

SENATE BILL NO. 513—COMMITTEE ON COMMERCE AND LABOR

MARCH 26, 2001

Referred to Committee on Commerce and Labor

SUMMARY—Makes various changes to provisions relating to investigations and proceedings for disciplinary action by regulatory bodies who regulate certain professions, occupations and businesses. (BDR 54-81)

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

~

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

AN ACT relating to professions; creating a new chapter which provides certain provisions that are applicable to all regulatory bodies that regulate occupations or professions in Title 54 of NRS; requiring regulatory bodies who regulate certain professions, occupations and businesses to maintain the confidentiality of certain records and proceedings relating to investigations under certain circumstances; requiring such regulatory bodies to make certain records and proceedings public if the regulatory body decides to proceed with disciplinary action; requiring such regulatory bodies to hold a public hearing to discuss and approve the terms of certain consent agreements before entering such agreements; requiring any reprimand issued by such regulatory bodies to be public; and providing other matters properly relating thereto.

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

1     **Section 1.** Title 54 of NRS is hereby amended by adding thereto a  
2 new chapter to consist of the provisions set forth as sections 2 to 5,  
3 inclusive, of this act.

4     **Sec. 2.** *As used in this chapter, unless the context otherwise*  
5 *requires, “regulatory body” means any agency, board or commission that*  
6 *has the authority to regulate an occupation or profession pursuant to this*  
7 *Title and any officer of an agency, board or commission which has the*  
8 *authority to regulate an occupation or profession pursuant to this Title.*

9     **Sec. 3. 1.** *If a regulatory body determines that a person has*  
10 *violated a provision of the chapter which the regulatory body has*  
11 *authority to enforce, the regulatory body may recover from the person:*

12     *(a) Attorney’s fees and costs incurred by the regulatory body in*  
13 *respect to the disciplinary proceedings, including, without limitation, the*



1 *costs of the investigation, if any, and the costs of the hearing at which the*  
2 *person was found to have committed the violation; and*

3 *(b) Attorney's fees and costs incurred by the regulatory body in the*  
4 *recovery of a civil penalty.*

5 *2. A regulatory body is entitled to an award of costs and any*  
6 *attorney's fees it incurred in:*

7 *(a) The enforcement of any subpoena for which a court entered an*  
8 *order compelling compliance; and*

9 *(b) Any proceedings before a court for the enforcement of the*  
10 *provisions of the chapter which the regulatory body has authority to*  
11 *enforce.*

12 **Sec. 4.** *The provisions of NRS 241.020 do not apply to proceedings*  
13 *relating to an investigation conducted to determine whether to proceed*  
14 *with disciplinary action against a holder of a certificate, license or permit*  
15 *issued pursuant to this Title unless the holder of the certificate, license or*  
16 *permit requests that the proceedings be conducted pursuant to those*  
17 *provisions. If the regulatory body decides to proceed with disciplinary*  
18 *action, all proceedings that are conducted after that decision and that are*  
19 *related to that disciplinary action are subject to NRS 241.020.*

20 **Sec. 5.** *A regulatory body may not settle or otherwise resolve an*  
21 *alleged violation of:*

22 *1. The chapter which the regulatory body has authority to enforce;*

23 *2. A regulation enacted pursuant to the chapter which the regulatory*  
24 *body has authority to enforce; or*

25 *3. An order of the regulatory body,*  
26 *by entering a consent agreement with a person who has allegedly*  
27 *committed the violation until after the regulatory body discusses and*  
28 *approves the terms of the agreement in a public hearing. If a regulatory*  
29 *body enters a consent agreement with a person who has allegedly*  
30 *committed a violation, the consent agreement is a public record.*

31 **Sec. 6.** NRS 623.270 is hereby amended to read as follows:

32 623.270 1. The board may place the holder of any certificate of  
33 registration issued pursuant to this chapter on probation, *publicly*  
34 reprimand him, fine him not more than \$10,000, suspend or revoke his  
35 license, impose the costs of investigation and prosecution upon him or take  
36 any combination of these disciplinary actions, if proof satisfactory to the  
37 board is presented that:

38 (a) The certificate was obtained by fraud or concealment of a material  
39 fact.

40 (b) The holder of the certificate has been found guilty by the board or  
41 by a court of justice of any fraud, deceit or concealment of a material fact  
42 in his professional practice, or has been convicted by a court of justice of a  
43 crime involving moral turpitude.

44 (c) The holder of the certificate has been found guilty by the board of  
45 incompetency, negligence or gross negligence in:

46 (1) The practice of architecture or residential design; or

47 (2) His practice as a registered interior designer.

48 (d) The holder of a certificate has affixed his signature or seal to plans,  
49 drawings, specifications or other instruments of service which have not



\* S B 5 1 3 \*

1 been prepared by him or in his office, or under his direct supervision, or  
2 has permitted the use of his name to assist any person who is not a  
3 registered architect, registered interior designer or residential designer to  
4 evade any provision of this chapter.

5 (e) The holder of a certificate has aided or abetted any unauthorized  
6 person to practice:

- 7 (1) Architecture or residential design; or
- 8 (2) As a registered interior designer.

9 (f) The holder of the certificate has violated any law, regulation or code  
10 of ethics pertaining to:

- 11 (1) The practice of architecture or residential design; or
- 12 (2) Practice as a registered interior designer.

13 (g) The holder of a certificate has failed to comply with an order issued  
14 by the board or has failed to cooperate with an investigation conducted by  
15 the board.

16 ~~If discipline is imposed pursuant to this section, the costs of the~~  
17 ~~proceeding, including investigative costs and attorney's fees, may be~~  
18 ~~recovered by the board.~~

19 2. The conditions for probation imposed pursuant to subsection 1 may  
20 include, but are not limited to:

- 21 (a) Restriction on the scope of professional practice.
- 22 (b) Peer review.
- 23 (c) Required education or counseling.
- 24 (d) Payment of restitution to all parties who suffered harm or loss.

25 ~~[(e) Payment of all costs of the administrative investigation and~~  
26 ~~prosecution.]~~

27 3. *The form and content of any disciplinary action taken by the*  
28 *board are public records.*

29 4. *The board shall not privately reprimand the holder of any*  
30 *certificate of registration issued pursuant to this chapter.*

31 5. As used in this section:

32 (a) "Gross negligence" means conduct which demonstrates a reckless  
33 disregard of the consequences affecting the life or property of another  
34 person.

35 (b) "Incompetency" means conduct which, in:

- 36 (1) The practice of architecture or residential design; or
  - 37 (2) Practice as a registered interior designer,
- 38 demonstrates a significant lack of ability, knowledge or fitness to discharge  
39 a professional obligation.

40 (c) "Negligence" means a deviation from the normal standard of  
41 professional care exercised generally by other members in:

- 42 (1) The profession of architecture or residential design; or
- 43 (2) Practice as a registered interior designer.

44 **Sec. 7.** Chapter 623A of NRS is hereby amended by adding thereto a  
45 new section to read as follows:

46 1. *Except as otherwise provided in this section, a complaint filed with*  
47 *the board, all documents and other information filed with the complaint*  
48 *and all documents and other information compiled as a result of an*



1 *investigation conducted to determine whether to impose disciplinary*  
2 *action are and remain confidential.*

3 2. *The complaint and all documents and information described in*  
4 *subsection 1 are public records if:*

5 (a) *Disciplinary action is imposed by the board as a result of an*  
6 *investigation; or*

7 (b) *The person who is the subject of the investigation submits a*  
8 *written request to the board requesting that the records be made public*  
9 *records.*

10 **Sec. 8.** NRS 623A.270 is hereby amended to read as follows:

11 623A.270 1. The board may:

12 ~~1-1~~ (a) Suspend or revoke a certificate;

13 ~~2-1~~ (b) Refuse to renew a certificate;

14 ~~3-1~~ (c) Place a certificate holder on probation;

15 ~~4-1~~ (d) Issue a *public* reprimand to a certificate holder;

16 ~~5-1~~ (e) Impose upon a certificate holder a fine of not more than \$5,000  
17 for each violation of this chapter;

18 ~~6-1~~ (f) Require a certificate holder to pay restitution;

19 ~~7-1~~ *Require a certificate holder to pay the costs of an investigation or*  
20 *prosecution; or*

21 ~~8-1~~ *or*

22 (g) Take such other disciplinary action as the board deems  
23 appropriate,  
24 if the certificate holder has committed any act set forth in NRS 623A.280.

25 2. *The form and content of any disciplinary action taken by the*  
26 *board are public records.*

27 3. *The board shall not issue a private reprimand to a certificate*  
28 *holder.*

29 **Sec. 9.** Chapter 624 of NRS is hereby amended by adding thereto a  
30 new section to read as follows:

31 1. *Except as otherwise provided in this section, a complaint filed with*  
32 *the board, all documents and other information filed with the complaint*  
33 *and all documents and other information compiled as a result of the*  
34 *investigation conducted to determine whether to impose disciplinary*  
35 *action are and remain confidential.*

36 2. *The complaint and all documents and information described in*  
37 *subsection 1 are public records if:*

38 (a) *Disciplinary action is imposed by the board as a result of an*  
39 *investigation; or*

40 (b) *The person who is the subject of an investigation submits a written*  
41 *request to the board requesting that the records be made public records.*

42 **Sec. 10.** NRS 624.110 is hereby amended to read as follows:

43 624.110 1. The board may maintain offices in as many localities in  
44 the state as it finds necessary to carry out the provisions of this chapter, but  
45 it shall maintain one office in which there must be at all times open to  
46 public inspection a complete record of applications, licenses issued,  
47 licenses renewed and all revocations, cancellations and suspensions of  
48 licenses.



1 2. ~~Credit~~ *Except as otherwise required in section 9 of this act, credit*  
2 reports, references, ~~investigative memoranda,~~ financial information and  
3 data pertaining to a licensee's net worth are confidential and not open to  
4 public inspection.

5 **Sec. 11.** NRS 624.291 is hereby amended to read as follows:

6 624.291 1. Except as otherwise provided in subsection 4, if the board  
7 refuses to issue or renew a license, suspends or revokes a license, has  
8 probable cause to believe that a person has violated NRS 624.720 or  
9 imposes an administrative fine pursuant to NRS 624.710, the board shall  
10 hold a hearing. The time and place for the hearing must be fixed by the  
11 board, and notice of the time and place of the hearing must be personally  
12 served on the applicant or accused or mailed to the last known address of  
13 the applicant or accused at least 30 days before the date fixed for the  
14 hearing.

15 2. The testimony taken pursuant to NRS 624.170 to 624.210, inclusive,  
16 must be considered a part of the record of the hearing before the board.

17 3. ~~The~~ *Except as otherwise provided in section 4 of this act, the*  
18 hearing must be public if a request is made therefor.

19 4. The board may suspend the license of a contractor without a hearing  
20 if the board finds, based upon evidence in its possession, that the public  
21 health, safety or welfare imperatively requires summary suspension of the  
22 license of the contractor and incorporates that finding in its order. If the  
23 board summarily suspends the license of the contractor, the board must  
24 notify the contractor by certified mail. A hearing must be held within 30  
25 days after the suspension if the contractor submits a written request for a  
26 hearing to the board within 20 days after the board summarily suspends his  
27 license.

28 **Sec. 12.** NRS 624.300 is hereby amended to read as follows:

29 624.300 1. Except as otherwise provided in subsection 3, the board  
30 may:

- 31 (a) Suspend or revoke licenses already issued;  
32 (b) Refuse renewals of licenses;  
33 (c) Impose limits on the field, scope and monetary limit of the license;  
34 (d) Impose an administrative fine of not more than \$10,000;  
35 (e) Order a licensee to repay to the account established pursuant to NRS  
36 624.470, any amount paid out of the account pursuant to NRS 624.510 as a  
37 result of an act or omission of that licensee;

38 (f) Order the licensee to take action to correct a condition resulting from  
39 an act which constitutes a cause for disciplinary action, at the licensee's  
40 cost, that may consist of requiring the licensee to:

- 41 (1) Perform the corrective work himself;  
42 (2) Hire and pay another licensee to perform the corrective work; or  
43 (3) Pay to the owner of the construction project a specified sum to  
44 correct the condition; or

45 (g) ~~Reprimand~~ *Issue a public reprimand* or take other less severe  
46 disciplinary action, including, without limitation, increasing the amount of  
47 the surety bond or cash deposit of the licensee,  
48 if the licensee commits any act which constitutes a cause for disciplinary  
49 action.



\* S B 5 1 3 \*

1 2. If the board suspends or revokes the license of a contractor for  
2 failure to establish financial responsibility, the board may, in addition to  
3 any other conditions for reinstating or renewing the license, require that  
4 each contract undertaken by the licensee for a period to be designated by  
5 the board, not to exceed 12 months, be separately covered by a bond or  
6 bonds approved by the board and conditioned upon the performance of and  
7 the payment of labor and materials required by the contract.

8 3. If a licensee violates the provisions of NRS 624.3014 or subsection  
9 3 of NRS 624.3015, the board may impose an administrative fine of not  
10 more than \$20,000.

11 4. If a licensee commits a fraudulent act which is a cause for  
12 disciplinary action under NRS 624.3016, the correction of any condition  
13 resulting from the act does not preclude the board from taking disciplinary  
14 action.

15 5. If the board finds that a licensee has engaged in repeated acts that  
16 would be cause for disciplinary action, the correction of any resulting  
17 conditions does not preclude the board from taking disciplinary action  
18 pursuant to this section.

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

24 7. ~~If discipline is imposed pursuant to this section, including any~~  
25 ~~discipline imposed pursuant to a stipulated settlement, the costs of the~~  
26 ~~proceeding, including investigative costs and attorney's fees, may be~~  
27 ~~recovered by the board.~~ *The board shall not issue a private reprimand to*  
28 *a licensee.*

29 8. *The form and content of any disciplinary action taken by the*  
30 *board are public records.*

31 **Sec. 13.** NRS 625.425 is hereby amended to read as follows:

32 625.425 1. Any information obtained during the course of an  
33 investigation by the board and any record of an investigation is confidential  
34 until the investigation is completed ~~+~~ *unless the licensee, applicant for*  
35 *licensure, intern or applicant for certification as an intern submits a*  
36 *written request to the board requesting that the records be made public*  
37 *records.* If no disciplinary action is taken against a licensee, an applicant  
38 for licensure, an intern or an applicant for certification as an intern, or no  
39 civil penalty is imposed pursuant to NRS 625.590, the information in his  
40 investigative file remains confidential. If ~~a formal complaint is filed,~~ *the*  
41 *board imposes disciplinary action against the licensee, applicant for*  
42 *licensure, intern or applicant for certification as an intern, the charge,*  
43 *all information filed with the charge, all information relating to an*  
44 *investigation conducted to determine whether to impose disciplinary*  
45 *action and* all pleadings and evidence introduced at the hearing are public  
46 records.

