

(REPRINTED WITH ADOPTED AMENDMENTS)  
FIRST REPRINT S.B. 513

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SENATE BILL NO. 513—COMMITTEE ON COMMERCE AND LABOR

MARCH 26, 2001

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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.

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

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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 under certain circumstances; requiring such regulatory bodies to hold a public meeting to discuss and approve the terms of certain consent agreements before entering such agreements; creating an exception to such requirement; 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*



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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.** *1. Except as otherwise provided in subsection 2, a*  
21 *regulatory body may not settle or otherwise resolve an alleged violation*  
22 *of:*

23 *(a) The chapter which the regulatory body has authority to enforce;*

24 *(b) A regulation enacted pursuant to the chapter which the regulatory*  
25 *body has authority to enforce; or*

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

32 *2. A regulatory body that consists of one natural person may approve*  
33 *a consent agreement without complying with subsection 1, if:*

34 *(a) The regulatory body posts a notice in accordance with the*  
35 *requirements for notice for a meeting held pursuant to chapter 241 of*  
36 *NRS which provides notice that:*

37 *(1) The regulatory body intends to resolve the alleged violation by*  
38 *entering into a consent agreement with the person who allegedly*  
39 *committed the violation; and*

40 *(2) For a limited time set forth in the notice, any person who so*  
41 *desires may request that the regulatory body conduct a public meeting to*  
42 *discuss the terms of the consent agreement by submitting a written*  
43 *request for such a meeting to the regulatory body within the time*  
44 *prescribed; and*

45 *(b) After the expiration of the time for receiving requests for a public*  
46 *meeting pursuant to subparagraph (2) of paragraph (a), the regulatory*  
47 *body has received no requests for a public meeting on the consent*  
48 *agreement.*



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1     **Sec. 5.5.** NRS 623.131 is hereby amended to read as follows:

2     623.131 1. Except as otherwise provided in subsections 2, 3 and 4,  
3 the records of the board which relate to:

- 4     (a) An employee of the board;  
5     (b) An examination given by the board; or  
6     (c) Complaints and charges filed with the board and the material  
7 compiled as a result of its investigation of those complaints and  
8 charges,  
9 are confidential.

10    2. The records described in subsection 1 may be disclosed, pursuant to  
11 procedures established by regulation of the board, to a court or an agency  
12 of the Federal Government, any state, any political subdivision of this  
13 state, or any other related professional board or organization.

14    3. ~~Upon completion of an investigation by the board, any records of~~  
15 ~~the board described in paragraph (c) of subsection 1 are public records only~~  
16 ~~if:~~

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

19 ~~—(b) The person regarding whom the investigation was made submits a~~  
20 ~~written request to the board requesting that the records be made}~~ *The*  
21 *complaint or other document filed by the board to initiate disciplinary*  
22 *action and all other documents and information considered by the board*  
23 *when determining whether to impose discipline are* public records.

24    4. The board may report to other related professional boards and  
25 organizations an applicant's score on an examination given by the board.

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

27     623.270 1. The board may place the holder of any certificate of  
28 registration issued pursuant to this chapter on probation, *publicly*  
29 reprimand him, fine him not more than \$10,000, suspend or revoke his  
30 license, impose the costs of investigation and prosecution upon him or take  
31 any combination of these disciplinary actions, if proof satisfactory to the  
32 board is presented that:

33     (a) The certificate was obtained by fraud or concealment of a material  
34 fact.

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

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

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

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

43     (d) The holder of a certificate has affixed his signature or seal to plans,  
44 drawings, specifications or other instruments of service which have not  
45 been prepared by him or in his office, or under his direct supervision, or  
46 has permitted the use of his name to assist any person who is not a  
47 registered architect, registered interior designer or residential designer to  
48 evade any provision of this chapter.



