

Assembly Bill No. 267—Assemblymen Torres; D’Silva, Duran,
González, Brittney Miller and Nguyen

Joint Sponsors: Senators Donate, Flores; and Nguyen

CHAPTER.....

AN ACT relating to health care; revising provisions relating to the requirement that certain medical facilities conduct training of certain agents and employees in cultural competency; requiring the Office of Minority Health and Equity of the Department of Health and Human Services to establish, maintain and distribute a list of courses and programs relating to cultural competency that certain medical facilities are required to use to conduct training of certain agents and employees; increasing the number of hours of instruction relating to cultural competency that certain health care professionals are required to complete; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides that the State Board of Health shall require, by regulation, a medical facility, facility for the dependent and certain other facilities to conduct training relating specifically to cultural competency for any agent or employee of the facility so that such an agent or employee may better understand patients or residents who have different cultural backgrounds, including, without limitation, patients or residents who are: (1) from various racial and ethnic backgrounds; (2) from various religious backgrounds; (3) persons with various sexual orientations and gender identities or expressions; (4) children and senior citizens; (5) persons with a mental or physical disability; and (6) part of any other population that such an agent or employee may need to better understand. Such training relating to cultural competency must be provided through a course or program that is approved by the Department of Health and Human Services. (NRS 449.103) **Section 1** of this bill: (1) requires the Board to set forth by regulation the frequency with which such a facility is required to conduct the training relating to cultural competency; and (2) creates an exception to the requirement to provide such training if an agent or employee of the facility has successfully completed a course or program of cultural competency as part of the continuing education requirements for the agent or employee to renew his or her professional license, registration or certificate, as applicable. **Section 1** further limits the requirement to receive training relating to cultural competency to agents and employees who: (1) provide clinical, administrative or support services and regularly have direct patient contact as part of their regular job duties; or (2) oversee such agents or employees. **Section 1** further requires the Office of Minority Health and Equity of the Department of Health and Human Services to: (1) establish and maintain a list of courses and programs on cultural competency that are approved for training relating to cultural competency; (2) make the most current list available on the Internet website of the Office; and (3) ensure that the list is distributed to each facility required to conduct the training on cultural competency. Finally, **section 1**: (1) authorizes a facility to apply to the Department to provide a course or program on cultural competency that is not already approved by the Department; and (2)



requires the Department to report annually to certain joint interim committees of the Legislature the average length of time within which the Department approved a course or program of training in the immediately preceding year.

Existing law requires, as a prerequisite for the renewal of a license, a nurse, psychologist, marriage and family therapist, clinical professional counselor, social worker or behavior analyst to complete at least 2 hours of instruction relating to cultural competency and diversity, equity and inclusion. (NRS 632.343, 641.220, 641A.260, 641B.280, 641D.360) Existing law requires, as a prerequisite for the renewal of a license or certificate, an alcohol and drug counselor or problem gambling counselor to complete at least 1 hour of instruction relating to cultural competency and diversity, equity and inclusion. (NRS 641C.450) **Section 3** of this bill requires a nurse to complete at least 4 hours of such instruction. **Sections 5-7** of this bill require a psychologist, marriage and family therapist, clinical professional counselor or social worker to complete at least 6 hours of instruction relating to cultural competency and diversity, equity and inclusion. **Section 8** of this bill requires an alcohol and drug counselor or problem gambling counselor to complete at least 3 hours of instruction relating to cultural competency and diversity, equity and inclusion. **Section 9** of this bill requires a behavior analyst to complete at least 6 hours of instruction relating to cultural competency and diversity, equity and inclusion.

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

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

Section 1. NRS 449.103 is hereby amended to read as follows:
449.103 1. ~~For~~ *Except as otherwise provided in subsection 3, to* enable an agent or employee of a medical facility, facility for the dependent or facility which is otherwise required by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed who ~~provides care to a patient or resident of the facility~~ *is described in subsection 2* to more effectively treat patients or care for residents, as applicable, the Board shall, by regulation, require such a facility to conduct training relating specifically to cultural competency for any agent or employee of the facility who ~~provides care to a patient or resident of the facility~~ *is described in subsection 2* so that such an agent or employee may better understand patients or residents who have different cultural backgrounds, including, without limitation, patients or residents who are:

- (a) From various racial and ethnic backgrounds;
- (b) From various religious backgrounds;
- (c) Persons with various sexual orientations and gender identities or expressions;
- (d) Children and senior citizens;
- (e) Persons with a mental or physical disability; and



(f) Part of any other population that such an agent or employee may need to better understand, as determined by the Board.

