treatment. (BDR 40-1141)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Executive Budget.

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

AN ACT relating to substance abuse; transferring certain powers and duties from the Division of Mental Health and Developmental Services of the Department of Health and Human Services to the Health Division of the Department of Health and Human Services; requiring certain facilities for the treatment of abuse of alcohol or drugs to be licensed; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Under existing law, a facility for the treatment of abuse of alcohol or drugs, to
- 2 be eligible to receive state and federal money for its alcohol and drug abuse
- 3 programs, must be licensed by the State Board of Health and certified by the
- 4 Division of Mental Health and Developmental Services of the Department of
- 5 Health and Human Services. (NRS 449.0302, 458.025) **Section 1** of this bill
- 6 provides that a facility is eligible to receive such money if it is licensed by the
- 7 Health Division.
- 8 Under existing law, the Division of Mental Health and Developmental Services
- 9 is required to certify detoxification technicians, facilities and programs for the
- 10 education and treatment of alcohol and drug abusers. (NRS 458.025) **Section 8** of
- 11 this bill requires treatment facilities to be licensed by the Health Division. **Section**
- 12 **9** of this bill also requires the Health Division to certify detoxification technicians
- 13 and any facility that is not required to be licensed. **Section 23.3** amends **section 9** to
- 14 remove the reference to detoxification technicians effective when the Board of
- 15 Examiners for Alcohol, Drug and Gambling Counselors begin certifying such
- 16 technicians.



17 Under existing law, certain first-time offenders who have been found guilty of
18 driving under the influence of alcohol or a controlled substance must be evaluated
19 at an evaluation center to determine whether the offender is an abuser of alcohol or
20 other drugs. (NRS 484C.350) Under existing law, a juvenile court may also order
21 such an evaluation of a child who commits certain crimes. **Sections 16.5, 18.5 and**
22 **19** of this bill require such evaluations to be conducted at a licensed treatment
23 facility.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 449 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *A facility for the treatment of abuse of alcohol or drugs is not*
4 *eligible to receive state and federal money for alcohol and drug*
5 *abuse programs unless it is licensed by the Health Division*
6 *pursuant to NRS 449.080.*

7 **Sec. 2.** NRS 449.00455 is hereby amended to read as follows:

8 449.00455 “Facility for the treatment of abuse of alcohol or
9 drugs” means any public or private establishment which provides
10 residential treatment, including mental and physical restoration, of
11 abusers of alcohol or drugs. ~~and which is certified by the Division~~
12 ~~of Mental Health and Developmental Services of the Department of~~
13 ~~Health and Human Services pursuant to subsection 4 of NRS~~
14 ~~458.025. It~~ *The term* does not include a medical facility or services
15 offered by volunteers or voluntary organizations.

16 **Sec. 3.** NRS 449.0301 is hereby amended to read as follows:

17 449.0301 The provisions of NRS 449.030 to 449.240,
18 inclusive, *and section 1 of this act* do not apply to:

19 1. Any facility conducted by and for the adherents of any
20 church or religious denomination for the purpose of providing
21 facilities for the care and treatment of the sick who depend solely
22 upon spiritual means through prayer for healing in the practice of
23 the religion of the church or denomination, except that such a
24 facility shall comply with all regulations relative to sanitation and
25 safety applicable to other facilities of a similar category.

26 2. Foster homes as defined in NRS 424.014.

27 3. Any medical facility or facility for the dependent operated
28 and maintained by the United States Government or an agency
29 thereof.

30 **Sec. 4.** NRS 449.160 is hereby amended to read as follows:

31 449.160 1. The Health Division may deny an application for
32 a license or may suspend or revoke any license issued under the
33 provisions of NRS 449.030 to 449.240, inclusive, *and section 1 of*
34 *this act* upon any of the following grounds:



1 (a) Violation by the applicant or the licensee of any of the
2 provisions of NRS 439B.410 or 449.030 to 449.245, inclusive, *and*
3 *section 1 of this act*, or of any other law of this State or of the
4 standards, rules and regulations adopted thereunder.

5 (b) Aiding, abetting or permitting the commission of any illegal
6 act.

7 (c) Conduct inimical to the public health, morals, welfare and
8 safety of the people of the State of Nevada in the maintenance and
9 operation of the premises for which a license is issued.

10 (d) Conduct or practice detrimental to the health or safety of the
11 occupants or employees of the facility.

12 (e) Failure of the applicant to obtain written approval from the
13 Director of the Department of Health and Human Services as
14 required by NRS 439A.100 or as provided in any regulation adopted
15 pursuant to this chapter, if such approval is required.

16 (f) Failure to comply with the provisions of NRS 449.2486.

17 2. In addition to the provisions of subsection 1, the Health
18 Division may revoke a license to operate a facility for the dependent
19 if, with respect to that facility, the licensee that operates the facility,
20 or an agent or employee of the licensee:

21 (a) Is convicted of violating any of the provisions of
22 NRS 202.470;

23 (b) Is ordered to but fails to abate a nuisance pursuant to NRS
24 244.360, 244.3603 or 268.4124; or

25 (c) Is ordered by the appropriate governmental agency to correct
26 a violation of a building, safety or health code or regulation but fails
27 to correct the violation.

28 3. The Health Division shall maintain a log of any complaints
29 that it receives relating to activities for which the Health Division
30 may revoke the license to operate a facility for the dependent
31 pursuant to subsection 2. The Health Division shall provide to a
32 facility for the care of adults during the day:

33 (a) A summary of a complaint against the facility if the
34 investigation of the complaint by the Health Division either
35 substantiates the complaint or is inconclusive;

36 (b) A report of any investigation conducted with respect to the
37 complaint; and

38 (c) A report of any disciplinary action taken against the facility.