47 2. The provisions of this section do not prohibit the board or its  
48 employees from communicating and cooperating with another licensing  
49 board or any other agency that is investigating a person.



\* S B 5 1 3 \*

1     **Sec. 14.** NRS 625.460 is hereby amended to read as follows:  
2     625.460   **1.** If, after a hearing, a majority of the members of the board  
3     present at the hearing vote in favor of finding the accused person guilty, the  
4     board may:

5     ~~1-1~~ **(a)** Revoke the license of the professional engineer or professional  
6     land surveyor or deny a license to the applicant;

7     ~~1-2~~ **(b)** Suspend the license of the professional engineer or professional  
8     land surveyor;

9     ~~1-3~~ **(c)** Fine the licensee or applicant for licensure not more than  
10    \$15,000 for each violation of a provision of this chapter or any regulation  
11    adopted by the board;

12    ~~1-4~~ **(d)** Place the licensee or applicant for licensure on probation for  
13    such periods as it deems necessary and, if the board deems appropriate,  
14    require the licensee or applicant for licensure to pay restitution to clients or  
15    other persons who have suffered economic losses as a result of a violation  
16    of the provisions of this chapter or the regulations adopted by the board; or

17    ~~1-5~~ **(e)** Take such other disciplinary action as the board deems  
18    appropriate.

19    **2. The board shall not issue a private reprimand.**

20    **3. The form and content of any disciplinary action taken by the**  
21    **board are public records.**

22    **Sec. 15.** Chapter 625A of NRS is hereby amended by adding thereto a  
23    new section to read as follows:

24    **1. Except as otherwise provided in this section, a complaint filed with**  
25    **the board, all documents and other information filed with the complaint**  
26    **and all documents and other information compiled as a result of an**  
27    **investigation conducted to determine whether to impose disciplinary**  
28    **action are and remain confidential.**

29    **2. The complaint and all documents and information described in**  
30    **subsection 1 are public records if:**

31    **(a) Disciplinary action is imposed by the board as a result of an**  
32    **investigation; or**

33    **(b) The person who is the subject of the investigation submits a**  
34    **written request to the board requesting that the records be made public**  
35    **records.**

36    **Sec. 16.** NRS 625A.180 is hereby amended to read as follows:

37    625A.180   **1.** If the board finds after a hearing, or after providing an  
38    opportunity for a hearing, that disciplinary action is necessary, it may by  
39    order:

40    **(a)** Place the environmental health specialist on probation for a specified  
41    period or until further order of the board;

42    **(b)** Administer a public ~~for private~~ reprimand; or

43    **(c)** Suspend or revoke his certificate.

44    **2.** If the order places an environmental health specialist on probation,  
45    the board may impose such limitations or conditions upon his professional  
46    activities as it finds consistent to protect the public health.

47    **3. The board shall not administer a private reprimand.**

48    **4. The form and content of any disciplinary action taken by the**  
49    **board are public records.**





1     **Sec. 17.** Chapter 628 of NRS is hereby amended by adding thereto a  
2 new section to read as follows:

3     **1. Except as otherwise provided in this section, a complaint filed with**  
4 **the board, all documents and other information filed with the complaint**  
5 **and all documents and other information compiled as a result of an**  
6 **investigation conducted to determine whether to impose disciplinary**  
7 **action are and remain confidential.**

8     **2. The complaint and all documents and information described in**  
9 **subsection 1 are public records if:**

10     **(a) Disciplinary action is imposed by the board as a result of an**  
11 **investigation; or**

12     **(b) The person who is the subject of the investigation submits a**  
13 **written request to the board requesting that the records be made public**  
14 **records.**

15     **Sec. 18.** NRS 628.390 is hereby amended to read as follows:

16     628.390 1. After giving notice and conducting a hearing, the board  
17 may revoke, or may suspend for a period of not more than 5 years, any  
18 certificate issued under NRS 628.190 to 628.310, inclusive, any  
19 registration or license granted to a registered public accountant under NRS  
20 628.350, or any registration of a partnership, corporation, limited-liability  
21 company or office, or may revoke, suspend or refuse to renew any permit  
22 issued under NRS 628.380, or may **publicly** censure the holder of any  
23 permit, for any one or any combination of the following causes:

24     (a) Fraud or deceit in obtaining a certificate as certified public  
25 accountant, or in obtaining registration or a license as a public accountant  
26 under this chapter, or in obtaining a permit to practice public accounting  
27 under this chapter.

28     (b) Dishonesty, fraud or gross negligence by a certified or registered  
29 public accountant in the practice of public accounting or, if not in the  
30 practice of public accounting, of a kind which adversely affects the ability  
31 to perform public accounting.

32     (c) Violation of any of the provisions of this chapter.

33     (d) Violation of a regulation or rule of professional conduct adopted by  
34 the board under the authority granted by this chapter.

35     (e) Conviction of a felony under the laws of any state or of the United  
36 States.

37     (f) Conviction of any crime, an element of which is dishonesty or fraud,  
38 under the laws of any state or of the United States.

39     (g) Cancellation, revocation, suspension or refusal to renew authority to  
40 practice as a certified public accountant or a registered public accountant  
41 by any other state, for any cause other than failure to pay an annual  
42 registration fee or to comply with requirements for continuing education or  
43 review of his practice in the other state.

44     (h) Suspension or revocation of the right to practice before any state or  
45 federal agency.

46     (i) Unless the person has been placed on inactive or retired status,  
47 failure to obtain an annual permit under NRS 628.380, within:

48     (1) One year after the expiration date of the permit to practice last  
49 obtained or renewed by the certificate holder or registrant; or



\* S B 5 1 3 \*



1 (2) One year after the date upon which the certificate holder or  
2 registrant was granted his certificate or registration, if no permit was ever  
3 issued to him, unless the failure has been excused by the board.

4 (j) Conduct discreditable to the profession of public accounting or  
5 which reflects adversely upon the fitness of the person to engage in the  
6 practice of public accounting.

7 (k) Making a false or misleading statement in support of an application  
8 for a certificate, registration or permit of another person.

9 2. In addition to other penalties prescribed by this section, the board  
10 may impose a civil penalty of not more than \$5,000 for each violation.

11 3. The board ~~may recover:~~

12 ~~—(a) Attorney's fees and costs incurred in respect to a hearing held~~  
13 ~~pursuant to subsection 1 from a licensee if he is found in violation thereof;~~  
14 ~~and~~

15 ~~—(b) Attorney's fees and costs incurred in the recovery of a civil penalty~~  
16 ~~imposed.} shall not privately censure the holder of any permit.~~

17 4. *The form and content of any disciplinary action taken by the*  
18 *board are public records.*

19 **Sec. 19.** NRS 630.336 is hereby amended to read as follows:

20 630.336 1. ~~{Any proceeding of a committee of the board~~  
21 ~~investigating complaints is not subject to the requirements of NRS~~  
22 ~~241.020, unless the licensee under investigation requests that the~~  
23 ~~proceeding be subject to those requirements.}~~ Any deliberations conducted  
24 or vote taken by ~~:-~~

25 ~~—(a) The board or panel regarding its decision; or~~

26 ~~—(b) The} the~~ board or any investigative committee of the board  
27 regarding its ordering of a physician to undergo a physical or mental  
28 examination or any other examination designated to assist the board or  
29 committee in determining the fitness of a physician ~~:-~~ are not subject to the  
30 requirements of NRS 241.020.

31 2. Except as otherwise provided in subsection 3, all applications for a  
32 license to practice medicine, any charges filed by the board, financial  
33 records of the board, formal hearings on any charges heard by the board or  
34 a panel selected by the board, records of such hearings and any order or  
35 decision of the board or panel must be open to the public.

36 3. ~~{Except as otherwise provided in NRS 630.352 and 630.368, the}~~  
37 *The* following may be kept confidential:

38 (a) Any statement, evidence, credential or other proof submitted in  
39 support of or to verify the contents of an application;

40 (b) ~~{All investigations and records of investigations;~~

41 ~~—(c)}~~ Any report concerning the fitness of any person to receive or hold a  
42 license to practice medicine;

43 ~~{(d)}~~ *and*

44 (c) Any communication between:

45 (1) The board and any of its committees or panels; and

46 (2) The board or its staff, investigators, experts, committees, panels,  
47 hearing officers, advisory members or consultants and counsel for the  
48 ~~{board; and~~

49 ~~—(e) Any other information or records in the possession of the} board.~~



\* S B 5 1 3 \*

1     4. *Except as otherwise provided in subsection 5, a complaint filed*  
2 *with the board pursuant to NRS 630.307, all documents and other*  
3 *information filed with the complaint and all documents and other*  
4 *information compiled as a result of an investigation conducted to*  
5 *determine whether to impose disciplinary action are and remain*  
6 *confidential.*

7     5. *The complaint and all documents and information described in*  
8 *subsection 4 are public records if:*

9       (a) *Disciplinary action is imposed as a result of an investigation; or*  
10      (b) *The person who is the subject of the investigation submits a*  
11 *written request to the board requesting that the records be made public*  
12 *records.*

13     6. This section does not prevent or prohibit the board from  
14 communicating or cooperating with any other licensing board or agency or  
15 any agency which is investigating a licensee, including a law enforcement  
16 agency. Such cooperation may include providing the board or agency with  
17 minutes of a closed meeting, transcripts of oral examinations and the  
18 results of oral examinations.

19     **Sec. 20.** NRS 630.352 is hereby amended to read as follows:

20     630.352 1. Any member of the board, except for an advisory  
21 member serving on a panel of the board hearing charges, may participate in  
22 the final order of the board. If the board, after a formal hearing, determines  
23 from a preponderance of the evidence that a violation of the provisions of  
24 this chapter or of the regulations of the board has occurred, it shall issue  
25 and serve on the physician charged an order, in writing, containing its  
26 findings and any sanctions.

27     2. If the board determines that no violation has occurred, it shall  
28 dismiss the charges, in writing, and notify the physician that the charges  
29 have been dismissed. If the disciplinary proceedings were instituted against  
30 the physician as a result of a complaint filed against him, the board may  
31 provide the physician with a copy of the complaint, including the name of  
32 the person, if any, who filed the complaint.

33     3. Except as otherwise provided in subsection 4, if the board finds that  
34 a violation has occurred, it may by order:

35       (a) Place the person on probation for a specified period on any of the  
36 conditions specified in the order;

37       (b) Administer to him a public reprimand;

38       (c) Limit his practice or exclude one or more specified branches of  
39 medicine from his practice;

40       (d) Suspend his license for a specified period or until further order of  
41 the board;

42       (e) Revoke his license to practice medicine;

43       (f) Require him to participate in a program to correct alcohol or drug  
44 dependence or any other impairment;

45       (g) Require supervision of his practice;

46       (h) Impose a fine not to exceed \$5,000;

47       (i) Require him to perform public service without compensation;

48       (j) Require him to take a physical or mental examination or an  
49 examination testing his competence; *and*



\* S B 5 1 3 \*

1 (k) Require him to fulfill certain training or educational requirements .  
2 ~~l; and~~

3 ~~—(l) Require him to pay all costs incurred by the board relating to his~~  
4 ~~disciplinary proceedings.~~

5 4. If the board finds that the physician has violated the provisions of  
6 NRS 439B.425, the board shall suspend his license for a specified period or  
7 until further order of the board.

8 *5. The board shall not administer a private reprimand.*

9 *6. The form and content of any disciplinary action taken by the*  
10 *board are public records.*

11 **Sec. 21.** NRS 630A.510 is hereby amended to read as follows:

12 630A.510 1. Any member of the board who was not a member of the  
13 investigative committee, if one was appointed, may participate in the final  
14 order of the board. If the board, after a formal hearing, determines that a  
15 violation of the provisions of this chapter or the regulations adopted by the  
16 board has occurred, it shall issue and serve on the person charged an order,  
17 in writing, containing its findings and any sanctions imposed by the board.  
18 If the board determines that no violation has occurred, it shall dismiss the  
19 charges, in writing, and notify the person that the charges have been  
20 dismissed.

21 2. If the board finds that a violation has occurred, it may by order:

22 (a) Place the person on probation for a specified period on any of the  
23 conditions specified in the order.

24 (b) Administer to the person a public reprimand.

25 (c) Limit the practice of the person or exclude a method of treatment  
26 from the scope of his practice.

27 (d) Suspend the license of the person for a specified period or until  
28 further order of the board.

29 (e) Revoke the license of the person to practice homeopathic medicine.

30 (f) Require the person to participate in a program to correct a  
31 dependence upon alcohol or a controlled substance, or any other  
32 impairment.

33 (g) Require supervision of the person's practice.

34 (h) Impose an administrative fine not to exceed \$10,000.

35 (i) Require the person to perform public service without compensation.

36 (j) Require the person to take a physical or mental examination or an  
37 examination of his competence to practice homeopathic medicine.

38 (k) Require the person to fulfill certain training or educational  
39 requirements.

40 ~~l. Require the person to pay the costs of the investigation and~~  
41 ~~hearing.~~

42 *3. The board shall not administer a private reprimand.*

43 *4. The form and content of any disciplinary action taken by the*  
44 *board are public records.*

45 **Sec. 22.** NRS 631.350 is hereby amended to read as follows:

46 631.350 1. Except as otherwise provided in NRS 631.271 and  
47 631.347, the board may:

48 (a) Refuse to issue a license to any person;



- 1 (b) Revoke or suspend the license or renewal certificate issued by it to  
2 any person;  
3 (c) Fine a person it has licensed;  
4 (d) Place a person on probation for a specified period on any conditions  
5 the board may order;  
6 (e) Issue a public reprimand to a person;  
7 (f) Limit a person's practice to certain branches of dentistry;  
8 (g) Require a person to participate in a program to correct alcohol or  
9 drug abuse or any other impairment;  
10 (h) Require that a person's practice be supervised;  
11 (i) Require a person to perform public service without compensation;  
12 (j) Require a person to take a physical or mental examination or an  
13 examination of his competence;  
14 (k) Require a person to fulfill certain training or educational  
15 requirements;  
16 (l) Require a person to reimburse a patient; or  
17 (m) Any combination thereof,  
18 upon proof satisfactory to the board that the person has engaged in any of  
19 the activities listed in subsection 2.  
20 2. The following activities may be punished as provided in  
21 subsection 1:  
22 (a) Engaging in the illegal practice of dentistry or dental hygiene;  
23 (b) Engaging in unprofessional conduct; or  
24 (c) Violating any regulations adopted by the board or the provisions of  
25 this chapter.  
26 3. The board may delegate to a hearing officer or panel its authority to  
27 take any disciplinary action pursuant to this chapter, impose and collect  
28 fines therefor and deposit the money therefrom in banks, credit unions or  
29 savings and loan associations in this state.  
30 4. If a hearing officer or panel is not authorized to take disciplinary  
31 action pursuant to subsection 3 and the board deposits the money collected  
32 from the imposition of fines with the state treasurer for credit to the state  
33 general fund, it may present a claim to the state board of examiners for  
34 recommendation to the interim finance committee if money is needed to  
35 pay attorney's fees or the costs of an investigation, or both.  
36 *5. The board shall not issue a private reprimand.*  
37 *6. The form and content of any disciplinary action taken by the*  
38 *board are public records.*  
39 **Sec. 23.** NRS 632.325 is hereby amended to read as follows:  
40 632.325 1. If the board determines that a licensee or holder of a  
41 certificate has committed any of the acts set forth in NRS 632.320, it may  
42 take any one or more of the following disciplinary actions:  
43 (a) Place conditions, limitations or restrictions on his license or  
44 certificate.  
45 (b) Impose and collect an administrative fine of not more than \$5,000.  
46 (c) ~~Require the licensee or holder of a certificate to pay all costs~~  
47 ~~incurred by the board relating to the discipline of the licensee or holder of a~~  
48 ~~certificate.~~



\* S B 5 1 3 \*

1 ~~—(d) Reprimand~~ *Publicly reprimand* the licensee or holder of a  
2 certificate.

