STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU
LEGISLATIVE BUILDING
401 S. CARSON STREET
CARSON CITY, NEVADA 89701-4747
Fax No.: (775) 684-6600

RICK COMBS, *Director*
(775) 684-6800

LEGISLATIVE COMMISSION (775) 684-6800
MARILYN K. KIRKPATRICK, *Assemblywoman, Chairman*
Rick Combs, *Director, Secretary*

INTERIM FINANCE COMMITTEE (775) 684-6821
DEBBIE SMITH, *Senator, Chairman*
Mark Krmpotic, *Fiscal Analyst*
Cindy Jones, *Fiscal Analyst*

BRENDA J. ERDOES, *Legislative Counsel* (775) 684-6830
PAUL V. TOWNSEND, *Legislative Auditor* (775) 684-6815
DONALD O. WILLIAMS, *Research Director* (775) 684-6825

February 26, 2014

RECEIVED
FEB 27 2014
ATTORNEY GENERAL
RENO OFFICE

Jennifer Kandt
Committee on Domestic Violence, Coordinator
Office of the Attorney General
5420 Kietzke Lane, Suite 202
Reno, Nevada 89511

Re: LCB File No. R048-13

Dear Ms. Kandt:

A regulation adopted by the Committee on Domestic Violence has been filed today with the Secretary of State pursuant to NRS 233B.067 or 233B.0675, as appropriate. As provided in NRS 233B.070, this regulation becomes effective upon filing, unless otherwise indicated.

Enclosed are two copies of the regulation bearing the stamp of the Secretary of State which indicates that it has been filed. One copy is for your records and the other is for delivery to the State Library and Archives Administrator pursuant to subsection 6 of NRS 233B.070.

Very truly yours,

Daniel P Reich
Deputy Legislative Counsel

Brenda J. Erdoes
Legislative Counsel

DPR/owl
Enclosure

Appendix E

SECRETARY OF STATE
FILING DATA

NEVADA
SECRETARY OF STATE
2014 FEB 26 AM 8 55
RECEIVED
CARSON CITY NV

Form For Filing
Administrative Regulations

Agency Committee on Domestic Violence

FOR EMERGENCY
REGULATIONS ONLY

Effective date _____

Expiration date _____

_____
Governor's signature

Classification: **PROPOSED** **ADOPTED BY AGENCY** **EMERGENCY**

Brief description of action Prescribes standards of professional responsibility for providers and supervisors of treatment; revises training standards for providers and supervisors of treatment; defines "indigent"; and provides changes to other matters properly relating therto.

Authority citation other than 233B NRS 228.470

Notice date November 8, 2013

Hearing date December 11, 2013

Date of Adoption by Agency December 11, 2013

ADOPTED REGULATION OF THE

COMMITTEE ON DOMESTIC VIOLENCE

LCB File No. R048-13

Effective February 26, 2014

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

AUTHORITY: §§1-9, NRS 228.470.

A REGULATION relating to domestic violence; prescribing standards of professional responsibility for providers of treatment and supervisors of treatment; revising training requirements of providers of treatment and supervisors of treatment; and providing other matters properly relating thereto.

Section 1. Chapter 228 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. ***"Indigent" means a perpetrator receiving program services who does not have a current ability to pay the full program fee.***

Sec. 3. ***The organization that operates a program shall ensure that a provider of treatment or supervisor of treatment employed, or retained as an independent contractor, at a program:***

1. Shall provide treatment with professional skill and competence;

2. Shall refrain from entering into a sexual relationship with any offender or victim of any offender during the time that the offender is receiving treatment by the program and for 2 years after the termination of treatment;

3. Shall refrain from entering into a dual relationship with any offender receiving treatment by the program or any victim of any offender receiving treatment by the program;

4. Shall not practice, condone, facilitate or collaborate with any form of discrimination on the basis of race, color, sex, sexual orientation, age, religion, national origin, social, economic, health or marital status, political belief, diagnosis, mental or physical disability, or any preference or personal characteristic, condition or status; and

5. Shall not influence or attempt to influence an offender in any manner which could be reasonably anticipated in his or her deriving benefits of an unprofessional nature from the offender during the time that the offender is receiving treatment from the provider of treatment or supervisor of treatment and for 2 years after the termination of those services.

Sec. 4. NAC 228.010 is hereby amended to read as follows:

228.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 228.015 to 228.060, inclusive, ***and section 2 of this regulation*** have the meanings ascribed to them in those sections.

Sec. 5. NAC 228.110 is hereby amended to read as follows:

228.110 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 of NRS and practices psychiatry;

(c) Has ~~[at]~~ ***:***

(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]~~ ***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, 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) ***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 Committee 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;

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

~~[(g)]~~ *(i)* 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) 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;

~~[(h)]~~ ***(j)*** Is free of violence in his or her life; and

~~[(i)]~~ ***(k)*** Is not currently an abuser of prescription drugs or alcohol or a user of illegal drugs.

2. The Committee 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 ~~[(f)]~~ ***(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 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

(c) The Committee 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 receives a request pursuant to subsection 4, the Committee will provide written notice of its approval or denial of the request to the person who submitted the request. If the Committee denies the request, the notice will include the reasons for the denial of the request.