39 ↪ The facility shall make the information available to the public
40 pursuant to NRS 449.2486.

41 4. On or before February 1 of each odd-numbered year, the
42 Health Division shall submit to the Director of the Legislative
43 Counsel Bureau a written report setting forth, for the previous
44 biennium:



1 (a) Any complaints included in the log maintained by the Health
2 Division pursuant to subsection 3; and

3 (b) Any disciplinary actions taken by the Health Division
4 pursuant to subsection 2.

5 **Sec. 5.** NRS 449.163 is hereby amended to read as follows:

6 449.163 1. In addition to the payment of the amount required
7 by NRS 449.0308, if a medical facility or facility for the dependent
8 violates any provision related to its licensure, including any
9 provision of NRS 439B.410 or 449.030 to 449.240, inclusive, *and*
10 *section 1 of this act*, or any condition, standard or regulation
11 adopted by the Board, the Health Division, in accordance with the
12 regulations adopted pursuant to NRS 449.165, may:

13 (a) Prohibit the facility from admitting any patient until it
14 determines that the facility has corrected the violation;

15 (b) Limit the occupancy of the facility to the number of beds
16 occupied when the violation occurred, until it determines that the
17 facility has corrected the violation;

18 (c) If the license of the facility limits the occupancy of the
19 facility and the facility has exceeded the approved occupancy,
20 require the facility, at its own expense, to move patients to another
21 facility that is licensed;

22 (d) Impose an administrative penalty of not more than \$1,000
23 per day for each violation, together with interest thereon at a rate not
24 to exceed 10 percent per annum; and

25 (e) Appoint temporary management to oversee the operation of
26 the facility and to ensure the health and safety of the patients of the
27 facility, until:

28 (1) It determines that the facility has corrected the violation
29 and has management which is capable of ensuring continued
30 compliance with the applicable statutes, conditions, standards and
31 regulations; or

32 (2) Improvements are made to correct the violation.

33 2. If a violation by a medical facility or facility for the
34 dependent relates to the health or safety of a patient, an
35 administrative penalty imposed pursuant to paragraph (d) of
36 subsection 1 must be in a total amount of not less than \$1,000 and
37 not more than \$10,000 for each patient who was harmed or at risk of
38 harm as a result of the violation.

39 3. If the facility fails to pay any administrative penalty imposed
40 pursuant to paragraph (d) of subsection 1, the Health Division may:

41 (a) Suspend the license of the facility until the administrative
42 penalty is paid; and

43 (b) Collect court costs, reasonable attorney's fees and other
44 costs incurred to collect the administrative penalty.



1 4. The Health Division may require any facility that violates
2 any provision of NRS 439B.410 or 449.030 to 449.240, inclusive,
3 *and section 1 of this act*, or any condition, standard or regulation
4 adopted by the Board to make any improvements necessary to
5 correct the violation.

6 5. Any money collected as administrative penalties pursuant to
7 paragraph (d) of subsection 1 must be accounted for separately and
8 used to administer and carry out the provisions of this chapter and to
9 protect the health, safety, well-being and property of the patients
10 and residents of facilities in accordance with applicable state and
11 federal standards.

12 **Sec. 6.** NRS 449.220 is hereby amended to read as follows:

13 449.220 1. The Health Division may bring an action in the
14 name of the State to enjoin any person, state or local government
15 unit or agency thereof from operating or maintaining any facility
16 within the meaning of NRS 449.030 to 449.240, inclusive ~~†~~, *and*
17 *section 1 of this act*:

18 (a) Without first obtaining a license therefor; or

19 (b) After his or her license has been revoked or suspended by
20 the Health Division.

21 2. It is sufficient in such action to allege that the defendant did,
22 on a certain date and in a certain place, operate and maintain such a
23 facility without a license.

24 **Sec. 7.** NRS 449.240 is hereby amended to read as follows:

25 449.240 The district attorney of the county in which the facility
26 is located shall, upon application by the Health Division, institute
27 and conduct the prosecution of any action for violation of any
28 provisions of NRS 449.030 to 449.245, inclusive ~~†~~, *and section 1*
29 *of this act*.

30 **Sec. 8.** NRS 453.580 is hereby amended to read as follows:

31 453.580 1. A court may establish an appropriate treatment
32 program to which it may assign a person pursuant to subsection 4 of
33 NRS 453.336, NRS 453.3363 or 458.300, or it may assign such a
34 person to an appropriate facility for the treatment of abuse of
35 alcohol or drugs which is ~~certified by the Division of Mental Health~~
36 ~~and Developmental Services of the Department.~~ *licensed pursuant*
37 *to NRS 449.080*. The assignment must include the terms and
38 conditions for successful completion of the program and provide for
39 progress reports at intervals set by the court to ensure that the person
40 is making satisfactory progress toward completion of the program.

41 2. A program to which a court assigns a person pursuant to
42 subsection 1 must include:

43 (a) Information and encouragement for the participant to cease
44 abusing alcohol or using controlled substances through educational,
45 counseling and support sessions developed with the cooperation of



1 various community, health, substance abuse, religious, social service
2 and youth organizations;

3 (b) The opportunity for the participant to understand the
4 medical, psychological and social implications of substance abuse;
5 and

6 (c) Alternate courses within the program based on the different
7 substances abused and the addictions of participants.