3 ~~[(e)]~~ *(d)* Accept the voluntary surrender of a license or certificate in lieu  
4 of imposing any other disciplinary action set forth in this subsection.

5 2. If the board determines that:

6 (a) A person whose license or certificate is suspended or voluntarily  
7 surrendered, or has been placed on an inactive list pursuant to NRS  
8 632.341, has committed, during the period his license or certificate was  
9 valid, inactive or would have been valid if not for the suspension or  
10 surrender; or

11 (b) An applicant for the renewal or reinstatement of a license or  
12 certificate has committed, at any time after the most recent renewal of his  
13 license or certificate or the issuance of his original license or certificate if it  
14 has not been renewed,

15 any of the acts set forth in NRS 632.320, the board may take any one or  
16 more of the disciplinary actions set forth in subsection 1.

17 *3. The board shall not privately reprimand a licensee or holder of a*  
18 *certificate.*

19 *4. The form and content of any disciplinary action taken by the*  
20 *board are public records.*

21 **Sec. 24.** Chapter 633 of NRS is hereby amended by adding thereto a  
22 new section to read as follows:

23 *1. Except as otherwise provided in this section, a complaint filed with*  
24 *the board, all documents and other information filed with the complaint*  
25 *and all documents and other information compiled as a result of the*  
26 *investigation conducted to determine whether to impose disciplinary*  
27 *action are and remain confidential.*

28 *2. The complaint and all documents and information described in*  
29 *subsection 1 are public records if:*

30 *(a) Disciplinary action is imposed as a result of an investigation; or*

31 *(b) The person who is the subject of the investigation submits a*  
32 *written request to the board requesting that the records be made public*  
33 *records.*

34 **Sec. 25.** NRS 633.301 is hereby amended to read as follows:

35 633.301 The board shall keep a record of its proceedings relating to  
36 licensing and disciplinary actions. ~~The record shall~~ *Except as otherwise*  
37 *provided in section 24 of this act, the record must* be open to public  
38 inspection at all reasonable times and shall also contain the name, known  
39 place of business and residence, and the date and number of the license of  
40 every osteopathic physician licensed under this chapter.

41 **Sec. 26.** NRS 633.651 is hereby amended to read as follows:

42 633.651 1. The person charged is entitled to a hearing before the  
43 board, but the failure of the person charged to attend his hearing or his  
44 failure to defend himself shall not serve to delay or void the proceedings.  
45 The board may, for good cause shown, continue any hearing from time to  
46 time.

47 2. If the board finds the person guilty as charged in the complaint, it  
48 may by order:



1 (a) Place the person on probation for a specified period or until further  
2 order of the board.

3 (b) Administer to the person a public ~~for private~~ reprimand.

4 (c) Limit the practice of the person to, or by the exclusion of, one or  
5 more specified branches of osteopathic medicine.

6 (d) Suspend the license of the person to practice osteopathic medicine  
7 for a specified period or until further order of the board.

8 (e) Revoke the license of the person to practice osteopathic  
9 medicine.

10 The order of the board may contain such other terms, provisions or  
11 conditions as the board deems proper and which are not inconsistent with  
12 law.

13 *3. The board shall not administer a private reprimand.*

14 *4. The form and content of any disciplinary action taken by the*  
15 *board are public records.*

16 **Sec. 27.** Chapter 634 of NRS is hereby amended by adding thereto a  
17 new section to read as follows:

18 *1. Except as otherwise provided in this section, a complaint filed with*  
19 *the board, all documents and other information filed with the complaint*  
20 *and all documents and other information compiled as a result of the*  
21 *investigation conducted to determine whether to impose disciplinary*  
22 *action are and remain confidential.*

23 *2. The complaint and all documents and information described in*  
24 *subsection 1 are public records if:*

25 *(a) Disciplinary action is imposed by the board as a result of an*  
26 *investigation; or*

27 *(b) The person who is the subject of an investigation submits a written*  
28 *request to the board requesting that the records be made public records.*

29 **Sec. 28.** NRS 634.190 is hereby amended to read as follows:

30 634.190 1. The person charged is entitled to a hearing before the  
31 board, but the failure of the person charged to attend his hearing or his  
32 failure to defend himself does not delay or void the proceedings. The board  
33 may, for good cause shown, continue any hearing from time to time.

34 2. If the board finds the person guilty as charged in the complaint, it  
35 may by order:

36 (a) Place the person on probation for a specified period or until further  
37 order of the board.

38 (b) Administer to the person a public ~~for private~~ reprimand.

39 (c) Limit the practice of the person to, or by the exclusion of, one or  
40 more specified branches of chiropractic.

41 (d) Suspend the license of the person to practice chiropractic for a  
42 specified period or until further order of the board.

43 (e) Revoke the license of the person to practice chiropractic.

44 (f) Impose a fine of not more than \$10,000, which must be deposited  
45 with the state treasurer for credit to the state general fund.

46 ~~[(g) Require the person to pay all costs incurred by the board relating to~~  
47 ~~the discipline of the person.]~~



1 The order of the board may contain such other terms, provisions or  
2 conditions as the board deems proper and which are not inconsistent with  
3 law.

4 3. If the board finds that a licensee has violated the provisions of NRS  
5 439B.425, the board shall suspend his license for a specified period or until  
6 further order of the board.

7 *4. The board shall not administer a private reprimand.*

8 *5. The form and content of any disciplinary action taken by the*  
9 *board are public records.*

10 **Sec. 29.** NRS 634.212 is hereby amended to read as follows:

11 634.212 1. The board shall keep a record of its proceedings relating  
12 to licensing and disciplinary actions. ~~These~~ *Except as otherwise provided*  
13 *in section 27 of this act, these* records must be open to public inspection at  
14 all reasonable times and must contain the name, known place of business  
15 and residence, and the date and number of the license of every chiropractor  
16 licensed under this chapter. The board may keep such other records as it  
17 deems desirable.

18 2. Except as *otherwise* provided in this subsection, all information  
19 pertaining to the personal background, medical history or financial affairs  
20 of an applicant or licensee which the board requires to be furnished to it  
21 under this chapter, or which it otherwise obtains, is confidential and may  
22 be disclosed in whole or in part only as necessary in the course of  
23 administering this chapter or upon the order of a court of competent  
24 jurisdiction. The board may, under procedures established by regulation,  
25 permit the disclosure of this information to any agent of the Federal  
26 Government, of another state or of any political subdivision of this state  
27 who is authorized to receive it.

28 3. Notice of the disclosure and the contents of the information  
29 disclosed pursuant to subsection 2 must be given to the applicant or  
30 licensee who is the subject of that information.

31 **Sec. 30.** Chapter 634A of NRS is hereby amended by adding thereto a  
32 new section to read as follows:

33 *1. Except as otherwise provided in this section, a complaint filed with*  
34 *the board, all documents and other information filed with the complaint*  
35 *and all documents and other information compiled as a result of the*  
36 *investigation conducted to determine whether to impose disciplinary*  
37 *action are and remain confidential.*

38 *2. The complaint and all documents and information described in*  
39 *subsection 1 are public records if:*

40 *(a) Disciplinary action is imposed as a result of an investigation; or*  
41 *(b) The person who is the subject of the investigation submits a*  
42 *written request to the board requesting that the records be made public*  
43 *records.*

44 *3. The form and content of any disciplinary action taken by the*  
45 *board are public records.*

46 **Sec. 31.** NRS 634A.250 is hereby amended to read as follows:

47 634A.250 ~~It~~ In addition to any other penalties prescribed by law,  
48 the board may, after notice and hearing, impose upon any person who



\* S B 5 1 3 \*



1 violates any provision of this chapter or the regulations adopted pursuant  
2 thereto an administrative fine of not more than \$2,500.

3 ~~{2. If discipline is imposed pursuant to this chapter, the costs of the~~  
4 ~~proceeding, including investigative costs and attorney's fees, may be~~  
5 ~~recovered by the board.}~~

6 **Sec. 32.** Chapter 635 of NRS is hereby amended by adding thereto a  
7 new section to read as follows:

8 *1. Except as otherwise provided in this section, a complaint filed with*  
9 *the board, all documents and other information filed with the complaint*  
10 *and all documents and other information compiled as a result of the*  
11 *investigation conducted to determine whether to impose disciplinary*  
12 *action are and remain confidential.*

13 *2. The complaint and all documents and information described in*  
14 *subsection 1 are public records if:*

15 *(a) Disciplinary action is imposed by the board as a result of an*  
16 *investigation; or*

17 *(b) The person who is the subject of the investigation submits a*  
18 *written request to the board requesting that the records be made public*  
19 *records.*

20 *3. The form and content of any disciplinary action taken by the*  
21 *board are public records.*

22 **Sec. 33.** NRS 635.130 is hereby amended to read as follows:

23 635.130 1. The board, after notice and hearing, and upon any cause  
24 enumerated in subsection 2, may take one or more of the following  
25 disciplinary actions:

26 (a) Deny an application for a license or refuse to renew a license.

27 (b) Suspend or revoke a license.

28 (c) Place a licensee on probation.

29 (d) Impose a fine not to exceed \$5,000.

30 ~~{(e) Require the licensee to pay all costs incurred by the board relating~~  
31 ~~to the discipline of the licensee.}~~

32 2. The board may take disciplinary action against a licensee for any of  
33 the following causes:

34 (a) The making of a false statement in any affidavit required of the  
35 applicant for application, examination or licensure pursuant to the  
36 provisions of this chapter.

37 (b) Lending the use of the holder's name to an unlicensed person.

38 (c) If the holder is a podiatric physician, his permitting an unlicensed  
39 person in his employ to practice as a podiatry hygienist.

40 (d) Habitual indulgence in the use of alcohol or any controlled  
41 substance which impairs the intellect and judgment to such an extent as in  
42 the opinion of the board incapacitates the holder in the performance of his  
43 professional duties.

44 (e) Conviction of a crime involving moral turpitude.

45 (f) Conviction of violating any of the provisions of NRS 616D.200,  
46 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

47 (g) Conduct which in the opinion of the board disqualifies him to  
48 practice with safety to the public.



1 (h) The commission of fraud by or on behalf of the licensee regarding  
2 his license or practice.

3 (i) Gross incompetency.

4 (j) Affliction of the licensee with any mental or physical disorder which  
5 seriously impairs his competence as a podiatric physician or podiatry  
6 hygienist.

7 (k) False representation by or on behalf of the licensee regarding his  
8 practice.

9 (l) Unethical or unprofessional conduct.

10 (m) Willful or repeated violations of this chapter or regulations adopted  
11 by the board.

12 (n) Willful violation of the regulations adopted by the state board of  
13 pharmacy.

14 **Sec. 34.** NRS 635.180 is hereby amended to read as follows:

15 635.180 Except as otherwise provided in NRS 635.167, every person  
16 who practices podiatry or as a podiatry hygienist without having complied  
17 with the provisions of this chapter must be fined not more than \$10,000 for  
18 each offense. ~~and may be required to pay all costs incurred by the board~~  
19 ~~relating to the discipline of the person.~~

20 **Sec. 35.** Chapter 636 of NRS is hereby amended by adding thereto a  
21 new section to read as follows:

22 *1. Except as otherwise provided in this section, a complaint filed with*  
23 *the board, all documents and other information filed with the complaint*  
24 *and all documents and other information compiled as a result of an*  
25 *investigation conducted to determine whether to impose disciplinary*  
26 *action are and remain confidential.*

27 *2. The complaint and all documents and information described in*  
28 *subsection 1 are public records if:*

29 *(a) Disciplinary action is imposed by the board as a result of an*  
30 *investigation; or*

31 *(b) The person who is the subject of the investigation submits a*  
32 *written request to the board requesting that the records be made public*  
33 *records.*

34 **Sec. 36.** NRS 636.105 is hereby amended to read as follows:

35 636.105 1. The executive director shall make and keep:

36 (a) A record of all meetings and proceedings of the board.

37 (b) A record of all prosecutions and violations of this chapter.

38 (c) A record of the results of all examinations of applicants.

39 (d) A register of all licensees.

40 (e) An inventory of all property of the board and all property of the state  
41 in the board's possession.

42 2. ~~ALL~~ *Except as otherwise provided in section 35 of this act,* records  
43 of the board are subject to public inspection.

44 3. All records of the board must be kept in the office of the board.

45 **Sec. 37.** NRS 636.325 is hereby amended to read as follows:

46 636.325 1. Upon conclusion of the hearing, or waiver thereof by the  
47 licensee against whom the charge is filed, the board shall make and  
48 announce its decision. If the board determines that the allegations included



1 in the charge are true, it may, in the exercise of reasonable discretion, take  
2 any one or more of the following actions:

- 3 (a) ~~Reprimand~~ *Publicly reprimand* the licensee;  
4 (b) Place the licensee on probation for a specified or unspecified period;  
5 (c) Suspend the licensee from practice for a specified or unspecified  
6 period;  
7 (d) Revoke the licensee's license; or  
8 (e) Impose an administrative fine pursuant to the provisions of NRS

9 636.420 . ~~and order the licensee to pay any costs or fees incurred by the~~  
10 ~~board in connection with the hearing.~~

11 The board may, in connection with a reprimand, probation or suspension,  
12 impose such other terms or conditions as it deems necessary.

13 2. If the board determines that the allegations included in the charge  
14 are false or do not warrant disciplinary action, it shall dismiss the charge.