↳ *The Board shall set forth by regulation the frequency with which a medical facility, facility for the dependent or other facility is required to provide such training relating to cultural competency.*

2. ~~The~~ *Except as otherwise provided in subsection 3, the requirements of subsection 1 apply to any agent or employee of a medical facility, facility for the dependent or facility which is otherwise required by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed who:*

(a) Provides clinical, administrative or support services and has direct patient contact at least once each week on average as a part of his or her regular job duties; or

(b) Oversees an agent or employee described in paragraph (a).

3. *A medical facility, facility for the dependent or other facility is not required to provide training relating specifically to cultural competency to an agent or employee who is described in subsection 2 and who has successfully completed a course or program in cultural competency as part of the continuing education requirements for the agent or employee to renew his or her professional license, registration or certificate, as applicable.*

4. *Except as otherwise provided in subsection 6, the training relating specifically to cultural competency conducted by a medical facility, facility for the dependent or facility which is otherwise required by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed pursuant to subsection 1 must be provided through a course or program that is approved by the Department of Health and Human Services.*

5. *The Office of Minority Health and Equity of the Department of Health and Human Services shall:*

(a) Establish and maintain a list of the courses and programs that are approved for training relating to cultural competency pursuant to subsection 4. The Office shall make the most current list available on the Internet website of the Office.

(b) Ensure that the list established and maintained pursuant to paragraph (a) is distributed to each medical facility, facility for the dependent or other facility which is required to conduct training relating specifically to cultural competency pursuant to subsection 1.

6. *A medical facility, facility for the dependent or other facility which is required to conduct training specifically relating to cultural competency may apply to the Department of Health and*



Human Services to provide a course or program on cultural competency that is not approved by the Department pursuant to subsection 4. Any such request must be approved or denied by the Department not later than 10 business days after the receipt of the application.

7. On or before October 1 of each year, the Department of Health and Human Services shall report the average length of time within which the Department approved a course of program or training relating to cultural competency in the immediately preceding year pursuant to subsection 4 or 6, as applicable, to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Health and Human Services and the Joint Interim Standing Committee on Commerce and Labor.

8. As used in this section:

(a) "Direct patient contact" means direct contact with a patient or resident of a medical facility, facility for the dependent or facility which is otherwise required by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed which is in person or using telephone, electronic mail, telehealth or other electronic means, except that the term does not include incidental contact.

(b) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 632.343 is hereby amended to read as follows:

632.343 1. The Board shall not renew any license issued under this chapter until the licensee has submitted proof satisfactory to the Board of completion, during the 2-year period before renewal of the license, of 30 hours in a program of continuing education approved by the Board in accordance with regulations adopted by the Board. Except as otherwise provided in subsection 3, the licensee is exempt from this provision for the first biennial period after graduation from:

- (a) An accredited school of professional nursing;
- (b) An accredited school of practical nursing;
- (c) An approved school of professional nursing in the process of obtaining accreditation; or

(d) An approved school of practical nursing in the process of obtaining accreditation.

2. The Board shall review all courses offered to nurses for the completion of the requirement set forth in subsection 1. The Board may approve nursing and other courses which are directly related to the practice of nursing as well as others which bear a reasonable



relationship to current developments in the field of nursing or any special area of practice in which a licensee engages. These may include academic studies, workshops, extension studies, home study and other courses.

3. The program of continuing education required by subsection 1 must include:

(a) For a person licensed as an advanced practice registered nurse:

(1) A course of instruction to be completed within 2 years after initial licensure that provides at least 2 hours of instruction on suicide prevention and awareness as described in subsection 6.

(2) The ability to receive credit toward the total amount of continuing education required by subsection 1 for the completion of a course of instruction relating to genetic counseling and genetic testing.