8 3. If the offense with which the person was charged involved
9 the use or possession of a controlled substance, in addition to the
10 program or as a part of the program, the court must also require
11 frequent urinalysis to determine that the person is not using a
12 controlled substance. The court shall specify how frequent such
13 examinations must be and how many must be successfully
14 completed, independently of other requisites for successful
15 completion of the program.

16 4. Before the court assigns a person to a program pursuant to
17 this section, the person must agree to pay the cost of the program to
18 which the person is assigned and the cost of any additional
19 supervision required pursuant to subsection 3, to the extent of the
20 financial resources of the person. If the person does not have the
21 financial resources to pay all of the related costs, the court shall, to
22 the extent practicable, arrange for the person to be assigned to a
23 program at a facility that receives a sufficient amount of federal or
24 state funding to offset the remainder of the costs.

25 **Sec. 9.** Chapter 458 of NRS is hereby amended by adding
26 thereto a new section to read as follows:

27 ***1. The Health Division shall certify or deny certification of***
28 ***detoxification technicians and any facility that is not required to***
29 ***be licensed pursuant to chapter 449 of NRS on the basis of the***
30 ***standards established by the Health Division pursuant to this***
31 ***section, and publish a list of certified detoxification technicians,***
32 ***certified facilities and facilities licensed pursuant to chapter 449 of***
33 ***NRS. Any detoxification technician who is not certified and any***
34 ***facility that is not certified or licensed is ineligible to receive state***
35 ***and federal money for alcohol and drug abuse programs.***

36 ***2. The Health Division shall adopt regulations which:***

37 ***(a) Must prescribe the requirements for continuing education***
38 ***for persons certified as detoxification technicians; and***

39 ***(b) May prescribe the fees for the certification of detoxification***
40 ***technicians and facilities. A fee prescribed pursuant to this***
41 ***paragraph must be calculated to produce the revenue estimated to***
42 ***cover the costs related to the certifications, but in no case may a***
43 ***fee for a certificate exceed the actual cost to the Health Division of***
44 ***issuing the certificate.***



1 3. *Except as otherwise provided in this subsection, upon*
2 *request from a facility, the Health Division may certify the facility*
3 *and its detoxification technicians and add them to the list*
4 *described in subsection 1. The Health Division shall not add an*
5 *unlicensed facility to the list if the facility is required to be licensed*
6 *pursuant to the provisions of chapter 449 of NRS.*

7 **Sec. 10.** NRS 458.010 is hereby amended to read as follows:

8 458.010 As used in NRS 458.010 to 458.350, inclusive, *and*
9 *section 9 of this act*, unless the context requires otherwise:

10 1. "Administrator" means the Administrator of the Division.

11 2. "Alcohol and drug abuse program" means a project
12 concerned with education, prevention and treatment directed toward
13 achieving the mental and physical restoration of alcohol and drug
14 abusers.

15 3. "Alcohol and drug abuser" means a person whose
16 consumption of alcohol or other drugs, or any combination thereof,
17 interferes with or adversely affects the ability of the person to
18 function socially or economically.

19 4. "Alcoholic" means any person who habitually uses alcoholic
20 beverages to the extent that the person endangers the health, safety
21 or welfare of himself or herself or any other person or group of
22 persons.

23 5. "Civil protective custody" means a custodial placement of a
24 person to protect the health or safety of the person. Civil protective
25 custody does not have any criminal implication.

26 6. "Detoxification technician" means a person who is certified
27 by the *Health* Division to provide screening for the safe withdrawal
28 from alcohol and other drugs.

29 7. "Division" means the Division of Mental Health and
30 Developmental Services of the Department of Health and Human
31 Services.

32 8. "Facility" means a physical structure used for the education,
33 prevention and treatment, including mental and physical restoration,
34 of alcohol and drug abusers. *The term includes, without limitation,*
35 *a physical structure used by a facility for the treatment of abuse of*
36 *alcohol or drugs licensed pursuant to NRS 449.080 and any*
37 *physical structure used for the delivery of an alcohol and drug*
38 *abuse program.*

39 9. *"Health Division" means the Health Division of the*
40 *Department of Health and Human Services.*

41 **Sec. 11.** NRS 458.010 is hereby amended to read as follows:

42 458.010 As used in NRS 458.010 to 458.350, inclusive, unless
43 the context requires otherwise:

44 1. "Administrator" means the Administrator of the Division.



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1 2. "Alcohol and drug abuse program" means a project
2 concerned with education, prevention and treatment directed toward
3 achieving the mental and physical restoration of alcohol and drug
4 abusers.

5 3. "Alcohol and drug abuser" means a person whose
6 consumption of alcohol or other drugs, or any combination thereof,
7 interferes with or adversely affects the ability of the person to
8 function socially or economically.

9 4. "Alcoholic" means any person who habitually uses alcoholic
10 beverages to the extent that the person endangers the health, safety
11 or welfare of himself or herself or any other person or group of
12 persons.

13 5. "Civil protective custody" means a custodial placement of a
14 person to protect the health or safety of the person. Civil protective
15 custody does not have any criminal implication.

16 6. "Division" means the Division of Mental Health and
17 Developmental Services of the Department of Health and Human
18 Services.

19 7. "Facility" means a physical structure used for the education,
20 prevention and treatment, including mental and physical restoration,
21 of alcohol and drug abusers. *The term includes, without limitation,
22 a physical structure used by a facility for the treatment of abuse of
23 alcohol or drugs licensed pursuant to NRS 449.080 and any
24 physical structure used for the delivery of an alcohol and drug
25 abuse program.*

26 **Sec. 12.** NRS 458.025 is hereby amended to read as follows:

27 458.025 The Division:

28 1. Shall formulate and operate a comprehensive state plan for
29 alcohol and drug abuse programs which must include:

30 (a) A survey of the need for prevention and treatment of alcohol
31 and drug abuse, including a survey of the facilities needed to
32 provide services and a plan for the development and distribution of
33 services and programs throughout this State.