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- 1 (e) The holder of a certificate has aided or abetted any unauthorized  
2 person to practice:  
3 (1) Architecture or residential design; or  
4 (2) As a registered interior designer.  
5 (f) The holder of the certificate has violated any law, regulation or code  
6 of ethics pertaining to:  
7 (1) The practice of architecture or residential design; or  
8 (2) Practice as a registered interior designer.  
9 (g) The holder of a certificate has failed to comply with an order issued  
10 by the board or has failed to cooperate with an investigation conducted by  
11 the board.  
12 ~~[[If discipline is imposed pursuant to this section, the costs of the~~  
13 ~~proceeding, including investigative costs and attorney's fees, may be~~  
14 ~~recovered by the board.]]~~  
15 2. The conditions for probation imposed pursuant to subsection 1 may  
16 include, but are not limited to:  
17 (a) Restriction on the scope of professional practice.  
18 (b) Peer review.  
19 (c) Required education or counseling.  
20 (d) Payment of restitution to all parties who suffered harm or loss.  
21 ~~[(e) Payment of all costs of the administrative investigation and~~  
22 ~~prosecution.]]~~  
23 3. *An order that imposes discipline and the findings of fact and*  
24 *conclusions of law supporting that order are public records.*  
25 4. *The board shall not privately reprimand the holder of any*  
26 *certificate of registration issued pursuant to this chapter.*  
27 5. As used in this section:  
28 (a) "Gross negligence" means conduct which demonstrates a reckless  
29 disregard of the consequences affecting the life or property of another  
30 person.  
31 (b) "Incompetency" means conduct which, in:  
32 (1) The practice of architecture or residential design; or  
33 (2) Practice as a registered interior designer,  
34 demonstrates a significant lack of ability, knowledge or fitness to discharge  
35 a professional obligation.  
36 (c) "Negligence" means a deviation from the normal standard of  
37 professional care exercised generally by other members in:  
38 (1) The profession of architecture or residential design; or  
39 (2) Practice as a registered interior designer.  
40 **Sec. 7.** Chapter 623A 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 initiate disciplinary*  
46 *action are and remain confidential.*  
47 2. *The complaint or other document filed by the board to initiate*  
48 *disciplinary action and all documents and information considered by the*  
49 *board when determining whether to impose discipline are public records.*



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

2     623A.270   **1.** The board may:

3     ~~11-1~~ (a) Suspend or revoke a certificate;

4     ~~12-1~~ (b) Refuse to renew a certificate;

5     ~~13-1~~ (c) Place a certificate holder on probation;

6     ~~14-1~~ (d) Issue a **public** reprimand to a certificate holder;

7     ~~15-1~~ (e) Impose upon a certificate holder a fine of not more than \$5,000  
8     for each violation of this chapter;

9     ~~16-1~~ (f) Require a certificate holder to pay restitution;

10    ~~17-1~~ ~~Require a certificate holder to pay the costs of an investigation or~~  
11    ~~prosecution; or~~

12    ~~8-1~~ ~~or~~

13    (b) Take such other disciplinary action as the board deems  
14    appropriate,

15    if the certificate holder has committed any act set forth in NRS 623A.280.

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

18    **3. The board shall not issue a private reprimand to a certificate**  
19    **holder.**

20    **Sec. 9.** Chapter 624 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 the**  
25    **investigation conducted to determine whether to initiate disciplinary**  
26    **action are and remain confidential.**

27    **2. The complaint or other document filed by the board to initiate**  
28    **disciplinary action and all documents and information considered by the**  
29    **board when determining whether to impose discipline are public records.**

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

31    624.110   **1.** The board may maintain offices in as many localities in  
32    the state as it finds necessary to carry out the provisions of this chapter, but  
33    it shall maintain one office in which there must be at all times open to  
34    public inspection a complete record of applications, licenses issued,  
35    licenses renewed and all revocations, cancellations and suspensions of  
36    licenses.

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

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

42    624.291   **1.** Except as otherwise provided in subsection 4, if the board  
43    refuses to issue or renew a license, suspends or revokes a license, has  
44    probable cause to believe that a person has violated NRS 624.720 or  
45    imposes an administrative fine pursuant to NRS 624.710, the board shall  
46    hold a hearing. The time and place for the hearing must be fixed by the  
47    board, and notice of the time and place of the hearing must be personally  
48    served on the applicant or accused or mailed to the last known address of



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1 the applicant or accused at least 30 days before the date fixed for the  
2 hearing.

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

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

7 4. The board may suspend the license of a contractor without a hearing  
8 if the board finds, based upon evidence in its possession, that the public  
9 health, safety or welfare imperatively requires summary suspension of the  
10 license of the contractor and incorporates that finding in its order. If the  
11 board summarily suspends the license of the contractor, the board must  
12 notify the contractor by certified mail. A hearing must be held within 30  
13 days after the suspension if the contractor submits a written request for a  
14 hearing to the board within 20 days after the board summarily suspends his  
15 license.