(b) For each person licensed pursuant to this chapter, a course of instruction, to be completed within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

(1) An overview of acts of terrorism and weapons of mass destruction;

(2) Personal protective equipment required for acts of terrorism;

(3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(5) An overview of the information available on, and the use of, the Health Alert Network.

(c) For each person licensed pursuant to this chapter, one or more courses of instruction that provide at least ~~2~~ 4 hours of instruction relating to cultural competency and diversity, equity and inclusion to be completed biennially. Such instruction:

(1) May include the training provided pursuant to NRS 449.103, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:



(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that a person licensed pursuant to this chapter may need to better understand, as determined by the Board.

(d) For a person licensed as an advanced practice registered nurse, at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder to be completed within 2 years after initial licensure.

4. The Board may determine whether to include in a program of continuing education courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction in addition to the course of instruction required by paragraph (b) of subsection 3.

5. The Board shall encourage each licensee who treats or cares for persons who are more than 60 years of age to receive, as a portion of their continuing education, education in geriatrics and gerontology, including such topics as:

(a) The skills and knowledge that the licensee needs to address aging issues;

(b) Approaches to providing health care to older persons, including both didactic and clinical approaches;

(c) The biological, behavioral, social and emotional aspects of the aging process; and

(d) The importance of maintenance of function and independence for older persons.

6. The Board shall require each person licensed as an advanced practice registered nurse to receive as a portion of his or her continuing education at least 2 hours of instruction every 4 years on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate.

7. The Board shall encourage each person licensed as an advanced practice registered nurse to receive, as a portion of his or



her continuing education, training and education in the diagnosis of rare diseases, including, without limitation:

- (a) Recognizing the symptoms of pediatric cancer; and
- (b) Interpreting family history to determine whether such symptoms indicate a normal childhood illness or a condition that requires additional examination.

8. As used in this section:

(a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.

(b) "Biological agent" has the meaning ascribed to it in NRS 202.442.

(c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.

(d) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.

(e) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Sec. 4. (Deleted by amendment.)

Sec. 5. NRS 641.220 is hereby amended to read as follows:

641.220 1. To renew a license issued pursuant to this chapter, each person must, on or before the first day of January of each odd-numbered year:

- (a) Apply to the Board for renewal;
- (b) Pay the biennial fee for the renewal of a license;
- (c) Submit evidence to the Board of completion of the requirements for continuing education as set forth in regulations adopted by the Board; and
- (d) Submit all information required to complete the renewal.

2. Upon renewing his or her license, a psychologist shall declare his or her areas of competence, as determined in accordance with NRS 641.112.

3. The Board shall, as a prerequisite for the renewal of a license, require each holder to comply with the requirements for continuing education adopted by the Board.

4. The requirements for continuing education adopted by the Board pursuant to subsection 3 must include, without limitation:

- (a) A requirement that the holder of a license receive at least 2 hours of instruction on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate. The hours of instruction required by this paragraph must be completed within 2 years after initial licensure and at least every 4 years thereafter.



(b) A requirement that the holder of a license must biennially receive at least ~~2~~ 6 hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction:

(1) May include the training provided pursuant to NRS 449.103, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that the holder of a license may need to better understand, as determined by the Board.

Sec. 6. NRS 641A.260 is hereby amended to read as follows:

641A.260 1. To renew a license to practice as a marriage and family therapist or clinical professional counselor issued pursuant to this chapter, each person must, on or before 10 business days after the date of expiration of his or her current license:

(a) Apply to the Board for renewal;

(b) Pay the fee for the biennial renewal of a license set by the Board;

(c) Submit evidence to the Board of completion of the requirements for continuing education as set forth in regulations adopted by the Board, unless the Board has granted a waiver pursuant to NRS 641A.265; and

(d) Submit all information required to complete the renewal.

2. Except as otherwise provided in NRS 641A.265, the Board shall, as a prerequisite for the renewal of a license to practice as a marriage and family therapist or clinical professional counselor, require each holder to comply with the requirements for continuing education adopted by the Board, which must include, without limitation:

(a) A requirement that the holder receive at least 2 hours of instruction on evidence-based suicide prevention and awareness or



another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate.