34 (b) A plan for programs to educate the public in the problems of
35 the abuse of alcohol and other drugs.

36 (c) A survey of the need for persons who have professional
37 training in fields of health and other persons involved in the
38 prevention of alcohol and drug abuse and in the treatment and
39 recovery of alcohol and drug abusers, and a plan to provide the
40 necessary treatment.

41 ➤ In developing and revising the state plan, the Division shall
42 consider, without limitation, the amount of money available from
43 the Federal Government for alcohol and drug abuse programs and
44 the conditions attached to the acceptance of that money, and the



1 limitations of legislative appropriations for alcohol and drug abuse
2 programs.

3 2. Shall coordinate the efforts to carry out the state plan and
4 coordinate all state and federal financial support of alcohol and drug
5 abuse programs in this State.

6 3. Must be consulted in the planning of projects and advised of
7 all applications for grants from within this State which are
8 concerned with alcohol and drug abuse programs, and shall review
9 the applications and advise the applicants concerning the
10 applications.

11 ~~4. Shall certify or deny certification of detoxification~~
12 ~~technicians or any facilities or programs on the basis of the~~
13 ~~standards established by the Division pursuant to this section, and~~
14 ~~publish a list of certified detoxification technicians, facilities and~~
15 ~~programs. Any detoxification technicians, facilities or programs~~
16 ~~which are not certified are ineligible to receive state and federal~~
17 ~~money for alcohol and drug abuse programs. The Division shall~~
18 ~~adopt regulations. The regulations:~~

19 ~~—(a) Must prescribe the requirements for continuing education for~~
20 ~~persons certified as detoxification technicians; and~~

21 ~~—(b) May prescribe the fees for the certification of detoxification~~
22 ~~technicians, facilities or programs. A fee prescribed pursuant to this~~
23 ~~paragraph must be calculated to produce the revenue estimated to~~
24 ~~cover the costs related to the certifications, but in no case may a fee~~
25 ~~for a certificate exceed the actual cost to the Division of issuing the~~
26 ~~certificate.~~

27 ~~5. Upon request from a facility which is self-supported, may~~
28 ~~certify the facility, its programs and detoxification technicians and~~
29 ~~add them to the list described in subsection 4.]~~

30 **Sec. 13.** NRS 458.026 is hereby amended to read as follows:

31 458.026 1. An applicant for the issuance or renewal of his or
32 her certification as a detoxification technician must submit to the
33 *Health* Division the statement prescribed by the Division of Welfare
34 and Supportive Services of the Department of Health and Human
35 Services pursuant to NRS 425.520. The statement must be
36 completed and signed by the applicant.

37 2. The *Health* Division shall include the statement required
38 pursuant to subsection 1 in:

39 (a) The application or any other forms that must be submitted
40 for the issuance or renewal of the certification; or

41 (b) A separate form prescribed by the *Health* Division.

42 3. The certification of a person as a detoxification technician
43 may not be issued or renewed by the *Health* Division if the
44 applicant:



1 (a) Fails to complete or submit the statement required pursuant
2 to subsection 1; or

3 (b) Indicates on the statement submitted pursuant to subsection
4 1 that the applicant is subject to a court order for the support of a
5 child and is not in compliance with the order or a plan approved by
6 the district attorney or other public agency enforcing the order for
7 the repayment of the amount owed pursuant to the order.

8 4. If an applicant indicates on the statement submitted pursuant
9 to subsection 1 that the applicant is subject to a court order for the
10 support of a child and is not in compliance with the order or a plan
11 approved by the district attorney or other public agency enforcing
12 the order for the repayment of the amount owed pursuant to the
13 order, the Administrator *of the Health Division* shall advise the
14 applicant to contact the district attorney or other public agency
15 enforcing the order to determine the actions that the applicant may
16 take to satisfy the arrearage.

17 **Sec. 14.** NRS 458.027 is hereby amended to read as follows:

18 458.027 1. If the *Health* Division receives a copy of a court
19 order issued pursuant to NRS 425.540 that provides for the
20 suspension of all professional, occupational and recreational
21 licenses, certificates and permits issued to a person who has been
22 certified as a detoxification technician, the *Health* Division shall
23 deem the certification to be suspended at the end of the 30th day
24 after the date on which the court order was issued unless the *Health*
25 Division receives a letter issued by the district attorney or other
26 public agency pursuant to NRS 425.550 to the person who has been
27 certified stating that the person has complied with the subpoena or
28 warrant or has satisfied the arrearage pursuant to NRS 425.560.

29 2. The *Health* Division shall reinstate the certification of a
30 person as a detoxification technician that has been suspended by a
31 district court pursuant to NRS 425.540 if the *Health* Division
32 receives a letter issued by the district attorney or other public agency
33 pursuant to NRS 425.550 to the person whose certification was
34 suspended stating that the person whose certification was suspended
35 has complied with the subpoena or warrant or has satisfied the
36 arrearage pursuant to NRS 425.560.

37 **Sec. 15.** NRS 458.031 is hereby amended to read as follows:

38 458.031 ~~{The}~~

39 *1. Except as otherwise provided in this section, the* Division
40 shall administer the provisions of NRS 458.010 to 458.350,
41 inclusive, *and section 9 of this act* as the sole agency of the State of
42 Nevada for that purpose.