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

17 624.300 1. Except as otherwise provided in subsection 3, the board  
18 may:

19 (a) Suspend or revoke licenses already issued;  
20 (b) Refuse renewals of licenses;  
21 (c) Impose limits on the field, scope and monetary limit of the license;  
22 (d) Impose an administrative fine of not more than \$10,000;  
23 (e) Order a licensee to repay to the account established pursuant to NRS  
24 624.470, any amount paid out of the account pursuant to NRS 624.510 as a  
25 result of an act or omission of that licensee;

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

29 (1) Perform the corrective work himself;  
30 (2) Hire and pay another licensee to perform the corrective work; or  
31 (3) Pay to the owner of the construction project a specified sum to  
32 correct the condition; or

33 (g) ~~Reprimand~~ *Issue a public reprimand* or take other less severe  
34 disciplinary action, including, without limitation, increasing the amount of  
35 the surety bond or cash deposit of the licensee,  
36 if the licensee commits any act which constitutes a cause for disciplinary  
37 action.

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

45 3. If a licensee violates the provisions of NRS 624.3014 or subsection  
46 3 of NRS 624.3015, the board may impose an administrative fine of not  
47 more than \$20,000.

48 4. If a licensee commits a fraudulent act which is a cause for  
49 disciplinary action under NRS 624.3016, the correction of any condition



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1 resulting from the act does not preclude the board from taking disciplinary  
2 action.

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

7 6. The expiration of a license by operation of law or by order or  
8 decision of the board or a court, or the voluntary surrender of a license by a  
9 licensee, does not deprive the board of jurisdiction to proceed with any  
10 investigation of, or action or disciplinary proceeding against, the licensee  
11 or to render a decision suspending or revoking the license.

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

17 8. *An order that imposes discipline and the findings of fact and*  
18 *conclusions of law supporting that order are public records.*

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

20 625.425 1. Any information obtained during the course of an  
21 investigation by the board and any record of an investigation is  
22 confidential . ~~until the investigation is completed.~~ If no disciplinary  
23 action is taken against a licensee, an applicant for licensure, an intern or an  
24 applicant for certification as an intern, or no civil penalty is imposed  
25 pursuant to NRS 625.590, the information in his investigative file remains  
26 confidential. ~~If a formal complaint is filed, all pleadings and evidence~~  
27 ~~introduced at the hearing.~~ *The complaint or other document filed by the*  
28 *board to initiate disciplinary action and all documents and information*  
29 *considered by the board when determining whether to impose discipline*  
30 *are public records.*

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

34 **Sec. 14.** NRS 625.460 is hereby amended to read as follows:

35 625.460 1. If, after a hearing, a majority of the members of the board  
36 present at the hearing vote in favor of finding the accused person guilty, the  
37 board may:

38 ~~1-1~~ (a) Revoke the license of the professional engineer or professional  
39 land surveyor or deny a license to the applicant;

40 ~~1-2~~ (b) Suspend the license of the professional engineer or professional  
41 land surveyor;

42 ~~1-3~~ (c) Fine the licensee or applicant for licensure not more than  
43 \$15,000 for each violation of a provision of this chapter or any regulation  
44 adopted by the board;

45 ~~1-4~~ (d) Place the licensee or applicant for licensure on probation for  
46 such periods as it deems necessary and, if the board deems appropriate,  
47 require the licensee or applicant for licensure to pay restitution to clients or  
48 other persons who have suffered economic losses as a result of a violation  
49 of the provisions of this chapter or the regulations adopted by the board; or



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1 ~~15.1~~ (e) Take such other disciplinary action as the board deems  
2 appropriate.

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

4 3. *An order that imposes discipline and the findings of fact and*  
5 *conclusions of law supporting that order are public records.*

6 Sec. 15. Chapter 625A 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 an*  
11 *investigation conducted to determine whether to initiate disciplinary*  
12 *action are and remain confidential.*

13 2. *The complaint or other document filed by the board to initiate*  
14 *disciplinary action and all documents and information considered by the*  
15 *board when determining whether to impose discipline are public records.*

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

17 625A.180 1. If the board finds after a hearing, or after providing an  
18 opportunity for a hearing, that disciplinary action is necessary, it may by  
19 order:

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

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

23 (c) Suspend or revoke his certificate.