6. 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. Except as otherwise provided in subsection 9, 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;

(c) ~~[Has]~~ ***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*** 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) ***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 (c) *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;

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

~~[(f)]~~ *(g)* 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) 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;

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

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

8. The Committee 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.

9. 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, 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, 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. 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 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. ~~[One-half of the]~~ ***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 ~~[in the provision of services to victims of domestic violence and one-half of the formal training in the provision of treatment to persons who commit domestic violence]~~ required by ~~[paragraph]~~ ***paragraphs*** (d) ***and (e)*** of subsection 1 and ~~[paragraph]~~ ***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 sections 2 and 3 of this regulation;*** 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. 6. NAC 228.115 is hereby amended to read as follows:

228.115 ***1.*** The organization that operates a program shall ensure that each supervisor of treatment:

~~[1.]~~ ***(a)*** Meets individually at least once each month with each provider of treatment he or she supervises;

~~[2.]~~ ***(b)*** Is available by telephone to consult with each provider of treatment he or she supervises;

~~[3.]~~ ***(c)*** Reviews, at least once each month, a random sample of at least 10 percent of the records of the offenders who are receiving treatment from each provider of treatment he or she supervises and records on a form approved by the Committee each record he or she reviews;

~~[4.]~~ ***(d)*** Observes, at least once every 3 months, a group counseling session conducted by each team of two providers of treatment he or she supervises who conduct counseling sessions for the program and records on a form approved by the Committee each group counseling session he or she observes; and

~~[5.]~~ *(e)* Prepares an annual report concerning the performance of each provider of treatment he or she supervises.

2. A supervisor of treatment may observe a group counseling session required pursuant to paragraph (d) of subsection 1 via distance media if the session is conducted anywhere in this State other than Boulder City, Carson City, Henderson, Las Vegas, North Las Vegas, Reno or Sparks.

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

228.130 1. The Committee may, each year, 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 ~~[.]~~ ***, and sections 2 and 3 of this regulation.*** If the Committee finds a violation of NAC 228.010 to 228.225, inclusive, ***and sections 2 and 3 of this regulation*** 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 ~~[of the inspection.]~~ ***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.

2. An organization that has obtained a certificate for a program pursuant to NAC 228.100 must renew its certification within 1 year after obtaining the certificate. 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 after the Committee first issued the provisional certificate.

3. An organization that wishes to renew its certification must submit a completed application for renewal to the Committee at least 60 days before the certificate expires.

4. The certificate will be renewed if the Committee 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 Committee 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. 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. If a completed application and the documents described in paragraph (d) of subsection 4 are not received by the Committee on or before the expiration date of the certificate, the certificate becomes delinquent and the Committee will, within 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. If a 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 on the date indicated on the post office cancellation mark stamped upon the envelope containing the document if:

(a) The envelope is properly addressed to the Committee; and

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

8. The organization may renew the certificate within 90 days after the certificate becomes delinquent if the organization complies with the requirements set forth in subsection 4.

9. If a certificate is not renewed within 90 days after the certificate becomes delinquent, the certificate expires without further notice or a hearing and the Committee 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, the organization which operated the program may reapply for certification of the program pursuant to NAC 228.100.

Sec. 8. NAC 228.175 is hereby amended to read as follows:

228.175 An organization that operates a program shall ensure that the agreement an offender is required to comply with pursuant to NAC 228.170 provides:

1. That the offender agrees to:

(a) Submit a copy of:

(1) The report prepared by a peace officer pursuant to NRS 171.1227;

(2) The order of the court requiring the offender to participate in a program;

(3) Any report concerning probation prepared by the offender's parole and probation officer; and

(4) The results of a psychological evaluation of the offender if such an evaluation has been completed;

(b) Be free of all forms of violence, including, without limitation, physical, sexual and psychological violence;

(c) Accept responsibility for his or her violent behavior;

(d) Refrain from using sexist or racist language in the group counseling sessions;

(e) Pay any fee charged by the program pursuant to NAC 228.106;

(f) Refrain from using any alcohol or drugs during the period in which the offender is participating in the program if the provider of treatment indicates in the report of the results of the evaluation he or she prepared pursuant to NAC 228.170 that the offender has abused alcohol or drugs;

(g) Openly express feelings and emotions in the group counseling sessions;

(h) Refrain from discussing the identity of or communications made by another offender in a group counseling session;

(i) Refrain from violating an order of a court of competent jurisdiction, including, without limitation, a temporary or extended order for protection against domestic violence, an order prohibiting contact with a person who is a victim of domestic violence by the offender, an order obligating the offender to support his or her family, or a condition of probation;

(j) Refrain from communicating with or otherwise contacting or attempting to contact a victim of domestic violence ~~[by the offender]~~ who resides in a shelter for victims of domestic violence;

(k) Refrain from visiting a shelter for victims of domestic violence;

(l) Assist the provider of treatment in developing a written plan of control as described in NAC 228.170; and

(m) Use the plan of control described in NAC 228.170.

2. The number of treatment sessions the offender must attend to complete the treatment ordered by the court and the number of absences from treatment sessions that the offender is allowed, if any.

3. That the program will, pursuant to NAC 228.195, terminate the treatment of the offender if he or she violates any of the provisions of the agreement.

Sec. 9. NAC 228.210 is hereby amended to read as follows:

228.210 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, of which:

(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;