43 *2. The Health Division shall administer the provisions of*
44 *NRS 458.026, 458.027 and 458.028 and section 9 of this act.*



1 **Sec. 16.** NRS 62A.340 is hereby amended to read as follows:
2 62A.340 “Treatment facility” means a facility for the treatment
3 of abuse of alcohol or drugs ~~[that is certified by the Health Division~~
4 ~~of the Department of Health and Human Services.]~~, *as defined in*
5 *NRS 449.00455, which is licensed pursuant to NRS 449.080.*

6 **Sec. 16.5.** NRS 62E.620 is hereby amended to read as follows:
7 62E.620 1. The juvenile court shall order a delinquent child
8 to undergo an evaluation to determine whether the child is an abuser
9 of alcohol or other drugs if the child committed:

10 (a) An unlawful act in violation of NRS 484C.110, 484C.120,
11 484C.130 or 484C.430;

12 (b) The unlawful act of using, possessing, selling or distributing
13 a controlled substance; or

14 (c) The unlawful act of purchasing, consuming or possessing an
15 alcoholic beverage in violation of NRS 202.020.

16 2. Except as otherwise provided in subsection 3, an evaluation
17 of the child must be conducted by:

18 (a) A clinical alcohol and drug abuse counselor who is licensed,
19 an alcohol and drug abuse counselor who is licensed or certified, or
20 an alcohol and drug abuse counselor intern or a clinical alcohol and
21 drug abuse counselor intern who is certified, pursuant to chapter
22 641C of NRS, to make that classification; or

23 (b) A physician who is certified to make that classification by
24 the Board of Medical Examiners.

25 3. If the child resides in this State but the nearest location at
26 which an evaluation may be conducted is in another state, the court
27 may allow the evaluation to be conducted in the other state if the
28 person conducting the evaluation:

29 (a) Possesses qualifications that are substantially similar to the
30 qualifications described in subsection 2;

31 (b) Holds an appropriate license, certificate or credential issued
32 by a regulatory agency in the other state; and

33 (c) Is in good standing with the regulatory agency in the other
34 state.

35 4. The evaluation of the child may be conducted at ~~an~~
36 ~~evaluation center.~~ *a treatment facility.*

37 5. The person who conducts the evaluation of the child shall
38 report to the juvenile court the results of the evaluation and make a
39 recommendation to the juvenile court concerning the length and
40 type of treatment required for the child.

41 6. The juvenile court shall:

42 (a) Order the child to undergo a program of treatment as
43 recommended by the person who conducts the evaluation of the
44 child.



1 (b) Require the treatment facility to submit monthly reports on
2 the treatment of the child pursuant to this section.

3 (c) Order the child or the parent or guardian of the child, or both,
4 to the extent of their financial ability, to pay any charges relating to
5 the evaluation and treatment of the child pursuant to this section.
6 If the child or the parent or guardian of the child, or both, do not
7 have the financial resources to pay all those charges:

8 (1) The juvenile court shall, to the extent possible, arrange
9 for the child to receive treatment from a treatment facility which
10 receives a sufficient amount of federal or state money to offset the
11 remainder of the costs; and

12 (2) The juvenile court may order the child, in lieu of paying
13 the charges relating to the child's evaluation and treatment, to
14 perform community service.

15 7. After a treatment facility has certified a child's successful
16 completion of a program of treatment ordered pursuant to this
17 section, the treatment facility is not liable for any damages to person
18 or property caused by a child who:

19 (a) Drives, operates or is in actual physical control of a vehicle
20 or a vessel under power or sail while under the influence of
21 intoxicating liquor or a controlled substance; or

22 (b) Engages in any other conduct prohibited by NRS 484C.110,
23 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS
24 488.410, 488.420 or 488.425 or a law of any other jurisdiction that
25 prohibits the same or similar conduct.

26 8. The provisions of this section do not prohibit the juvenile
27 court from:

28 (a) Requiring an evaluation to be conducted by a person who is
29 employed by a private company if the company meets the standards
30 of the Health Division of the Department of Health and Human
31 Services. The evaluation may be conducted at ~~an evaluation~~
32 ~~center~~ **a treatment facility.**

33 (b) Ordering the child to attend a program of treatment which is
34 administered by a private company.

35 9. Except as otherwise provided in section 6 of chapter 435,
36 Statutes of Nevada 2007, all information relating to the evaluation
37 or treatment of a child pursuant to this section is confidential and,
38 except as otherwise authorized by the provisions of this title or the
39 juvenile court, must not be disclosed to any person other than:

40 (a) The juvenile court;

41 (b) The child;

42 (c) The attorney for the child, if any;

43 (d) The parents or guardian of the child;

44 (e) The district attorney; and



1 (f) Any other person for whom the communication of that
2 information is necessary to effectuate the evaluation or treatment of
3 the child.

4 10. A record of any finding that a child has violated the
5 provisions of NRS 484C.110, 484C.120, 484C.130 or 484C.430
6 must be included in the driver's record of that child for 7 years after
7 the date of the offense.

8 **Sec. 17.** NRS 484C.100 is hereby amended to read as follows:

9 484C.100 "Treatment facility" means a facility for the
10 treatment of abuse of alcohol or drugs ~~[-, which is certified by the~~
11 ~~Health Division of the Department of Health and Human Services.],~~
12 *as defined in NRS 449.00455, which is licensed pursuant to*
13 *NRS 449.080.*

14 **Sec. 18.** (Deleted by amendment.)