15 3. *The board shall not privately reprimand a licensee.*

16 4. *The form and content of any disciplinary action taken by the*  
17 *board are public records.*

18 **Sec. 38.** Chapter 637 of NRS is hereby amended by adding thereto a  
19 new section to read as follows:

20 1. *Except as otherwise provided in this section, a complaint filed with*  
21 *the board, all documents and other information filed with the complaint*  
22 *and all documents and other information compiled as a result of the*  
23 *investigation conducted to determine whether to impose disciplinary*  
24 *action are and remain confidential.*

25 2. *The complaint and all documents and information described in*  
26 *subsection 1 are public records if:*

27 (a) *Disciplinary action is imposed by the board as a result of an*  
28 *investigation; or*

29 (b) *The person who is the subject of the investigation submits a*  
30 *written request to the board requesting that the records be made public*  
31 *records.*

32 **Sec. 39.** NRS 637.085 is hereby amended to read as follows:

33 637.085 1. Except as otherwise provided in subsection 2 ~~It~~ *and*  
34 *section 38 of this act*, all applications for licensure, any charges filed by  
35 the board, financial records of the board, formal hearings on any charges  
36 heard by the board or a panel selected by the board, records of the hearings  
37 and any order or decision of the board or panel must be open to the public.

38 2. ~~The~~ *Except as otherwise provided in section 38 of this act, the*  
39 *following may be kept confidential:*

40 (a) Any statement, evidence, credential or other proof submitted in  
41 support of or to verify the contents of an application.

42 (b) ~~All investigations and records of investigations.~~

43 ~~(c)~~ Any report concerning the fitness of any person to receive or hold a  
44 license to practice ophthalmic dispensing.

45 ~~(d)~~ (c) Any communication between:

46 (1) The board and any of its committees or panels; and

47 (2) The board or its staff, investigators, experts, committees, panels,  
48 hearing officers, advisory members or consultants and counsel for the  
49 board.



\* S B 5 1 3 \*

1 ~~(e)~~ (d) Any other information or records in the possession of the  
2 board.

3 3. This section does not prohibit the board from communicating or  
4 cooperating with any other licensing board or agency or any agency which  
5 is investigating a licensee, including a law enforcement agency.

6 **Sec. 40.** NRS 637.150 is hereby amended to read as follows:

7 637.150 1. Upon proof to the satisfaction of the board that an  
8 applicant or holder of a license:

9 ~~(1)~~ (a) Has been adjudicated insane;

10 ~~(2)~~ (b) Habitually uses any controlled substance or intoxicant;

11 ~~(3)~~ (c) Has been convicted of a crime involving moral turpitude;

12 ~~(4)~~ (d) Has been convicted of violating any of the provisions of NRS  
13 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

14 ~~(5)~~ (e) Has advertised in any manner which would tend to deceive,  
15 defraud or mislead the public;

16 ~~(6)~~ (f) Has presented to the board any diploma, license or certificate  
17 that has been signed or issued unlawfully or under fraudulent  
18 representations, or obtains or has obtained a license to practice in the state  
19 through fraud of any kind;

20 ~~(7)~~ (g) Has been convicted of a violation of any federal or state law  
21 relating to a controlled substance;

22 ~~(8)~~ (h) Has violated any regulation of the board;

23 ~~(9)~~ (i) Has violated any provision of this chapter;

24 ~~(10)~~ (j) Is incompetent;

25 ~~(11)~~ (k) Is guilty of unethical or unprofessional conduct as determined  
26 by the board;

27 ~~(12)~~ (l) Is guilty of repeated malpractice, which may be evidenced by  
28 claims of malpractice settled against a practitioner; or

29 ~~(13)~~ (m) Is guilty of a fraudulent or deceptive practice as determined  
30 by the board,

31 the board may, in the case of an applicant, refuse to grant him a license, or  
32 may, in the case of a holder of a license, place him on probation, reprimand  
33 him ~~privately or~~ publicly, require him to pay an administrative fine of not  
34 more than \$10,000, suspend or revoke his license, or take any combination  
35 of these disciplinary actions.

36 2. *The board shall not privately reprimand an applicant or holder of  
37 a license.*

38 3. *The form and content of any disciplinary action taken by the  
39 board are public records.*

40 **Sec. 41.** Chapter 637A of NRS is hereby amended by adding thereto a  
41 new section to read as follows:

42 1. *Except as otherwise provided in this section, a complaint filed with  
43 the board, all documents and other information filed with the complaint  
44 and all documents and other information compiled as a result of an  
45 investigation conducted to determine whether to impose disciplinary  
46 action are and remain confidential.*

47 2. *The complaint and all documents and information described in  
48 subsection 1 are public records if:*



1 *(a) Disciplinary action is imposed by the board as a result of an*  
2 *investigation; or*

3 *(b) The person who is the subject of the investigation submits a*  
4 *written request to the board requesting that the records be made public*  
5 *records.*

6 **Sec. 42.** NRS 637A.290 is hereby amended to read as follows:

7 637A.290 1. The holder of any license issued by the board whose  
8 default has been entered or who has been heard by the board and found  
9 guilty of the violation alleged in the complaint may be disciplined by the  
10 board by one or more of the following methods:

11 (a) Placing the licensee on probation for a period not to exceed 2 years;

12 (b) Suspending the right of the licensee to practice, or the right to use a  
13 license, for a period not to exceed 3 years;

14 (c) Revoking the license;

15 (d) Public ~~for private~~ reprimand;

16 (e) Imposition of an administrative fine not to exceed \$5,000 upon a  
17 finding by the board of more than one violation;

18 ~~(f) Requiring the licensee to pay the costs incurred by the board in~~  
19 ~~investigating and disciplining the licensee;~~

20 ~~—(g) Requiring the licensee to pay restitution to any person who has~~  
21 ~~suffered an economic loss as a result of a violation of the provisions of this~~  
22 ~~chapter or any regulation adopted by the board pursuant thereto; or~~

23 ~~(h)~~ (g) Requiring the licensee to retake and pass the examination or  
24 otherwise demonstrate that he is qualified and competent to practice.

25 2. If a license is suspended, it must be surrendered to the board and  
26 returned to the licensee upon termination of the period of suspension.

27 3. *The board shall not issue a private reprimand.*

28 4. *The form and content of any disciplinary action taken by the*  
29 *board are public records.*

30 **Sec. 43.** Chapter 637B of NRS is hereby amended by adding thereto a  
31 new section to read as follows:

32 1. *Except as otherwise provided in this section, a complaint filed with*  
33 *the board, all documents and other information filed with the complaint*  
34 *and all documents and other information compiled as a result of an*  
35 *investigation conducted to determine whether to impose disciplinary*  
36 *action are and remain confidential.*

37 2. *The complaint and all documents and information described in*  
38 *subsection 1 are public records if:*

39 *(a) Disciplinary action is imposed by the board as a result of an*  
40 *investigation; or*

41 *(b) The person who is the subject of the investigation submits a*  
42 *written request to the board requesting that the records be made public*  
43 *records.*

44 **Sec. 44.** NRS 637B.280 is hereby amended to read as follows:

45 637B.280 1. If, after the hearing, the board determines that the  
46 applicant or licensee has committed any act which constitutes grounds for  
47 disciplinary action, the board may , in the case of the applicant , refuse to  
48 issue a license, and in all other cases:

49 ~~H-H~~ (a) Refuse to renew a license;



\* S B 5 1 3 \*

- 1 ~~(2.)~~ (b) Revoke a license;
- 2 ~~(3.)~~ (c) Suspend a license for a definite time, not to exceed 1 year;
- 3 ~~(4.)~~ (d) Administer to the licensee a public ~~for private~~ reprimand; or
- 4 ~~(5.)~~ (e) Impose a civil penalty not to exceed \$1,000.

5 **2. *The board shall not administer a private reprimand.***

6 **3. *The form and content of any disciplinary action taken by the***  
7 ***board are public records.***

8 **Sec. 45.** Chapter 638 of NRS is hereby amended by adding thereto a  
9 new section to read as follows:

10 **1. *Except as otherwise provided in this section, a complaint filed with***  
11 ***the board, all documents and other information filed with the complaint***  
12 ***and all documents and other information compiled as a result of an***  
13 ***investigation conducted to determine whether to impose disciplinary***  
14 ***action are and remain confidential.***

15 **2. *The complaint and all documents and information described in***  
16 ***subsection 1 are public records if:***

17 ***(a) Disciplinary action is imposed by the board as a result of an***  
18 ***investigation; or***

19 ***(b) The person who is the subject of the investigation submits a***  
20 ***written request to the board requesting that the records be made public***  
21 ***records.***

22 **Sec. 46.** NRS 638.087 is hereby amended to read as follows:

23 638.087 1. The board shall keep a record of:

24 (a) All charges filed against a licensee;

25 (b) The proceedings of any formal hearing conducted by the board or a  
26 hearing officer;

27 (c) Any order filed by the board; and

28 (d) All licenses issued by the board including the name of the holder of  
29 the license, his business and residential addresses, the date the license was  
30 issued and the serial number of the license.

31 **2. ~~The~~ *Except as otherwise provided in section 45 of this act, the***  
32 ***records of the board listed in subsection 1 must be open to the public at***  
33 ***reasonable times and places.***

34 **Sec. 47.** NRS 638.100 is hereby amended to read as follows:

35 638.100 1. Any person who desires to secure a license to practice  
36 veterinary medicine, surgery, obstetrics or dentistry in the State of Nevada  
37 must make written application to the executive director of the board.

38 2. The application must include the social security number of the  
39 applicant and any other information required by the board and must be  
40 accompanied by satisfactory proof that the applicant:

41 (a) Is of good moral character;

42 (b) Except as otherwise provided in subsection 3, has received a  
43 diploma conferring the degree of doctor of veterinary medicine or its  
44 equivalent from a school of veterinary medicine within the United States or  
45 Canada or, if the applicant is a graduate of a school of veterinary medicine  
46 located outside the United States or Canada, that he has received an  
47 educational certificate issued after December 31, 1972, by the Educational  
48 Committee on Foreign Veterinary Graduates of the American Veterinary  
49 Medical Association;



\* S B 5 1 3 \*

1 (c) Has passed each examination required by the board pursuant to NRS  
2 638.110; and

3 (d) Is a citizen of the United States or is lawfully entitled to remain and  
4 work in the United States.

5 3. A veterinary student in his final year at a school accredited by the  
6 American Veterinary Medical Association may submit an application to  
7 the board and take the state examination administered by the board, but the  
8 board may not issue him a license until he has complied with the  
9 requirements of subsection 2.

10 4. The application must be signed by the applicant, notarized and  
11 accompanied by a fee set by the board, not to exceed \$500.

12 5. The board may refuse to issue a license upon satisfactory proof that  
13 the applicant has committed an act which would be a ground for  
14 disciplinary action if the applicant were a licensee.

15 ~~{6. If an applicant brings a civil action against the board for denial of a~~  
16 ~~license and the decision of the board is upheld, the board may recover all~~  
17 ~~administrative expenses and attorney's fees and costs incurred by the board~~  
18 ~~in defending the action brought against it.}~~

19 **Sec. 48.** NRS 638.147 is hereby amended to read as follows:

20 638.147 **1.** If the board determines that any applicant for a license or  
21 any person licensed pursuant to this chapter has committed any of the acts  
22 which are grounds for disciplinary action, the board may:

23 ~~{1.}~~ **(a)** Refuse to issue a license.

24 ~~{2.}~~ **(b)** Refuse to renew a license.

25 ~~{3.}~~ **(c)** Revoke a license.

26 ~~{4.}~~ **(d)** Suspend a license for a definite period or until further order of  
27 the board.

28 ~~{5.}~~ **(e)** Impose a fine in an amount not to exceed \$10,000 for each act  
29 which constitutes a ground for disciplinary action.

30 ~~{6.}~~ **(f)** Place a licensee on probation subject to any reasonable  
31 conditions imposed by the board, including requiring courses in continuing  
32 education or a periodic or continuous review of his practice.

33 ~~{7.}~~ **(g)** Administer a public ~~for private reprimand.~~

34 ~~8.}~~ **reprimand.**

35 **(h)** Limit the practice of the licensee to specified branches of veterinary  
36 medicine.

37 ~~{9.}~~ **(i)** Require the licensee to take a competency examination or a  
38 mental or physical examination.

39 ~~{10. Require the licensee to pay all costs incurred by the board in~~  
40 ~~taking disciplinary action against the licensee.}~~

41 **2. The board shall not administer a private reprimand.**

42 **3. The form and content of any disciplinary action taken by the**  
43 **board are public records.**

44 **Sec. 49.** NRS 639.255 is hereby amended to read as follows:

45 639.255 **1.** The holder of any certificate, license or permit issued by  
46 the board, whose default has been entered or who has been heard by the  
47 board and found guilty of the violations alleged in the accusation, may be  
48 disciplined by the board by one or more of the following methods:

49 (a) Suspending judgment;



\* S B 5 1 3 \*



- 1 (b) Placing the certificate, license or permit holder on probation;  
2 (c) Suspending the right of a certificate holder to practice, or the right to  
3 use any license or permit, for a period not to exceed 1 year;  
4 (d) Revoking the certificate, license or permit;  
5 (e) Public ~~for private~~ reprimand; *or*  
6 (f) Imposition of a fine not to exceed \$1,000 for each count of the  
7 accusation. ~~for~~  
8 ~~—(g) Requiring the certificate, license or permit holder to pay all costs~~  
9 ~~incurred by the board relating to the discipline of the person.~~  
10 2. Such action by the board is final, except that the propriety of such  
11 action is subject to review upon questions of law by a court of competent  
12 jurisdiction.  
13 *3. The board shall not issue a private reprimand.*  
14 *4. The form and content of any disciplinary action taken by the*  
15 *board are public records.*  
16 **Sec. 50.** NRS 640.075 is hereby amended to read as follows:  
17 640.075 1. Any records or information obtained during the course of  
18 an investigation by the board and any record of the investigation are  
19 confidential until the investigation is completed. Upon completion of the  
20 investigation the information and records are public records, only if:  
21 (a) Disciplinary action is imposed by the board as a result of the  
22 investigation; or  
23 (b) The person regarding whom the investigation was made submits a  
24 written request to the board asking that the information and records be  
25 made public records.  
26 2. This section does not prevent or prohibit the board from  
27 communicating or cooperating with another licensing board or any agency  
28 that is investigating a licensee, including a law enforcement agency.  
29 *3. The form and content of any disciplinary action taken by the*  
30 *board are public records.*  
31 **Sec. 51.** NRS 640.160 is hereby amended to read as follows:  
32 640.160 1. The board, after due notice and hearing, and upon any  
33 ground enumerated in subsection 2, may take one or more of the following  
34 actions:  
35 (a) Refuse to issue a license or temporary license to any applicant.  
36 (b) Refuse to renew the license or temporary license of any person.  
37 (c) Suspend or revoke the license or temporary license of any person.  
38 (d) Place any person who has been issued a license or temporary license  
39 on probation.  
40 (e) Impose an administrative fine which does not exceed \$5,000 on any  
41 person who has been issued a license.  
42 ~~[(f) Require any person who has been issued a license to pay all costs~~  
43 ~~incurred by the board relating to the discipline of the person.]~~  
44 2. The board may take action pursuant to subsection 1 if an applicant  
45 or person who has been licensed pursuant to this chapter:  
46 (a) Is habitually drunk or is addicted to the use of a controlled  
47 substance.  
48 (b) Has been convicted of violating any state or federal law relating to  
49 controlled substances.