(b) A requirement that the holder receive at least ~~12~~ 6 hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction:

(1) May include the training provided pursuant to NRS 449.103, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that a marriage and family therapist or clinical professional counselor may need to better understand, as determined by the Board.

Sec. 7. NRS 641B.280 is hereby amended to read as follows:

641B.280 1. Every holder of a license issued pursuant to this chapter may renew his or her license annually by:

(a) Applying to the Board for renewal;

(b) Paying the annual renewal fee set by the Board;

(c) Except as otherwise provided in NRS 641B.295, submitting evidence to the Board of completion of the required continuing education as set forth in regulations adopted by the Board; and

(d) Submitting all information required to complete the renewal.

2. Except as otherwise provided in NRS 641B.295, the Board shall, as a prerequisite for the renewal of a license, require the holder to comply with the requirements for continuing education adopted by the Board, which must include, without limitation:

(a) A requirement that every 2 years the holder receive at least 2 hours of instruction on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate.



(b) A requirement that every 2 years the holder receive at least ~~2~~ **6** hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction:

(1) May include the training provided pursuant to NRS 449.103, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that the holder of a license issued pursuant to this chapter may need to better understand, as determined by the Board.

Sec. 8. NRS 641C.450 is hereby amended to read as follows:

641C.450 Except as otherwise provided in NRS 641C.310, 641C.320, 641C.440 and 641C.530, a person may renew his or her license or certificate by submitting to the Board:

1. An application for the renewal of the license or certificate.

2. The fee for the renewal of a license or certificate prescribed in NRS 641C.470.

3. Evidence of completion of the continuing education required by the Board, which must include, without limitation:

(a) A requirement that the applicant receive at least 1 hour of instruction on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate for each year of the term of the applicant's licensure or certification.

(b) A requirement that the applicant receive at least ~~1-hour~~ **3 hours** of instruction relating to cultural competency and diversity, equity and inclusion for each year of the term of the applicant's licensure or certification. Such instruction:

(1) May include the training provided pursuant to NRS 449.103, where applicable.



(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that the holder of a license or certificate may need to better understand, as determined by the Board.

4. If the applicant is a certified intern, the name of the licensed or certified counselor who supervises the applicant.

5. All information required to complete the renewal.

Sec. 9. NRS 641D.360 is hereby amended to read as follows:

641D.360 1. To renew a license as a behavior analyst or assistant behavior analyst or registration as a registered behavior technician, each person must, on or before the first day of January of each odd-numbered year:

(a) Apply to the Board for renewal;

(b) Pay the biennial fee for the renewal of a license or registration;

(c) Submit evidence to the Board:

(1) Of completion of the requirements for continuing education as set forth in regulations adopted by the Board, if applicable; and

(2) That the person's certification or registration, as applicable, by the Behavior Analyst Certification Board, Inc., or its successor organization, remains valid and the holder remains in good standing; and

(d) Submit all information required to complete the renewal.

2. In addition to the requirements of subsection 1, to renew registration as a registered behavior technician for the third time and every third renewal thereafter, a person must submit to an investigation of his or her criminal history in the manner prescribed in paragraph (b) of subsection 1 of NRS 641D.300.



3. The Board shall adopt regulations that require, as a prerequisite for the renewal of a license as a behavior analyst or assistant behavior analyst, each holder to complete continuing education, which must:

(a) Be consistent with nationally recognized standards for the continuing education of behavior analysts or assistant behavior analysts, as applicable.

(b) Include, without limitation, a requirement that the holder of a license receive at least 2 hours of instruction on evidence-based suicide prevention and awareness.

(c) Include, without limitation, a requirement that the holder of a license as a behavior analyst receive at least ~~2~~ 6 hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction:

(1) May include the training provided pursuant to NRS 449.103, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that a behavior analyst may need to better understand, as determined by the Board.

4. The Board shall not adopt regulations requiring a registered behavior technician to receive continuing education.

Sec. 9.5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 10. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 9.5, inclusive, of this act become effective:



- (a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and
- (b) On January 1, 2024, for all other purposes.