15 **Sec. 18.5.** NRS 484C.350 is hereby amended to read as
16 follows:

17 484C.350 1. If an offender is found guilty of a violation of
18 NRS 484C.110 that is punishable pursuant to paragraph (a) of
19 subsection 1 of NRS 484C.400 and if the concentration of alcohol in
20 the offender's blood or breath at the time of the offense was 0.18 or
21 more, or if an offender is found guilty of a violation of NRS
22 484C.110 or 484C.120 that is punishable pursuant to paragraph (b)
23 of subsection 1 of NRS 484C.400, the court shall, before sentencing
24 the offender, require an evaluation of the offender pursuant to
25 subsection 3, 4, 5 or 6 to determine whether the offender is an
26 abuser of alcohol or other drugs.

27 2. If an offender is convicted of a violation of NRS 484C.110
28 or 484C.120 that is punishable pursuant to paragraph (a) of
29 subsection 1 of NRS 484C.400 and if the offender is under 21 years
30 of age at the time of the violation, the court shall, before sentencing
31 the offender, require an evaluation of the offender pursuant to
32 subsection 3, 4, 5 or 6 to determine whether the offender is an
33 abuser of alcohol or other drugs.

34 3. Except as otherwise provided in subsection 4, 5 or 6, the
35 evaluation of an offender pursuant to this section must be conducted
36 at ~~[-an evaluation center-]~~ *a treatment facility* by:

37 (a) An alcohol and drug abuse counselor who is licensed or
38 certified, or a clinical alcohol and drug abuse counselor who is
39 licensed, pursuant to chapter 641C of NRS, to make that evaluation;
40 or

41 (b) A physician who is certified to make that evaluation by the
42 Board of Medical Examiners,

43 ➔ who shall report to the court the results of the evaluation and
44 make a recommendation to the court concerning the length and type
45 of treatment required for the offender.



1 4. The evaluation of an offender who resides more than 30
2 miles from ~~an evaluation center~~ *a treatment facility* may be
3 conducted outside ~~an evaluation center~~ *the treatment facility* by a
4 person who has the qualifications set forth in subsection 3. The
5 person who conducts the evaluation shall report to the court the
6 results of the evaluation and make a recommendation to the court
7 concerning the length and type of treatment required for the
8 offender.

9 5. The evaluation of an offender who resides in another state
10 may, upon approval of the court, be conducted in the state where the
11 offender resides by a physician or other person who is authorized by
12 the appropriate governmental agency in that state to conduct such an
13 evaluation. The offender shall ensure that the results of the
14 evaluation and the recommendation concerning the length and type
15 of treatment for the offender are reported to the court.

16 6. The evaluation of an offender who resides in this State may,
17 upon approval of the court, be conducted in another state by a
18 physician or other person who is authorized by the appropriate
19 governmental agency in that state to conduct such an evaluation if
20 the location of the physician or other person in the other state is
21 closer to the residence of the offender than the nearest location in
22 this State at which an evaluation may be conducted. The offender
23 shall ensure that the results of the evaluation and the
24 recommendation concerning the length and type of treatment for the
25 offender are reported to the court.

26 7. An offender who is evaluated pursuant to this section shall
27 pay the cost of the evaluation. ~~An evaluation center~~ *A treatment*
28 *facility* or a person who conducts an evaluation in this State outside
29 ~~an evaluation center~~ *a treatment facility* shall not charge an
30 offender more than \$100 for the evaluation.

31 **Sec. 19.** NRS 484C.370 is hereby amended to read as follows:

32 484C.370 The provisions of NRS 484C.340, 484C.350 or
33 484C.360 do not prohibit a court from:

34 1. Requiring an evaluation pursuant to NRS 484C.350 to be
35 conducted ~~by an evaluation center that is administered by a private~~
36 ~~company if the company meets the standards of the State Board of~~
37 ~~Health pursuant to NRS 484C.310; or~~ *at a treatment facility; or*

38 2. Ordering the offender to attend a program of treatment that
39 is administered by a private company.

40 **Sec. 20.** NRS 608.156 is hereby amended to read as follows:

41 608.156 1. If an employer provides health benefits for his or
42 her employees, the employer shall provide benefits for the expenses
43 for the treatment of abuse of alcohol and drugs. The annual benefits
44 provided by the employer must consist of:



1 (a) Treatment for withdrawal from the physiological effects of
2 alcohol or drugs, with a maximum benefit of \$1,500 per calendar
3 year.

4 (b) Treatment for a patient admitted to a facility, with a
5 maximum benefit of \$9,000 per calendar year.

6 (c) Counseling for a person, group or family who is not admitted
7 to a facility, with a maximum benefit of \$2,500 per calendar year.

8 2. The maximum amount which may be paid in the lifetime of
9 the insured for any combination of the treatments listed in
10 subsection 1 is \$39,000.

11 3. These benefits must be paid in the same manner as benefits
12 for any other illness covered by the employer are paid.

13 4. The employee is entitled to these benefits if treatment is
14 received in any:

15 (a) Facility for the treatment of abuse of alcohol or drugs which
16 is ~~certified by the Health Division of the Department of Health and~~
17 ~~Human Services.~~ *licensed pursuant to NRS 449.080.*

18 (b) Hospital or other medical facility or facility for the
19 dependent which is licensed by the Health Division of the
20 Department of Health and Human Services, accredited by The Joint
21 Commission and provides a program for the treatment of abuse of
22 alcohol or drugs as part of its accredited activities.