1 (c) Is, in the judgment of the board, guilty of immoral or unprofessional  
2 conduct.

3 (d) Has been convicted of any crime involving moral turpitude.

4 (e) Has been convicted of violating any of the provisions of NRS  
5 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

6 (f) Is guilty, in the judgment of the board, of gross negligence in his  
7 practice as a physical therapist which may be evidenced by claims of  
8 malpractice settled against a practitioner.

9 (g) Has obtained or attempted to obtain a license by fraud or material  
10 misrepresentation.

11 (h) Has been declared insane by a court of competent jurisdiction and  
12 has not thereafter been lawfully declared sane.

13 (i) Has entered into any contract or arrangement which provides for the  
14 payment of an unearned fee to any person following his referral of a  
15 patient.

16 (j) Has employed as a physical therapist any unlicensed physical  
17 therapist or physical therapist whose license has been suspended.

18 (k) Has had his license to practice physical therapy suspended, revoked  
19 or in any way limited by another jurisdiction.

20 (l) Is determined to be professionally incompetent by the board.

21 (m) Has violated any provision of this chapter or the board's  
22 regulations.

23 **Sec. 52.** NRS 640A.200 is hereby amended to read as follows:

24 640A.200 1. The board may, after notice and hearing, suspend,  
25 revoke or refuse to issue or renew a license to practice as an occupational  
26 therapist or occupational therapy assistant, or may impose conditions upon  
27 the use of that license, if the board determines that the holder of or  
28 applicant for the license is guilty of unprofessional conduct which has  
29 endangered or is likely to endanger the public health, safety or welfare. The  
30 board may reinstate a revoked license upon application by the person to  
31 whom the license was issued not less than 1 year after the license is  
32 revoked.

33 2. If the board receives a report pursuant to subsection 5 of NRS  
34 228.420, a hearing must be held to consider the report within 30 days after  
35 receiving the report.

36 3. *The form and content of any disciplinary action taken by the*  
37 *board are public records.*

38 4. As used in this section, "unprofessional conduct" includes:

39 (a) The obtaining of a license by fraud or through the misrepresentation  
40 or concealment of a material fact;

41 (b) The conviction of any crime, except a misdemeanor which does not  
42 involve moral turpitude; and

43 (c) The violation of any provision of this chapter or regulation of the  
44 board adopted pursuant to this chapter.

45 **Sec. 53.** NRS 641.090 is hereby amended to read as follows:

46 641.090 1. The secretary-treasurer shall make and keep on behalf of  
47 the board:

48 (a) A record of all its meetings and proceedings.



\* S B 5 1 3 \*

(b) A record of all violations and prosecutions under the provisions of this chapter.

(c) A record of all examinations of applicants.

(d) A register of all licenses.

(e) A register of all holders of licenses.

(f) An inventory of the property of the board and of the state in the board's possession.

2. These records must be kept in the office of the board and , *except as otherwise provided in NRS 641.255*, are subject to public inspection during normal working hours upon reasonable notice.

3. The board may keep the personnel records of applicants confidential.

**Sec. 54.** NRS 641.240 is hereby amended to read as follows:

641.240 *1.* If the board, a panel of its members or a hearing officer appointed by the board finds the person guilty as charged in the complaint, it may:

~~1-1~~ (a) Administer a public ~~for private reprimand.~~

~~2-1~~ *reprimand.*

(b) Limit his practice.

~~3-1~~ (c) Suspend his license for a period of not more than 1 year.

~~4-1~~ (d) Revoke his license.

~~5-1~~ (e) Impose a fine of not more than \$5,000.

~~6-1~~ (f) Revoke or suspend his license and impose a monetary penalty.

~~7-1~~ (g) Suspend the enforcement of any penalty by placing him on probation. The board may revoke the probation if the person does not follow any conditions imposed.

~~8-1~~ (h) Require the person to submit to the supervision of or counseling or treatment by a person designated by the board. The person named in the complaint is responsible for any expense incurred.

~~9-1~~ (i) Impose and modify any conditions of probation for the protection of the public or the rehabilitation of the probationer.

~~10-1~~ (j) Require the person to pay for the costs of remediation or restitution.

~~11-1. Assess the costs of the disciplinary proceedings, including any investigations.~~

*2. The board shall not administer a private reprimand.*

*3. The form and content of any disciplinary action taken by the board are public records.*

**Sec. 55.** NRS 641.255 is hereby amended to read as follows:

641.255 *1.* All complaints filed with the board , *all information relating to a complaint and all information relating to an investigation conducted to determine whether to impose disciplinary action* are confidential, except to the extent necessary for the conduct of an investigation . ~~1. until the board determines whether to proceed with any action authorized under this chapter.~~

*2. The complaint and all documents and information described in subsection 1 are public records if:*

*(a) Disciplinary action is imposed by the board as a result of the investigation; or*



\* S B 5 1 3 \*

1 *(b) The person who is the subject of the investigation requesting that*  
2 *the records be made public records.*

3 3. If the board dismisses ~~{the complaint, it remains confidential. If the~~  
4 ~~board proceeds with any action, confidentiality is no longer required.}~~ *a*  
5 *complaint, the complaint and all information relating to the complaint*  
6 *and an investigation conducted to determine whether to impose*  
7 *disciplinary action remain confidential.*

8 **Sec. 56.** NRS 641A.320 is hereby amended to read as follows:

9 641A.320 1. The board may discipline the holder of any license  
10 whose default has been entered or who has been heard by the board and  
11 found guilty, by any of the following methods:

12 ~~{1.}~~ (a) Placing him upon probation for a period to be determined by  
13 the board.

14 ~~{2.}~~ (b) Suspending his license for not more than 1 year.

15 ~~{3.}~~ (c) Revoking his license.

16 ~~{4.}~~ (d) Administering a ~~{private or}~~ public reprimand.

17 ~~{5.}~~ (e) Limiting his practice.

18 ~~{6.}~~ (f) Imposing an administrative fine of not more than \$5,000.

19 ~~{7.}~~ (g) Requiring him to complete successfully another examination.

20 ~~{8. Requiring him to pay the costs incurred by the board to conduct the~~  
21 ~~hearing.}~~

22 2. *The board shall not administer a private reprimand.*

23 3. *The form and content of any disciplinary action taken by the*  
24 *board are public records.*

25 **Sec. 57.** NRS 641B.430 is hereby amended to read as follows:

26 641B.430 1. The defendant licensee must be accorded the right to  
27 appear at the hearing of a complaint conducted by the board in person and  
28 through the representation of legal counsel. He must be given adequate  
29 opportunity to confront the witnesses against him, testify and introduce the  
30 testimony of witnesses in his behalf and submit arguments and briefs in  
31 person or through his counsel. The board shall make and announce its  
32 decision as soon as practicable.

33 2. The failure of the person charged to attend his hearing or defend  
34 himself must not delay and does not void the proceedings. The board may,  
35 for good cause shown, continue any hearing from time to time.

36 3. If the board finds the person guilty as charged in the complaint, it  
37 may by order:

38 (a) Place the person on probation for a specified period or until further  
39 order of the board.

40 (b) Administer to the person a public ~~{or private}~~ reprimand.

41 (c) Limit the practice of the person to, or by exclusion of, one or more  
42 specified branches of social work.

43 (d) Suspend the license of the person to practice social work for a  
44 specified period or until further order of the board.

45 (e) Revoke the license of the person to practice social work.

46 (f) Impose a fine of not more than \$5,000, which must be deposited  
47 with the state treasurer for credit to the state general fund.

48 ~~{(g) Require the person to pay all costs incurred by the board relating to~~  
49 ~~the discipline of the person.}~~



\* S B 5 1 3 \*

1 The order of the board may contain other terms, provisions or conditions as  
2 the board deems proper and which are not inconsistent with law.

3 *4. The board shall not administer a private reprimand.*

4 *5. The form and content of any disciplinary action taken by the*  
5 *board are public records.*

6 **Sec. 58.** NRS 641C.720 is hereby amended to read as follows:

7 641C.720 1. The board or any of its members who become aware of  
8 any ground for initiating disciplinary action against a person engaging in  
9 the practice of counseling alcohol and drug abusers in this state shall, and  
10 any other person who is so aware may, file a written complaint specifying  
11 the relevant facts with the board. The complaint must specifically charge  
12 one or more of the grounds for initiating disciplinary action.

13 2. As soon as practicable after the filing of the complaint, the board  
14 shall set a date for a hearing thereon. The date must not be earlier than 30  
15 days after the complaint is filed, except that the date may be changed upon  
16 agreement of the parties. The board shall immediately notify the licensed  
17 or certified counselor or certified intern of the complaint and the date and  
18 place set for the hearing. A copy of the complaint must be attached to the  
19 notice.

20 3. The failure of the licensed or certified counselor or certified intern  
21 to appear at the hearing does not delay or void the proceeding.

22 4. The board may, for good cause, continue a hearing from time to  
23 time.

24 5. If, after notice and a hearing, the board determines that the licensed  
25 or certified counselor or certified intern has violated a provision of this  
26 chapter or any regulation adopted pursuant to this chapter, it may:

27 (a) Administer a public ~~for private~~ reprimand;

28 (b) Suspend his license or certificate and impose conditions for the  
29 removal of the suspension;

30 (c) Revoke his license or certificate and prescribe the requirements for  
31 the reinstatement of the license or certificate;

32 (d) If he is a licensed or certified counselor, require him to be  
33 supervised by another person while he engages in the practice of  
34 counseling alcohol and drug abusers;

35 (e) Require him to participate in treatment or counseling and pay the  
36 expenses of that treatment or counseling;

37 (f) Require him to pay restitution to any person adversely affected by  
38 his acts or omissions;

39 (g) Impose a fine of not more than \$5,000; *or*

40 ~~(h) Require him to pay the costs of the board for the investigation and~~  
41 ~~hearing; or~~

42 ~~—(i)—~~ Take any combination of the actions authorized by paragraphs (a) to  
43 ~~(h)—~~ *(g)*, inclusive.

44 6. If his license or certificate is revoked or suspended pursuant to  
45 subsection 5, the licensed or certified counselor or certified intern may  
46 apply to the board for a rehearing within 10 days after the license or  
47 certificate is revoked or suspended. The licensed or certified counselor or  
48 certified intern may apply to the board for reinstatement of his revoked  
49 license or certificate not earlier than 1 year after the license or certificate is



\* S B 5 1 3 \*

1 revoked. The board may accept or reject the application and may require  
2 the successful completion of an examination as a condition of  
3 reinstatement of the license or certificate.

4 *7. The board shall not administer a private reprimand.*

5 *8. The form and content of any disciplinary action taken by the*  
6 *board are public records.*

7 **Sec. 59.** Chapter 642 of NRS is hereby amended by adding thereto a  
8 new section to read as follows:

9 *1. Except as otherwise provided in this section, a complaint filed with*  
10 *the board, all documents and other information filed with the complaint*  
11 *and all documents and other information compiled as a result of an*  
12 *investigation conducted to determine whether to impose disciplinary*  
13 *action are and remain confidential.*

14 *2. The complaint and all documents and information described in*  
15 *subsection 1 are public records if:*

16 *(a) Disciplinary action is imposed by the board as a result of an*  
17 *investigation; or*

18 *(b) The person who is the subject of the investigation submits a*  
19 *written request to the board requesting that the records be made public*  
20 *records.*

21 **Sec. 60.** NRS 642.135 is hereby amended to read as follows:

22 642.135 *1.* If the board determines that a person who is licensed to  
23 practice the profession of embalming pursuant to this chapter has  
24 committed any of the acts set forth in NRS 642.130, the board may:

25 ~~1-1~~ *(a)* Refuse to renew his license;

26 ~~1-2~~ *(b)* Revoke his license;

27 ~~1-3~~ *(c)* Suspend his license for a definite period or until further order of  
28 the board;

29 ~~1-4~~ *(d)* Impose a fine of not more than \$5,000 for each act which  
30 constitutes a ground for disciplinary action;

31 ~~1-5~~ *(e)* Place him on probation for a definite period subject to any  
32 reasonable conditions imposed by the board;

33 ~~1-6~~ *(f)* Administer a public ~~for private reprimand;~~

34 ~~7. Require him to pay the costs incurred by the board in taking~~  
35 ~~disciplinary action against him; or~~

36 ~~8-1 reprimand; or~~

37 *(g)* Impose any combination of disciplinary actions set forth in this  
38 section.

39 *2. The board shall not administer a private reprimand.*

40 *3. The form and content of any disciplinary action taken by the*  
41 *board are public records.*

42 **Sec. 61.** NRS 642.473 is hereby amended to read as follows:

43 642.473 *1.* If the board determines that a person who holds a funeral  
44 director's license, a permit to operate a funeral establishment or a license to  
45 conduct direct cremations or immediate burials has committed any of the  
46 acts set forth in NRS 642.470, the board may:

47 *(a)* Refuse to renew his license or permit;

48 *(b)* Revoke his license or permit;



1 (c) Suspend his license or permit for a definite period or until further  
2 order of the board;

3 (d) Impose a fine of not more than \$5,000 for each act that constitutes a  
4 ground for disciplinary action;

5 (e) Place him on probation for a definite period subject to any  
6 reasonable conditions imposed by the board;

7 (f) Administer a public ~~for private~~ reprimand; *or*

8 (g) ~~Require him to pay the costs incurred by the board in taking~~  
9 ~~disciplinary action against him; or~~

10 ~~—(h)—~~ Impose any combination of disciplinary actions set forth in  
11 paragraphs (a) to ~~(g)~~ *(f)*, inclusive.

12 2. Before the board may refuse to renew, or suspend or revoke a  
13 license or permit for any of the acts set forth in NRS 642.470, the board  
14 shall give at least 10 days' notice in writing to the licensee or holder of the  
15 permit. The notice must contain a brief statement of the reasons for the  
16 proposed action of the board and designate a time and place for a hearing  
17 before any final action is taken.