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

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

28 4. *An order that imposes discipline and the findings of fact and*  
29 *conclusions of law supporting that order are public records.*

30 Sec. 17. Chapter 628 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 initiate disciplinary*  
36 *action are and remain confidential.*

37 2. *The complaint or other document filed by the board to initiate*  
38 *disciplinary action and all documents and information considered by the*  
39 *board when determining whether to impose discipline are public records.*

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

41 628.390 1. After giving notice and conducting a hearing, the board  
42 may revoke, or may suspend for a period of not more than 5 years, any  
43 certificate issued under NRS 628.190 to 628.310, inclusive, any  
44 registration or license granted to a registered public accountant under NRS  
45 628.350, or any registration of a partnership, corporation, limited-liability  
46 company or office, or may revoke, suspend or refuse to renew any permit  
47 issued under NRS 628.380, or may *publicly* censure the holder of any  
48 permit, for any one or any combination of the following causes:



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1 (a) Fraud or deceit in obtaining a certificate as certified public  
2 accountant, or in obtaining registration or a license as a public accountant  
3 under this chapter, or in obtaining a permit to practice public accounting  
4 under this chapter.

5 (b) Dishonesty, fraud or gross negligence by a certified or registered  
6 public accountant in the practice of public accounting or, if not in the  
7 practice of public accounting, of a kind which adversely affects the ability  
8 to perform public accounting.

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

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

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

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

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

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

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

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

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

30 (j) Conduct discreditable to the profession of public accounting or  
31 which reflects adversely upon the fitness of the person to engage in the  
32 practice of public accounting.

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

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

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

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

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

43 4. *An order that imposes discipline and the findings of fact and*  
44 *conclusions of law supporting that order are public records.*

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

46 630.336 1. ~~Any proceeding of a committee of the board~~  
47 ~~investigating complaints is not subject to the requirements of NRS~~  
48 ~~241.020, unless the licensee under investigation requests that the~~



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1 ~~proceeding be subject to those requirements.~~ Any deliberations conducted  
2 or vote taken by ~~it~~:

3 ~~— (a) The board or panel regarding its decision; or~~  
4 ~~— (b) The~~ *the* board or any investigative committee of the board  
5 regarding its ordering of a physician to undergo a physical or mental  
6 examination or any other examination designated to assist the board or  
7 committee in determining the fitness of a physician ~~it~~ are not subject to the  
8 requirements of NRS 241.020.

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

14 3. ~~Except as otherwise provided in NRS 630.352 and 630.368, the~~  
15 *The* following may be kept confidential:

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

18 (b) ~~All investigations and records of investigations;~~

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

21 ~~— (d) and~~

22 (c) Any communication between:

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

24 (2) The board or its staff, investigators, experts, committees, panels,  
25 hearing officers, advisory members or consultants and counsel for the  
26 ~~board; and~~

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

28 4. *Except as otherwise provided in subsection 5, a complaint filed*  
29 *with the board pursuant to NRS 630.307, all documents and other*  
30 *information filed with the complaint and all documents and other*  
31 *information compiled as a result of an investigation conducted to*  
32 *determine whether to initiate disciplinary action are and remain*  
33 *confidential.*

34 5. *The complaint or other document filed by the board to initiate*  
35 *disciplinary action and all documents and information considered by the*  
36 *board when determining whether to impose discipline are public records.*

37 6. This section does not prevent or prohibit the board from  
38 communicating or cooperating with any other licensing board or agency or  
39 any agency which is investigating a licensee, including a law enforcement  
40 agency. Such cooperation may include providing the board or agency with  
41 minutes of a closed meeting, transcripts of oral examinations and the  
42 results of oral examinations.

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

44 630.352 1. Any member of the board, except for an advisory  
45 member serving on a panel of the board hearing charges, may participate in  
46 the final order of the board. If the board, after a formal hearing, determines  
47 from a preponderance of the evidence that a violation of the provisions of  
48 this chapter or of the regulations of the board has occurred, it shall issue



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1 and serve on the physician charged an order, in writing, containing its  
2 findings and any sanctions.