23 **Sec. 21.** NRS 654.190 is hereby amended to read as follows:

24 654.190 1. The Board may, after notice and an opportunity
25 for a hearing as required by law, impose an administrative fine of
26 not more than \$10,000 for each violation on, recover reasonable
27 investigative fees and costs incurred from, suspend, revoke, deny
28 the issuance or renewal of or place conditions on the license of, and
29 place on probation or impose any combination of the foregoing on
30 any nursing facility administrator or administrator of a residential
31 facility for groups who:

32 (a) Is convicted of a felony relating to the practice of
33 administering a nursing facility or residential facility or of any
34 offense involving moral turpitude.

35 (b) Has obtained his or her license by the use of fraud or deceit.

36 (c) Violates any of the provisions of this chapter.

37 (d) Aids or abets any person in the violation of any of the
38 provisions of NRS 449.030 to 449.240, inclusive, *and section 1 of*
39 *this act* as those provisions pertain to a facility for skilled nursing,
40 facility for intermediate care or residential facility for groups.

41 (e) Violates any regulation of the Board prescribing additional
42 standards of conduct for nursing facility administrators or
43 administrators of residential facilities for groups, including, without
44 limitation, a code of ethics.



1 (f) Engages in conduct that violates the trust of a patient or
2 resident or exploits the relationship between the nursing facility
3 administrator or administrator of a residential facility for groups and
4 the patient or resident for the financial or other gain of the licensee.

5 2. If a licensee requests a hearing pursuant to subsection 1, the
6 Board shall give the licensee written notice of a hearing pursuant to
7 NRS 233B.121 and 241.034. A licensee may waive, in writing, his
8 or her right to attend the hearing.

9 3. The Board may compel the attendance of witnesses or the
10 production of documents or objects by subpoena. The Board may
11 adopt regulations that set forth a procedure pursuant to which the
12 Chair of the Board may issue subpoenas on behalf of the Board.
13 Any person who is subpoenaed pursuant to this subsection may
14 request the Board to modify the terms of the subpoena or grant
15 additional time for compliance.

16 4. An order that imposes discipline and the findings of fact and
17 conclusions of law supporting that order are public records.

18 5. The expiration of a license by operation of law or by order
19 or decision of the Board or a court, or the voluntary surrender of a
20 license, does not deprive the Board of jurisdiction to proceed with
21 any investigation of, or action or disciplinary proceeding against, the
22 licensee or to render a decision suspending or revoking the license.

23 **Sec. 22.** NRS 689A.046 is hereby amended to read as follows:

24 689A.046 1. The benefits provided by a policy for health
25 insurance for treatment of the abuse of alcohol or drugs must consist
26 of:

27 (a) Treatment for withdrawal from the physiological effect of
28 alcohol or drugs, with a minimum benefit of \$1,500 per calendar
29 year.

30 (b) Treatment for a patient admitted to a facility, with a
31 minimum benefit of \$9,000 per calendar year.

32 (c) Counseling for a person, group or family who is not admitted
33 to a facility, with a minimum benefit of \$2,500 per calendar year.

34 2. These benefits must be paid in the same manner as benefits
35 for any other illness covered by a similar policy are paid.

36 3. The insured person is entitled to these benefits if treatment is
37 received in any:

38 (a) Facility for the treatment of abuse of alcohol or drugs which
39 is ~~certified by the Health Division of the Department of Health and~~
40 ~~Human Services.~~ *licensed pursuant to NRS 449.080.*

41 (b) Hospital or other medical facility or facility for the
42 dependent which is licensed by the Health Division of the
43 Department of Health and Human Services, accredited by the Joint
44 Commission on Accreditation of Healthcare Organizations and



1 provides a program for the treatment of abuse of alcohol or drugs as
2 part of its accredited activities.

3 **Sec. 23.** NRS 689C.167 is hereby amended to read as follows:

4 689C.167 1. The benefits provided by a group policy for
5 health insurance, as required by NRS 689C.166, for the treatment of
6 abuse of alcohol or drugs must consist of:

7 (a) Treatment for withdrawal from the physiological effects of
8 alcohol or drugs, with a minimum benefit of \$1,500 per calendar
9 year.

10 (b) Treatment for a patient admitted to a facility, with a
11 minimum benefit of \$9,000 per calendar year.

12 (c) Counseling for a person, group or family who is not admitted
13 to a facility, with a minimum benefit of \$2,500 per calendar year.

14 2. These benefits must be paid in the same manner as benefits
15 for any other illness covered by a similar policy are paid.

16 3. The insured person is entitled to these benefits if treatment is
17 received in any:

18 (a) Facility for the treatment of abuse of alcohol or drugs which
19 is ~~certified by the Health Division of the Department of Health and~~
20 ~~Human Services;~~ **licensed pursuant to NRS 449.080.**

21 (b) Hospital or other medical facility or facility for the
22 dependent which is licensed by the Health Division of the
23 Department of Health and Human Services, is accredited by
24 the Joint Commission on Accreditation of Healthcare Organizations
25 and provides a program for the treatment of abuse of alcohol or
26 drugs as part of its accredited activities.

27 **Sec. 23.3.** Section 9 of this act is hereby amended to read as
28 follows:

29 Sec. 9. Chapter 458 of NRS is hereby amended by
30 adding thereto a new section to read as follows:

31 1. The Health Division shall certify or deny certification
32 of ~~detoxification technicians or~~ any facility that is not
33 required to be licensed pursuant to chapter 449 of NRS on the
34 basis of the standards established by the Health Division
35 pursuant to this section and publish a list of ~~certified~~
36 ~~detoxification technicians;~~ certified facilities and facilities
37 licensed pursuant to chapter 449 of NRS. Any ~~detoxification~~
38 ~~technician who is not certified and any~~ facility that is not
39 certified or licensed is ineligible to receive state and federal
40 money for alcohol and drug abuse programs.