18 3. *The board shall not administer a private reprimand.*

19 4. *The form and content of any disciplinary action taken by the*  
20 *board are public records.*

21 **Sec. 62.** Chapter 643 of NRS is hereby amended by adding thereto a  
22 new section to read as follows:

23 1. *Except as otherwise provided in this section, a complaint filed with*  
24 *the board, all documents and other information filed with the complaint*  
25 *and all documents and other information compiled as a result of an*  
26 *investigation conducted to determine whether to impose disciplinary*  
27 *action are and remain confidential.*

28 2. *The complaint and all documents and information described in*  
29 *subsection 1 are public records if:*

30 (a) *Disciplinary action is imposed by the board as a result of an*  
31 *investigation; or*

32 (b) *The person who is the subject of the investigation submits a*  
33 *written request to the board requesting that the records be made public*  
34 *records.*

35 **Sec. 63.** NRS 643.185 is hereby amended to read as follows:

36 643.185 1. The following are grounds for disciplinary action by the  
37 board:

38 (a) Violation by any person licensed pursuant to the provisions of this  
39 chapter of any provision of this chapter or the regulations adopted by the  
40 board.

41 (b) Conviction of a felony.

42 (c) Malpractice or incompetency.

43 (d) Continued practice by a person knowingly having an infectious or  
44 contagious disease.

45 (e) Advertising, practicing or attempting to practice under another's  
46 name or trade name.

47 (f) Drunkenness or addiction to a controlled substance.

48 2. If the board determines that a violation of this section has occurred,  
49 it may:





- 1 (a) Refuse to issue or renew a license;
- 2 (b) Revoke or suspend a license; *and*
- 3 (c) Impose a fine of not more than \$1,000 . ~~†and~~
- 4 ~~—(d) Require the person to pay all costs incurred by the board relating to~~
- 5 ~~the discipline of the person.†~~

6 *3. The form and content of any disciplinary action taken by the*

7 *board are public records.*

8 **Sec. 64.** Chapter 644 of NRS is hereby amended by adding thereto a

9 new section to read as follows:

10 *1. Except as otherwise provided in this section, a complaint filed with*

11 *the board, all documents and other information filed with the complaint*

12 *and all documents and other information compiled as a result of an*

13 *investigation conducted to determine whether to impose disciplinary*

14 *action are and remain confidential.*

15 *2. The complaint and all documents and information described in*

16 *subsection 1 are public records if:*

- 17 *(a) Disciplinary action is imposed as a result of an investigation; or*
- 18 *(b) The person who is the subject of the investigation submits a*
- 19 *written request to the board requesting that the records be made public*
- 20 *records.*

21 **Sec. 65.** NRS 644.080 is hereby amended to read as follows:

22 644.080 The board:

23 1. Shall prescribe the duties of its officers, examiners and employees,

24 and fix the compensation of those employees.

25 2. May establish offices in as many localities in the state as it finds

26 necessary to carry out the provisions of this chapter. All records and files

27 of the board must be kept at the main office of the board and , *except as*

28 *otherwise provided in section 64 of this act*, be open to public inspection at

29 all reasonable hours.

30 3. May adopt a seal.

31 4. May issue subpoenas to compel the attendance of witnesses and the

32 production of books and papers.

33 **Sec. 66.** NRS 644.430 is hereby amended to read as follows:

34 644.430 1. The following are grounds for disciplinary action by the

35 board:

36 (a) Failure of an owner of a cosmetological establishment, a licensed

37 aesthetician, cosmetologist, hair designer, electrologist, instructor,

38 manicurist or school of cosmetology, or a cosmetologist's apprentice to

39 comply with the requirements of this chapter or the applicable regulations

40 adopted by the board.

41 (b) Obtaining practice in cosmetology or any branch thereof, for money

42 or any thing of value, by fraudulent misrepresentation.

43 (c) Gross malpractice.

44 (d) Continued practice by a person knowingly having an infectious or

45 contagious disease.

46 (e) Drunkenness or the use or possession, or both, of a controlled

47 substance or dangerous drug without a prescription, while engaged in the

48 practice of cosmetology.

49 (f) Advertisement by means of knowingly false or deceptive statements.



\* S B 5 1 3 \*

1 (g) Permitting a license to be used where the holder thereof is not  
2 personally, actively and continuously engaged in business.

3 (h) Failure to display the license as provided in NRS 644.290, 644.360  
4 and 644.410.

5 (i) Entering, by a school of cosmetology, into an unconscionable  
6 contract with a student of cosmetology.

7 (j) Continued practice of cosmetology or operation of a cosmetological  
8 establishment or school of cosmetology after the license therefor has  
9 expired.

10 (k) Any other unfair or unjust practice, method or dealing which, in the  
11 judgment of the board, may justify such action.

12 2. If the board determines that a violation of this section has occurred,  
13 it may:

14 (a) Refuse to issue or renew a license;

15 (b) Revoke or suspend a license;

16 (c) Place the licensee on probation for a specified period; or

17 (d) Impose a fine not to exceed \$1,000.

18 **3. *The form and content of any disciplinary action taken by the***  
19 ***board are public records.***

20 **Sec. 67.** Chapter 645 of NRS is hereby amended by adding thereto a  
21 new section to read as follows:

22 **1. *Except as otherwise provided in this section, a complaint filed with***  
23 ***the division alleging a violation of this chapter, all documents and other***  
24 ***information filed with the complaint and all documents and other***  
25 ***information compiled as a result of an investigation conducted to***  
26 ***determine whether to impose disciplinary action are and remain***  
27 ***confidential.***

28 **2. *The complaint and all documents and information described in***  
29 ***subsection 1 are public records if:***

30 ***(a) Disciplinary action is imposed by the commission as a result of an***  
31 ***investigation; or***

32 ***(b) The person who is the subject of the investigation submits a***  
33 ***written request to the commission requesting that the records be made***  
34 ***public records.***

35 **Sec. 68.** NRS 645.180 is hereby amended to read as follows:

36 645.180 1. The division shall adopt a seal by which it shall  
37 authenticate its proceedings.

38 2. ~~Records~~ ***Except as otherwise provided in section 67 of this act,***  
39 ***records*** kept in the office of the division under authority of this chapter are  
40 open to public inspection under regulations adopted by the real estate  
41 division, except that the division may refuse to make public, unless ordered  
42 to do so by a court:

43 (a) Real estate brokers' and real estate salesmen's examinations; ***and***

44 (b) ~~Files compiled by the division while investigating possible~~  
45 ~~violations of this chapter or chapter 119 of NRS; and~~

46 ~~—(c)—~~ The criminal and financial records of licensees, applicants for  
47 licenses and owner-developers.



1 3. Copies of all records and papers in the office of the division,  
2 certified and authenticated by the seal of the division, must be received in  
3 evidence in all courts equally and with like effect as the originals.

4 **Sec. 69.** NRS 645.630 is hereby amended to read as follows:

5 645.630 **1.** The commission may require a licensee or owner-  
6 developer to pay an administrative fine of not more than \$5,000 for each  
7 violation he commits or suspend, revoke or place conditions upon his  
8 license or registration, or do both, at any time if the licensee or owner-  
9 developer has, by false or fraudulent representation, obtained a license or  
10 registration, or the licensee or owner-developer, whether or not acting as  
11 such, is found guilty of:

12 ~~1-1~~ **(a)** Making any material misrepresentation.

13 ~~1-2~~ **(b)** Making any false promises of a character likely to influence,  
14 persuade or induce.

15 ~~1-3~~ **(c)** Accepting a commission or valuable consideration as a real  
16 estate broker-salesman or salesman for the performance of any of the acts  
17 specified in this chapter or chapter 119 or 119A of NRS from any person  
18 except the licensed real estate broker with whom he is associated or the  
19 owner-developer by whom he is employed.

20 ~~1-4~~ **(d)** Representing or attempting to represent a real estate broker  
21 other than the broker with whom he is associated, without the express  
22 knowledge and consent of the broker with whom he is associated.

23 ~~1-5~~ **(e)** Failing to maintain, for review and audit by the division, each  
24 brokerage agreement governed by the provisions of this chapter and  
25 entered into by the licensee.

26 ~~1-6~~ **(f)** Failing, within a reasonable time, to account for or to remit any  
27 money which comes into his possession and which belongs to others.

28 ~~1-7~~ **(g)** If he is required to maintain a trust account:

29 ~~1-a~~ **(1)** Failing to balance the trust account at least monthly; and

30 ~~1-b~~ **(2)** Failing to submit to the division an annual accounting of the  
31 trust account as required in NRS 645.310.

32 ~~1-8~~ **(h)** Commingling the money or other property of his clients with  
33 his own or converting the money of others to his own use.

34 ~~1-9~~ **(i)** In the case of a broker-salesman or salesman, failing to place in  
35 the custody of his licensed broker or owner-developer, as soon as possible,  
36 any deposit or other money or consideration entrusted to him by any person  
37 dealing with him as the representative of his licensed broker.

38 ~~1-10~~ **(j)** Accepting other than cash as earnest money unless that fact is  
39 communicated to the owner before his acceptance of the offer to purchase  
40 and that fact is shown in the receipt for the earnest money.

41 ~~1-11~~ **(k)** Upon acceptance of an agreement, in the case of a broker,  
42 failing to deposit any check or cash received as earnest money before the  
43 end of the next banking day unless otherwise provided in the purchase  
44 agreement.

45 ~~1-12~~ **(l)** Inducing any party to a brokerage agreement, sale or lease to  
46 break it in order to substitute a new brokerage agreement, agreement of  
47 sale or lease with the same or another party if the inducement to make the  
48 substitution is offered to secure personal gain to the licensee or owner-  
49 developer.



~~If discipline is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the board.~~

***2. The form and content of any disciplinary action taken by the commission are public records.***

**Sec. 70.** NRS 645.990 is hereby amended to read as follows:

645.990 1. A person who:

(a) Obtains or attempts to obtain a license pursuant to this chapter by means of intentional misrepresentation, deceit or fraud; or

(b) Sells or attempts to sell in this state any interest in real property by means of intentional misrepresentation, deceit or fraud, is guilty of a category D felony and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. Any licensee or owner-developer who commits an act described in NRS 645.630, 645.633 or 645.635 shall be punished by a fine of not more than \$5,000 for each offense.

3. A person who violates any other provision of this chapter, if a natural person, is guilty of a gross misdemeanor, and if a limited-liability company, partnership, association or corporation, shall be punished by a fine of not more than \$2,500.

4. Any officer or agent of a corporation, or member or agent of a limited-liability company, partnership or association, who personally participates in or is an accessory to any violation of this chapter by the limited-liability company, partnership, association or corporation, is subject to the penalties prescribed in this section for natural persons.

5. Nothing in this section releases a person from civil liability or criminal prosecution pursuant to the general laws of this state.

6. The administrator may prefer a complaint for violation of NRS 645.230 before any court of competent jurisdiction and may take the necessary legal steps through the proper legal officers of this state to enforce the provisions thereof.

7. Any court of competent jurisdiction may try any violation of this chapter, and upon conviction the court may revoke or suspend the license of the person so convicted, in addition to imposing the other penalties provided in this section.

~~8. If discipline is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the administrator.~~

**Sec. 71.** Chapter 645A of NRS is hereby amended by adding thereto a new section to read as follows:

***1. Except as otherwise provided in this section, a complaint filed with the commissioner, all documents and other information filed with the complaint and all documents and other information compiled as a result of the investigation conducted to determine whether to impose disciplinary action are and remain confidential.***

***2. The complaint and all documents and information described in subsection 1 are public records if:***



\* S B 5 1 3 \*

1 *(a) Disciplinary action is imposed by the commissioner as a result of*  
2 *an investigation; or*

3 *(b) The person who is the subject of the investigation submits a*  
4 *written request to the commissioner requesting that the records be made*  
5 *public records.*

6 **Sec. 72.** NRS 645A.050 is hereby amended to read as follows:

7 645A.050 1. Subject to the administrative control of the director of  
8 the department of business and industry, the commissioner shall exercise  
9 general supervision and control over escrow agents and agencies doing  
10 business in the State of Nevada.

11 2. In addition to the other duties imposed upon him by law, the  
12 commissioner shall:

13 (a) Adopt such regulations as may be necessary for making this chapter  
14 effective.

15 (b) Conduct or cause to be conducted each year an examination of each  
16 escrow agency licensed pursuant to this chapter.

17 (c) Conduct such investigations as may be necessary to determine  
18 whether any person has violated any provision of this chapter.

19 (d) Conduct such examinations, investigations and hearings, in addition  
20 to those specifically provided for by law, as may be necessary and proper  
21 for the efficient administration of the laws of this state relating to escrow.

22 (e) Classify as confidential the financial statements of an escrow agency  
23 and those records and information obtained by the division which:

24 (1) Are obtained from a governmental agency upon the express  
25 condition that they remain confidential.

26 (2) ~~Consist~~ *Except as otherwise provided in section 71 of this act,*  
27 *consist* of information compiled by the division in the investigation of  
28 possible violations of this chapter.

29 This paragraph does not limit examination by the legislative auditor or any  
30 other person pursuant to a court order.

31 3. An escrow agency may engage a certified public accountant to  
32 perform such an examination in lieu of the division. In such a case, the  
33 examination must be equivalent to the type of examination made by the  
34 division and the expense must be borne by the escrow agency being  
35 examined.

36 4. The commissioner shall determine whether an examination  
37 performed by an accountant pursuant to subsection 3 is equivalent to an  
38 examination conducted by the division. The commissioner may examine  
39 any area of the operation of an escrow agency if the commissioner  
40 determines that the examination of that area is not equivalent to an  
41 examination conducted by the division.