3 2. If the board determines that no violation has occurred, it shall  
4 dismiss the charges, in writing, and notify the physician that the charges  
5 have been dismissed. If the disciplinary proceedings were instituted against  
6 the physician as a result of a complaint filed against him, the board may  
7 provide the physician with a copy of the complaint, including the name of  
8 the person, if any, who filed the complaint.

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

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

13 (b) Administer to him a public reprimand;

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

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

18 (e) Revoke his license to practice medicine;

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

21 (g) Require supervision of his practice;

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

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

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

26 (k) Require him to fulfill certain training or educational requirements .

27 ~~}; and~~

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

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

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

34 *6. An order that imposes discipline and the findings of fact and*  
35 *conclusions of law supporting that order are public records.*

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

37 630A.510 1. Any member of the board who was not a member of the  
38 investigative committee, if one was appointed, may participate in the final  
39 order of the board. If the board, after a formal hearing, determines that a  
40 violation of the provisions of this chapter or the regulations adopted by the  
41 board has occurred, it shall issue and serve on the person charged an order,  
42 in writing, containing its findings and any sanctions imposed by the board.  
43 If the board determines that no violation has occurred, it shall dismiss the  
44 charges, in writing, and notify the person that the charges have been  
45 dismissed.

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

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

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



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

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

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

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

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

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

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

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

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

~~{(l) Require the person to pay the costs of the investigation and hearing.}~~

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

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

**Sec. 21.5.** NRS 630A.555 is hereby amended to read as follows:

630A.555 1. Except as otherwise provided in ~~{subsection 2,}~~ **this section**, any records or information obtained during an investigation by the board and any record of the investigation are confidential. ~~{until the investigation is completed. Upon completion of the investigation, the information and records are public records if:~~

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

~~—(b) The person regarding whom the investigation was made submits a written request to the board asking that the information and records be made public records.}~~

2. **The complaint or other document filed by the board to initiate disciplinary action and all documents and information considered by the board when determining whether to impose discipline are public.**

**3. The** board may provide any record or information described in subsection 1 to any other licensing board or agency, including a law enforcement agency, which is investigating a person who is licensed pursuant to this chapter.

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

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

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

(b) Revoke or suspend the license or renewal certificate issued by it to any person;

(c) Fine a person it has licensed;

(d) Place a person on probation for a specified period on any conditions the board may order;

(e) Issue a public reprimand to a person;

(f) Limit a person's practice to certain branches of dentistry;



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1 (g) Require a person to participate in a program to correct alcohol or  
2 drug abuse or any other impairment;  
3 (h) Require that a person's practice be supervised;  
4 (i) Require a person to perform public service without compensation;  
5 (j) Require a person to take a physical or mental examination or an  
6 examination of his competence;  
7 (k) Require a person to fulfill certain training or educational  
8 requirements;  
9 (l) Require a person to reimburse a patient; or  
10 (m) Any combination thereof,  
11 upon proof satisfactory to the board that the person has engaged in any of  
12 the activities listed in subsection 2.  
13 2. The following activities may be punished as provided in  
14 subsection 1:  
15 (a) Engaging in the illegal practice of dentistry or dental hygiene;  
16 (b) Engaging in unprofessional conduct; or  
17 (c) Violating any regulations adopted by the board or the provisions of  
18 this chapter.  
19 3. The board may delegate to a hearing officer or panel its authority to  
20 take any disciplinary action pursuant to this chapter, impose and collect  
21 fines therefor and deposit the money therefrom in banks, credit unions or  
22 savings and loan associations in this state.  
23 4. If a hearing officer or panel is not authorized to take disciplinary  
24 action pursuant to subsection 3 and the board deposits the money collected  
25 from the imposition of fines with the state treasurer for credit to the state  
26 general fund, it may present a claim to the state board of examiners for  
27 recommendation to the interim finance committee if money is needed to  
28 pay attorney's fees or the costs of an investigation, or both.  
29 *5. The board shall not issue a private reprimand.*  
30 *6. An order that imposes discipline and the findings of fact and*  
31 *conclusions of law supporting that order are public records.*  
32 **Sec. 22.5.** NRS 631.368 is hereby amended to read as follows:  
33 631.368 1. Except as otherwise provided in ~~subsection 2,~~ *this*  
34 *section,* any records or information obtained during the course of an  
35 investigation by the board and any record of the investigation are  
36 confidential. ~~Until the investigation is completed. Upon completion of the~~  
37 ~~investigation the information and records are public records, only if:~~  
38 ~~—(a) Disciplinary action is imposed by the board as a result of the~~  
39 ~~investigation; or~~  
40 ~~—(b) The person regarding whom the investigation was made submits a~~  
41 ~~written request to the board asking that the information and records be~~  
42 ~~made public records.~~  
43 2. *The complaint or other document filed by the board to initiate*  
44 *disciplinary action and all documents and information considered by the*  
45 *board when determining whether to impose discipline are public records.*  
46 3. *The* board may provide any record or information described in  
47 subsection 1 to any other licensing board or agency or any agency which is  
48 investigating a person licensed pursuant to this chapter, including a law  
49 enforcement agency.