41 2. The Health Division shall adopt regulations which ~~;~~
42 ~~—(a) Must prescribe the requirements for continuing~~
43 ~~education for persons certified as detoxification technicians;~~
44 ~~and~~



1 ~~—(b) May~~ **may** prescribe the fees for the certification of
2 ~~[detoxification technicians and]~~ facilities. A fee prescribed
3 pursuant to this ~~[paragraph]~~ **subsection** must be calculated to
4 produce the revenue estimated to cover the costs related to the
5 certifications, but in no case may a fee for a certificate exceed
6 the actual cost to the Health Division of issuing the
7 certificate.

8 3. Except as otherwise provided in this subsection, upon
9 request from a facility, the Health Division may certify the
10 facility ~~[and its detoxification technicians]~~ and add ~~[them]~~ **the**
11 **facility** to the list described in subsection 1. The Health
12 Division shall not add an unlicensed facility to the list if the
13 facility is required to be licensed pursuant to the provisions of
14 chapter 449 of NRS.

15 **Sec. 23.7.** NRS 62A.110, 484C.050 and 484C.310 are hereby
16 repealed.

17 **Sec. 24.** A detoxification technician or facility certified by the
18 Division of Mental Health and Developmental Services of the
19 Department of Health and Human Services pursuant to NRS
20 458.025 before October 1, 2013, and which is otherwise qualified
21 for such certification on that date shall be deemed to be certified by
22 the Health Division of the Department of Health and Human
23 Services pursuant to section 9 of this act.

24 **Sec. 25.** 1. Any administrative regulation adopted by an
25 officer, agency or other entity whose name has been changed or
26 whose responsibilities have been transferred pursuant to the
27 provisions of this act to another officer, agency or other entity
28 remain in force until amended by the officer, agency or other entity
29 to which the responsibility for the adoption of the regulation has
30 been transferred.

31 2. Any contract or other agreement entered into by an officer,
32 agency or other entity whose name has been changed or whose
33 responsibilities have been transferred pursuant to the provisions of
34 this act to another officer, agency or other entity are binding upon
35 the officer, agency or other entity to which the responsibility for the
36 administration of the provisions of the contract or other agreement
37 has been transferred. Such contracts and other agreements may be
38 enforced by the officer, agency or other entity to which the
39 responsibility for the enforcement of the provisions of the contract
40 or other agreement has been transferred.

41 3. Any action taken by an officer, agency or other entity whose
42 name has been changed or whose responsibilities have been
43 transferred pursuant to the provisions of this act to another officer,
44 agency or other entity remains in effect as if taken by the officer,



1 agency or other entity to which the responsibility for the
2 enforcement of such actions has been transferred.

3 **Sec. 26.** 1. This section and sections 1 to 10, inclusive, 12 to
4 23, inclusive, 23.7, 24 and 25 of this act become effective:

5 (a) Upon passage and approval for the purpose of adopting
6 regulations and performing any preparatory administrative tasks that
7 are necessary to carry out the provisions of this act; and

8 (b) On October 1, 2013, for all other purposes.

9 2. Sections 11 and 23.3 of this act become effective on the
10 date the regulation adopted by the Board of Examiners for Alcohol,
11 Drug and Gambling Counselors for the certification of a person as a
12 detoxification technician pursuant to NRS 641C.500 becomes
13 effective, unless a later date is otherwise specified in the regulation.

14 3. Sections 9, 10, 12 and 13 of this act and the amendatory
15 provisions of section 15 of this act expire by limitation on the date
16 the regulation adopted by the Board of Examiners for Alcohol, Drug
17 and Gambling Counselors for the certification of a person as a
18 detoxification technician pursuant to NRS 641C.500 becomes
19 effective, unless a later date is otherwise specified in the regulation.

20 4. Section 14 of this act expires by limitation:

21 (a) On the date the regulation adopted by the Board of
22 Examiners for Alcohol, Drug and Gambling Counselors for the
23 certification of a person as a detoxification technician pursuant to
24 NRS 641C.500 becomes effective, unless a later date is otherwise
25 specified in the regulation; or

26 (b) On the date on which the provisions of 42 U.S.C. § 666
27 requiring each state to establish procedures under which the state
28 has authority to withhold or suspend, or to restrict the use of
29 professional, occupational and recreational licenses of persons who:

30 (1) Have failed to comply with a subpoena or warrant
31 relating to a proceeding to determine the paternity of a child or to
32 establish or enforce an obligation for the support of a child; or

33 (2) Are in arrears in the payment for the support of one or
34 more children,

35 ➔ are repealed by the Congress of the United States.

TEXT OF REPEALED SECTIONS

62A.110 “Evaluation center” defined. “Evaluation center” means a facility which is approved by the Health Division of the Department of Health and Human Services to provide an evaluation of an offender to a court to determine if the offender is an abuser of



alcohol or another drug. The term includes a facility operated by a court or other governmental agency.

484C.050 “Evaluation center” defined. “Evaluation center” means a facility which is approved by the Health Division of the Department of Health and Human Services to provide an evaluation of an offender to a court to determine if the offender is an abuser of alcohol or another drug. The term includes a facility operated by a court or other governmental agency.

484C.310 Standards for approval of evaluation center. The State Board of Health shall adopt by regulation the standards to be used for approving the operation of a facility as an evaluation center for the purposes of NRS 484C.310 to 484C.360, inclusive.

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