42 **Sec. 73.** NRS 645A.090 is hereby amended to read as follows:

43 645A.090 1. The commissioner may refuse to license any escrow  
44 agent or agency or may suspend or revoke any license or impose a fine of  
45 not more than \$500 for each violation by entering an order to that effect,  
46 with his findings in respect thereto, if upon a hearing, it is determined that  
47 the applicant or licensee:

48 (a) In the case of an escrow agency, is insolvent;



- 1 (b) Has violated any provision of this chapter or any regulation adopted  
2 pursuant thereto or has aided and abetted another to do so;
- 3 (c) In the case of an escrow agency, is in such a financial condition that  
4 he cannot continue in business with safety to his customers;
- 5 (d) Has committed fraud in connection with any transaction governed  
6 by this chapter;
- 7 (e) Has intentionally or knowingly made any misrepresentation or false  
8 statement to, or concealed any essential or material fact from, any principal  
9 or designated agent of a principal in the course of the escrow business;
- 10 (f) Has intentionally or knowingly made or caused to be made to the  
11 commissioner any false representation of a material fact or has suppressed  
12 or withheld from the commissioner any information which the applicant or  
13 licensee possesses;
- 14 (g) Has failed without reasonable cause to furnish to the parties of an  
15 escrow their respective statements of the settlement within a reasonable  
16 time after the close of escrow;
- 17 (h) Has failed without reasonable cause to deliver, within a reasonable  
18 time after the close of escrow, to the respective parties of an escrow  
19 transaction any money, documents or other properties held in escrow in  
20 violation of the provisions of the escrow instructions;
- 21 (i) Has refused to permit an examination by the commissioner of his  
22 books and affairs or has refused or failed, within a reasonable time, to  
23 furnish any information or make any report that may be required by the  
24 commissioner pursuant to the provisions of this chapter;
- 25 (j) Has been convicted of a felony or any misdemeanor of which an  
26 essential element is fraud;
- 27 (k) In the case of an escrow agency, has failed to maintain complete and  
28 accurate records of all transactions within the last 6 years;
- 29 (l) Has commingled the money of others with his own or converted the  
30 money of others to his own use;
- 31 (m) Has failed, before the close of escrow, to obtain written escrow  
32 instructions concerning any essential or material fact or intentionally failed  
33 to follow the written instructions which have been agreed upon by the  
34 parties and accepted by the holder of the escrow;
- 35 (n) Has failed to disclose in writing that he is acting in the dual capacity  
36 of escrow agent or agency and undisclosed principal in any transaction; or
- 37 (o) In the case of an escrow agency, has:
- 38 (1) Failed to maintain adequate supervision of an escrow agent; or
- 39 (2) Instructed an escrow agent to commit an act which would be  
40 cause for the revocation of the escrow agent's license and the escrow agent  
41 committed the act. An escrow agent is not subject to disciplinary action for  
42 committing such an act under instruction by the escrow agency.
- 43 2. It is sufficient cause for the imposition of a fine or the refusal,  
44 suspension or revocation of the license of a partnership, corporation or any  
45 other association that any member of the partnership or any officer or  
46 director of the corporation or association has been guilty of any act or  
47 omission which would be cause for such action had the applicant or  
48 licensee been a natural person.



1 3. The commissioner may suspend any license for not more than 30  
2 days, pending a hearing, if upon examination into the affairs of the licensee  
3 it is determined that any of the grounds enumerated in subsection 1 or 2  
4 exist.

5 4. The commissioner may refuse to issue a license to any person who,  
6 within 10 years before the date of applying for a current license, has had  
7 suspended or revoked a license issued pursuant to this chapter or a  
8 comparable license issued by any other state, district or territory of the  
9 United States or any foreign country.

10 *5. The form and content of any disciplinary action taken by the*  
11 *commissioner are public records.*

12 **Sec. 74.** Chapter 645B of NRS is hereby amended by adding thereto a  
13 new section to read as follows:

14 *1. Except as otherwise provided in this section, a complaint filed with*  
15 *the commissioner, all documents and other information filed with the*  
16 *complaint and all documents and other information compiled as a result*  
17 *of an investigation conducted to determine whether to impose*  
18 *disciplinary action are and remain confidential.*

19 *2. The complaint and all documents and information described in*  
20 *subsection 1 are public record if:*

21 *(a) Disciplinary action is imposed by the commissioner as a result of*  
22 *an investigation; or*

23 *(b) The person who is the subject of the investigation submits a*  
24 *written request to the commissioner requesting that the records be made*  
25 *public records.*

26 *3. The form and content of any disciplinary action taken by the*  
27 *commissioner are public records.*

28 **Sec. 75.** NRS 645B.070 is hereby amended to read as follows:

29 645B.070 1. In the conduct of any examination, periodic or special  
30 audit, investigation or hearing, the commissioner may:

31 (a) Compel the attendance of any person by subpoena.

32 (b) Administer oaths.

33 (c) Examine any person under oath concerning the business and conduct  
34 of affairs of any person subject to the provisions of this chapter and in  
35 connection therewith require the production of any books, records or  
36 papers relevant to the inquiry.

37 2. Any person subpoenaed under the provisions of this section who  
38 willfully refuses or willfully neglects to appear at the time and place named  
39 in the subpoena or to produce books, records or papers required by the  
40 commissioner, or who refuses to be sworn or answer as a witness, is guilty  
41 of a misdemeanor and shall be punished as provided in NRS 645B.950.

42 3. ~~He~~ *In addition to the authority to recover attorney's fees and*  
43 *costs pursuant to section 3 of this act, the* commissioner may assess  
44 against and collect from a person all costs, including, without limitation,  
45 reasonable attorney's fees, that are attributable to any examination,  
46 periodic or special audit, investigation or hearing that is conducted to  
47 examine or investigate the conduct, activities or business of the person  
48 pursuant to this chapter.





1     **Sec. 76.** NRS 645B.090 is hereby amended to read as follows:  
2     645B.090 1. Except as otherwise provided in this section or by  
3     specific statute, all papers, documents, reports and other written  
4     instruments filed with the commissioner pursuant to this chapter are open  
5     to public inspection.

6     2. Except as otherwise provided in subsection 3, the commissioner  
7     may withhold from public inspection or refuse to disclose to a person, for  
8     such time as the commissioner considers necessary, any information that,  
9     in his judgment, would:

10    (a) Impede or otherwise interfere with an investigation that is currently  
11    pending against a mortgage broker;

12    (b) Have an undesirable effect on the welfare of the public or the  
13    welfare of any mortgage broker or mortgage agent; or

14    (c) Give any mortgage broker a competitive advantage over any other  
15    mortgage broker.

16    3. ~~The~~ *Except as otherwise provided in section 74 of this act, the*  
17    commissioner shall disclose the following information concerning a  
18    mortgage broker to any person who requests it:

19    (a) The findings and results of any investigation which has been  
20    completed during the immediately preceding 5 years against the mortgage  
21    broker pursuant to the provisions of this chapter and which has resulted in  
22    a finding by the commissioner that the mortgage broker committed a  
23    violation of a provision of this chapter, a regulation adopted pursuant to  
24    this chapter or an order of the commissioner; and

25    (b) The nature of any disciplinary action that has been taken during the  
26    immediately preceding 5 years against the mortgage broker pursuant to the  
27    provisions of this chapter.

28    **Sec. 77.** NRS 645B.610 is hereby amended to read as follows:

29    645B.610 1. If a person properly files a complaint with the  
30    commissioner pursuant to NRS 645B.600, the commissioner shall  
31    investigate each violation alleged in the complaint, unless the  
32    commissioner has previously investigated the alleged violation.

33    2. Except as otherwise provided in subsection 2 of NRS 645B.090, if  
34    the commissioner does not conduct an investigation of an alleged violation  
35    pursuant to subsection 1 because he previously has investigated the alleged  
36    violation, the commissioner shall provide to the person who filed the  
37    complaint a written summary of the previous investigation and the nature  
38    of any disciplinary action that was taken as a result of the previous  
39    investigation.

40    3. If the commissioner conducts an investigation of an alleged  
41    violation pursuant to subsection 1, the commissioner shall determine from  
42    the investigation whether there is reasonable cause to believe that the  
43    person committed the alleged violation.

44    4. If, upon investigation, the commissioner determines that there is not  
45    reasonable cause to believe that the person committed the alleged violation,  
46    the commissioner shall provide the reason for his determination, in writing,  
47    to the person who filed the complaint and to the person alleged to have  
48    committed the violation.



- 1     5. Except as otherwise provided in subsection 6, if, upon investigation,  
2 the commissioner determines that there is reasonable cause to believe that  
3 the person committed the alleged violation, the commissioner shall:
- 4     (a) Schedule a hearing concerning the alleged violation;  
5     (b) Mail to the last known address of the person who filed the complaint  
6 written notice that must include, without limitation:  
7         (1) The date, time and place of the hearing; and  
8         (2) A statement of each alleged violation that will be considered at  
9 the hearing; and  
10     (c) By personal service in accordance with the Nevada Rules of Civil  
11 Procedure and any applicable provision of NRS, serve written notice of the  
12 hearing to the person alleged to have committed the violation. The written  
13 notice that is served pursuant to this paragraph must include, without  
14 limitation:  
15         (1) The date, time and place of the hearing;  
16         (2) A copy of the complaint and a statement of each alleged violation  
17 that will be considered at the hearing; and  
18         (3) A statement informing the person that, pursuant to NRS  
19 645B.760, if he fails to appear, without reasonable cause, at the hearing:  
20             (I) He is guilty of a misdemeanor; and  
21             (II) The commissioner is authorized to conduct the hearing in his  
22 absence, draw any conclusions that the commissioner deems appropriate  
23 from his failure to appear and render a decision concerning each alleged  
24 violation.
- 25     6. ~~The commissioner is not required to schedule or conduct a hearing~~  
26 ~~concerning an alleged violation pursuant to subsection 5 if the~~  
27 ~~commissioner and the person alleged to have committed the violation~~  
28 ~~enter. If the commissioner enters~~ into a written consent agreement settling  
29 or resolving the alleged violation, ~~if such a written consent agreement is~~  
30 ~~executed,~~ the commissioner shall provide a copy of the written consent  
31 agreement to the person who filed the complaint.
- 32     7. The commissioner may:  
33     (a) Investigate and conduct a hearing concerning any alleged violation,  
34 whether or not a complaint has been filed.  
35     (b) Hear and consider more than one alleged violation against a person  
36 at the same hearing.
- 37     **Sec. 78.** Chapter 645C of NRS is hereby amended by adding thereto a  
38 new section to read as follows:  
39     1. *Except as otherwise provided in this section, a complaint filed with*  
40 *the commission, all documents and other information filed with the*  
41 *complaint and all documents and other information compiled as a result*  
42 *of an investigation conducted to determine whether to impose*  
43 *disciplinary action are and remain confidential.*  
44     2. *The complaint and all documents and information described in*  
45 *subsection 1 are public records if:*  
46     (a) *Disciplinary action is imposed by the commission as a result of an*  
47 *investigation; or*



1 *(b) The person who is the subject of the investigation submits a*  
2 *written request to the commission requesting that the records be made*  
3 *public records.*

4 **Sec. 79.** NRS 645C.220 is hereby amended to read as follows:

5 645C.220 1. The division shall maintain a record of:

6 (a) Persons whose applications for a certificate, license or registration  
7 card have been denied;

8 (b) Investigations conducted by it which result in the initiation of formal  
9 disciplinary proceedings;

10 (c) Formal disciplinary proceedings; and

11 (d) Rulings or decisions upon complaints filed with it.

12 2. Except as otherwise provided in this section ~~†~~ *and section 78 of*  
13 *this act*, records kept in the office of the division pursuant to this chapter  
14 are open to the public for inspection pursuant to regulations adopted by the  
15 commission. The division may keep confidential, unless otherwise ordered  
16 by a court:

17 (a) Examinations for a certificate or license; *and*

18 (b) ~~Information obtained by the division while investigating alleged~~  
19 ~~violations of this chapter; and~~

20 ~~—(c)—~~ The criminal and financial records of an appraiser or intern, or an  
21 applicant for a certificate, license or registration card.

22 **Sec. 80.** NRS 645C.460 is hereby amended to read as follows:

23 645C.460 1. Grounds for disciplinary action against a certified or  
24 licensed appraiser or registered intern include:

25 (a) Unprofessional conduct;

26 (b) Professional incompetence;

27 (c) A criminal conviction for a felony or any offense involving moral  
28 turpitude; and

29 (d) The suspension or revocation of a registration card, certificate,  
30 license or permit to act as an appraiser in any other jurisdiction.

31 2. If grounds for disciplinary action against an appraiser or intern exist,  
32 the commission may do one or more of the following:

33 (a) Revoke or suspend his certificate, license or registration card.

34 (b) Place conditions upon his certificate, license or registration card, or  
35 upon the reissuance of a certificate, license or registration card revoked  
36 pursuant to this section.

37 (c) Impose a fine of not more than \$1,000 for each violation.

38 3. If a certificate, license or registration card is revoked by the  
39 commission, another certificate, license or registration card must not be  
40 issued to the same appraiser or intern for at least one year after the date of  
41 the revocation, or at any time thereafter except in the sole discretion of the  
42 administrator, and then only if the appraiser or intern satisfies all the  
43 requirements for an original certificate, license or registration card.

44 4. ~~If discipline is imposed pursuant to this section, the costs of the~~  
45 ~~proceeding, including investigative costs and attorney's fees, may be~~  
46 ~~recovered by the commission.~~ *The form and content of any disciplinary*  
47 *action taken by the commission are public records.*



\* S B 5 1 3 \*

1     **Sec. 81.** Chapter 645D of NRS is hereby amended by adding thereto a  
2 new section to read as follows:

3     1. *Except as otherwise provided in this section, a complaint filed with*  
4 *the division, all documents and other information filed with the*  
5 *complaint and all documents and other information compiled as a result*  
6 *of an investigation conducted to determine whether to impose*  
7 *disciplinary action are and remain confidential.*

8     2. *The complaint and all documents and information described in*  
9 *subsection 1 are public records if:*

10     (a) *Disciplinary action is imposed by the division as a result of an*  
11 *investigation; or*

12     (b) *The person who is the subject of the investigation submits a*  
13 *written request to the division requesting that the records be made public*  
14 *records.*

15     **Sec. 82.** NRS 645D.130 is hereby amended to read as follows:

16     645D.130 1. The division shall maintain a record of:

17     (a) Persons from whom it receives applications for a certificate;

18     (b) Investigations conducted by it that result in the initiation of formal  
19 disciplinary proceedings;

20     (c) Formal disciplinary proceedings; and

21     (d) Rulings or decisions upon complaints filed with it.

22     2. Except as otherwise provided in this section ~~†~~ and section 81 of  
23 *this act*, records kept in the office of the division pursuant to this chapter  
24 are open to the public for inspection pursuant to regulations adopted by the  
25 division. The division shall keep confidential, unless otherwise ordered by  
26 a court ~~†~~:

27 ~~—(a) Information obtained by the division while investigating alleged~~  
28 ~~violations of this chapter; and~~

29 ~~—(b) The~~ *the* criminal and financial records of an inspector or of an  
30 applicant for a certificate.

31     **Sec. 83.** NRS 645D.700 is hereby amended to read as follows:

32     645D.700 1. Grounds for disciplinary action against a certified  
33 inspector are:

34     (a) Unprofessional conduct;

35     (b) Professional incompetence; and

36     (c) A criminal conviction for a felony or any offense involving moral  
37 turpitude.

38     2. If grounds for disciplinary action against a certified inspector exist,  
39 the division may, after providing the inspector with notice and an  
40 opportunity for a hearing, do one or more of the following:

41     (a) Revoke or suspend his certificate.

42     (b) Place conditions upon his certificate or upon the reissuance of a  
43 certificate revoked pursuant to this section.

44     (c) Impose a fine of not more than \$1,000 for each violation.

45     3. If a certificate is revoked by the division, another certificate must  
46 not be issued to the same inspector for at least 1 year after the date of the  
47 revocation, or at any time thereafter except in the sole discretion of the  
48 administrator, and then only if the inspector satisfies the requirements for  
49 an original certificate.



1     ***4. The form and content of any disciplinary action taken by the***  
2     ***division are public records.***

3     **Sec. 84.** Chapter 645E of NRS is hereby amended by adding thereto a  
4     new section to read as follows:

5     ***1. Except as otherwise provided in this section, a complaint filed with***  
6     ***the commissioner, all documents and other information filed with the***  
7     ***complaint and all documents and other information compiled as a result***  
8     ***of an investigation conducted to determine whether to impose***  
9     ***disciplinary action are and remain confidential.***

10    ***2. The complaint and all documents and information described in***  
11    ***subsection 1 are public records if:***

12    ***(a) Disciplinary action is imposed by the commissioner as a result of***  
13    ***an investigation; or***

14    ***(b) The person who is the subject of the investigation submits a***  
15    ***written request to the commissioner requesting that the records be made***  
16    ***public records.***

17    **Sec. 85.** NRS 645E.310 is hereby amended to read as follows:

18    645E.310 1. In the conduct of any examination, periodic or special  
19    audit, investigation or hearing, the commissioner may:

20    (a) Compel the attendance of any person by subpoena.

21    (b) Administer oaths.

22    (c) Examine any person under oath concerning the business and conduct  
23    of affairs of any person subject to the provisions of this chapter and in  
24    connection therewith require the production of any books, records or  
25    papers relevant to the inquiry.

26    2. Any person subpoenaed under the provisions of this section who  
27    willfully refuses or willfully neglects to appear at the time and place named  
28    in the subpoena or to produce books, records or papers required by the  
29    commissioner, or who refuses to be sworn or answer as a witness, is guilty  
30    of a misdemeanor.

31    3. ~~The~~ ***In addition to the authority to recover attorney's fees and***  
32    ***costs pursuant to section 3 of this act, the*** commissioner may assess  
33    against and collect from a person all costs, including, without limitation,  
34    reasonable attorney's fees, that are attributable to any examination,  
35    periodic or special audit, investigation or hearing that is conducted to  
36    examine or investigate the conduct, activities or business of the person  
37    pursuant to this chapter.

38    **Sec. 86.** NRS 645E.670 is hereby amended to read as follows:

39    645E.670 1. For each violation committed by an applicant, whether  
40    or not he is issued a license, the commissioner may impose upon the  
41    applicant an administrative fine of not more than \$10,000, if the applicant:

42    (a) Has knowingly made or caused to be made to the commissioner any  
43    false representation of material fact;

44    (b) Has suppressed or withheld from the commissioner any information  
45    which the applicant possesses and which, if submitted by him, would have  
46    rendered the applicant ineligible to be licensed pursuant to the provisions  
47    of this chapter; or

48    (c) Has violated any provision of this chapter, a regulation adopted  
49    pursuant to this chapter or an order of the commissioner in completing and



1 filing his application for a license or during the course of the investigation  
2 of his application for a license.

3 2. For each violation committed by a licensee, the commissioner may  
4 impose upon the licensee an administrative fine of not more than \$10,000,  
5 may suspend, revoke or place conditions upon his license, or may do both,  
6 if the licensee, whether or not acting as such:

7 (a) Is insolvent;

8 (b) Is grossly negligent or incompetent in performing any act for which  
9 he is required to be licensed pursuant to the provisions of this chapter;

10 (c) Does not conduct his business in accordance with law or has  
11 violated any provision of this chapter, a regulation adopted pursuant to this  
12 chapter or an order of the commissioner;

13 (d) Is in such financial condition that he cannot continue in business  
14 with safety to his customers;

15 (e) Has made a material misrepresentation in connection with any  
16 transaction governed by this chapter;

17 (f) Has suppressed or withheld from a client any material facts, data or  
18 other information relating to any transaction governed by the provisions of  
19 this chapter which the licensee knew or, by the exercise of reasonable  
20 diligence, should have known;

21 (g) Has knowingly made or caused to be made to the commissioner any  
22 false representation of material fact or has suppressed or withheld from the  
23 commissioner any information which the licensee possesses and which, if  
24 submitted by him, would have rendered the licensee ineligible to be  
25 licensed pursuant to the provisions of this chapter;

26 (h) Has failed to account to persons interested for all money received  
27 for a trust account;

28 (i) Has refused to permit an examination by the commissioner of his  
29 books and affairs or has refused or failed, within a reasonable time, to  
30 furnish any information or make any report that may be required by the  
31 commissioner pursuant to the provisions of this chapter or a regulation  
32 adopted pursuant to this chapter;

33 (j) Has been convicted of, or entered a plea of nolo contendere to, a  
34 felony or any crime involving fraud, misrepresentation or moral turpitude;

35 (k) Has refused or failed to pay, within a reasonable time, any fees,  
36 assessments, costs or expenses that the licensee is required to pay pursuant  
37 to this chapter or a regulation adopted pursuant to this chapter;

38 (l) Has failed to satisfy a claim made by a client which has been reduced  
39 to judgment;

40 (m) Has failed to account for or to remit any money of a client within a  
41 reasonable time after a request for an accounting or remittal;

42 (n) Has commingled the money or other property of a client with his  
43 own or has converted the money or property of others to his own use; or

44 (o) Has engaged in any other conduct constituting a deceitful,  
45 fraudulent or dishonest business practice.

46 *3. The form and content of any disciplinary action taken by the*  
47 *commissioner are public records.*



\* S B 5 1 3 \*

1     **Sec. 87.** NRS 648.175 is hereby amended to read as follows:  
2     648.175   **1.** If, after a hearing, the board finds that cause exists, the  
3     board may:

- 4     ~~(1) (a)~~ Revoke the license of the licensee.  
5     ~~(2) (b)~~ Suspend the license of the licensee for not more than 1 year for  
6     each violation.  
7     ~~(3) (c)~~ Fine the licensee not more than \$5,000 for each violation.  
8     ~~(4) (d)~~ Suspend an order authorized by this section upon such terms  
9     and conditions as the board considers appropriate.  
10    ~~(5) (e)~~ Place the licensee on probation for not more than 2 years upon  
11    such terms and conditions as the board considers appropriate.

- 12    ~~(6) Publicly or privately~~  
13    ~~(f) Publicly~~ reprimand the licensee.  
14    ~~(7) (g)~~ Affirm, modify or vacate the penalty imposed by a notice of  
15    violation.

16    ~~(8) Require the licensee to pay all costs incurred by the board relating~~  
17    ~~to the discipline of the licensee.~~

18    **2. The form and content of any disciplinary action taken by the**  
19    **board are public records.**

20    **Sec. 88.** Chapter 649 of NRS is hereby amended by adding thereto a  
21    new section to read as follows:

22    **1. Except as otherwise provided in this section, a complaint filed with**  
23    **the commissioner, all documents and other information filed with the**  
24    **complaint and all documents and other information compiled as a result**  
25    **of an investigation conducted to determine whether to impose**  
26    **disciplinary action are and remain confidential.**

27    **2. The complaint and all documents and information described in**  
28    **subsection 1 are public records if:**

29    **(a) Disciplinary action is imposed by the commissioner as a result of**  
30    **an investigation; or**

31    **(b) The person who is the subject of the investigation submits a**  
32    **written request to the commissioner requesting that the records be made**  
33    **public records.**

34    **Sec. 89.** NRS 649.395 is hereby amended to read as follows:

35    649.395    **1.** The commissioner may impose an administrative fine,  
36    not to exceed \$500 for each violation, or suspend or revoke the license of a  
37    collection agency, or both impose a fine and suspend or revoke the license,  
38    by an order made in writing and filed in his office and served on the  
39    licensee by registered or certified mail at the address shown in the records  
40    of the commissioner, if:

41    (a) The licensee is adjudged liable in any court of law for breach of any  
42    bond given under the provisions of this chapter; or

43    (b) After notice and hearing, the licensee is found guilty of:

- 44       (1) Fraud or misrepresentation;  
45       (2) An act or omission inconsistent with the faithful discharge of his  
46    duties and obligations; or

47       (3) A violation of any provision of this chapter.

48    **2.** The commissioner may suspend or revoke the license of a collection  
49    agency without notice and hearing if:



\* S B 5 1 3 \*



1 (a) The suspension or revocation is necessary for the immediate  
2 protection of the public; and

3 (b) The licensee is afforded a hearing to contest the suspension or  
4 revocation within 20 days after the written order of suspension or  
5 revocation is served upon the licensee.

6 3. Upon revocation of his license, all rights of the licensee under this  
7 chapter terminate, and no application may be received from any person  
8 whose license has once been revoked.

9 *4. The form and content of any disciplinary action taken by the*  
10 *commissioner are public records.*

11 **Sec. 90.** Chapter 652 of NRS is hereby amended by adding thereto a  
12 new section to read as follows:

13 *1. Except as otherwise provided in this section, a complaint filed with*  
14 *the board, all documents and other information filed with the complaint*  
15 *and all documents and other information compiled as a result of an*  
16 *investigation conducted to determine whether to impose disciplinary*  
17 *action are and remain confidential.*

18 *2. The complaint and all documents and information described in*  
19 *subsection 1 are public record if:*

20 *(a) Disciplinary action is imposed by the board as a result of an*  
21 *investigation; or*

22 *(b) The person who is the subject of the investigation submits a*  
23 *written request to the board requesting that the records be made public*  
24 *records.*

25 *3. The form and content of any disciplinary action taken by the*  
26 *board are public records.*

27 **Sec. 91.** Chapter 654 of NRS is hereby amended by adding thereto a  
28 new section to read as follows:

29 *1. Except as otherwise provided in this section, a complaint filed with*  
30 *the board, all documents and other information filed with the complaint*  
31 *and all documents and other information compiled as a result of an*  
32 *investigation conducted to determine whether to impose disciplinary*  
33 *action are and remain confidential.*

34 *2. The complaint and all documents and information described in*  
35 *subsection 1 are public records if:*

36 *(a) Disciplinary action is imposed by the board as a result of an*  
37 *investigation; or*

38 *(b) The person who is the subject of the investigation submits a*  
39 *written request to the board requesting that the records be made public*  
40 *records.*

41 **Sec. 92.** NRS 654.110 is hereby amended to read as follows:

42 654.110 1. The board shall:

43 (a) Develop, impose and enforce standards which must be met by  
44 persons to receive licenses as nursing facility administrators or  
45 administrators of residential facilities for groups. The standards must be  
46 designed to ensure that nursing facility administrators or persons acting as  
47 administrators of residential facilities for groups will be persons who are of  
48 good character and otherwise suitable, and who, by training or experience  
49 in their respective fields of administering health care facilities, are



1 qualified to serve as nursing facility administrators or administrators of  
2 residential facilities for groups.

3 (b) Develop and apply appropriate techniques, including examinations  
4 and investigations, for determining whether a person meets those  
5 standards.

6 (c) Issue licenses to persons determined, after the application of  
7 appropriate techniques, to meet those standards.

8 (d) Revoke or suspend licenses previously issued by the board in any  
9 case if the person holding the license is determined substantially to have  
10 failed to conform to the requirements of the standards.

11 (e) Establish and carry out procedures designed to ensure that persons  
12 licensed as nursing facility administrators or administrators of residential  
13 facilities for groups will, during any period they serve as such, comply with  
14 the requirements of the standards.

15 (f) Receive, investigate and take appropriate action with respect to any  
16 charge or complaint filed with the board to the effect that any person  
17 licensed as a nursing facility administrator or an administrator of a  
18 residential facility for groups has failed to comply with the requirements of  
19 the standards. The board shall initiate an investigation of any charge or  
20 complaint filed with the board within 30 days after receiving the charge or  
21 complaint.

22 (g) Conduct a continuing study of:

23 (1) Facilities for skilled nursing, facilities for intermediate care and  
24 their administrators; and

25 (2) Residential facilities for groups and their administrators,  
26 with a view to the improvement of the standards imposed for the licensing  
27 of administrators and of procedures and methods for the enforcement of the  
28 standards.

29 (h) Conduct or approve, or both, a program of training and instruction  
30 designed to enable all persons to obtain the qualifications necessary to  
31 meet the standards set by the board for qualification as a nursing facility  
32 administrator or an administrator of a residential facility for groups.

33 2. All the records kept by the board, not otherwise privileged **H or**  
34 **confidential**, are public records.

35 **Sec. 93.** NRS 654.190 is hereby amended to read as follows:

36 654.190 1. The board may, after notice and hearing, impose an  
37 administrative fine of not more than \$2,500 on and suspend or revoke the  
38 license of any nursing facility administrator or administrator of a  
39 residential facility for groups who:

40 (a) Is convicted of a felony, or of any offense involving moral turpitude.

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

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

43 (d) Aids or abets any person in the violation of any of the provisions of  
44 NRS 449.001 to 449.240, inclusive, as those provisions pertain to a facility  
45 for skilled nursing, facility for intermediate care or residential facility for  
46 groups.

47 (e) Violates any regulation of the board prescribing additional standards  
48 of conduct for nursing facility administrators or administrators of  
49 residential facilities for groups.



\* S B 5 1 3 \*

- 1     2. The board shall give a licensee against whom proceedings are  
2 brought pursuant to this section written notice of a hearing not less than 10  
3 days before the date of the hearing.
- 4     3. ~~If discipline is imposed pursuant to this section, the costs of the~~  
5 ~~proceeding, including investigative costs and attorney's fees, may be~~  
6 ~~recovered by the board.~~ *The form and content of any disciplinary action*  
7 *taken by the board are public records.*
- 8     **Sec. 94.** Chapter 656 of NRS is hereby amended by adding thereto a  
9 new section to read as follows:
- 10     1. *Except as otherwise provided in this section, a complaint filed with*  
11 *the board, all documents and other information filed with the complaint*  
12 *and all documents and other information compiled as a result of an*  
13 *investigation conducted to determine whether to impose disciplinary*  
14 *action are and remain confidential.*
- 15     2. *The complaint and all documents and information described in*  
16 *subsection 1 are public records if:*
- 17         (a) *Disciplinary action is imposed by the board as a result of an*  
18 *investigation; or*
- 19         (b) *The person who is the subject of the investigation submits a*  
20 *written request to the board requesting that the records be made public*  
21 *records.*
- 22     3. *The form and content of any disciplinary action taken by the*  
23 *board are public records.*
- 24     **Sec. 95.** NRS 623A.295, 630.142, 633.611, 634.165, 638.154 and  
25 639.091 are hereby repealed.

---

---

#### LEADLINES OF REPEALED SECTIONS

---

---

623A.295 Confidentiality of proceedings.  
630.142 Award of costs and attorney's fees.  
633.611 Confidentiality of proceedings.  
634.165 Confidentiality of proceedings.  
638.154 Court may award costs and reasonable attorney's fees  
incurred by board.  
639.091 Award of costs and attorney's fees to board.