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1     **Sec. 23.** NRS 632.325 is hereby amended to read as follows:  
2     632.325 1. If the board determines that a licensee or holder of a  
3     certificate has committed any of the acts set forth in NRS 632.320, it may  
4     take any one or more of the following disciplinary actions:

5     (a) Place conditions, limitations or restrictions on his license or  
6     certificate.

7     (b) Impose and collect an administrative fine of not more than \$5,000.

8     (c) ~~Require the licensee or holder of a certificate to pay all costs~~  
9     ~~incurred by the board relating to the discipline of the licensee or holder of a~~  
10    ~~certificate.~~

11    ~~(d) Reprimand~~ *Publicly reprimand* the licensee or holder of a  
12    certificate.

13    ~~(e)~~ (d) Accept the voluntary surrender of a license or certificate in lieu  
14    of imposing any other disciplinary action set forth in this subsection.

15    2. If the board determines that:

16    (a) A person whose license or certificate is suspended or voluntarily  
17    surrendered, or has been placed on an inactive list pursuant to NRS  
18    632.341, has committed, during the period his license or certificate was  
19    valid, inactive or would have been valid if not for the suspension or  
20    surrender; or

21    (b) An applicant for the renewal or reinstatement of a license or  
22    certificate has committed, at any time after the most recent renewal of his  
23    license or certificate or the issuance of his original license or certificate if it  
24    has not been renewed,

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

27    3. *The board shall not privately reprimand a licensee or holder of a*  
28    *certificate.*

29    4. *An order that imposes discipline and the findings of fact and*  
30    *conclusions of law supporting that order are public records.*

31    **Sec. 23.5.** NRS 632.405 is hereby amended to read as follows:

32    632.405 1. ~~Any~~ *Except as otherwise provided in this section, any*  
33    records or information obtained during the course of an investigation by  
34    the board and any record of the investigation are confidential. ~~Until the~~  
35    ~~investigation is completed. Upon completion of the investigation the~~  
36    ~~information and records are public records, only if:~~

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

39    ~~(b) The person regarding whom the investigation was made submits a~~  
40    ~~written request to the board asking that the information and records be~~  
41    ~~made public records.]~~

42    2. *The complaint or other document filed by the board to initiate*  
43    *disciplinary action and all documents and information considered by the*  
44    *board when determining whether to impose disciplinary action are public*  
45    *records.*

46    3. This section does not prevent or prohibit the board from  
47    communicating or cooperating with another licensing board or any agency  
48    that is investigating a licensee, including a law enforcement agency.



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1     **Sec. 24.** Chapter 633 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 the**  
6 **investigation conducted to determine whether to initiate disciplinary**  
7 **action are and remain confidential.**

8     **2. The complaint or other document filed by the board to initiate**  
9 **disciplinary action and all documents and information considered by the**  
10 **board when determining whether to impose discipline are public records.**

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

12     633.301 The board shall keep a record of its proceedings relating to  
13 licensing and disciplinary actions. ~~The record shall~~ **Except as otherwise**  
14 **provided in section 24 of this act, the record must** be open to public  
15 inspection at all reasonable times and shall also contain the name, known  
16 place of business and residence, and the date and number of the license of  
17 every osteopathic physician licensed under this chapter.

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

19     633.651 1. The person charged is entitled to a hearing before the  
20 board, but the failure of the person charged to attend his hearing or his  
21 failure to defend himself shall not serve to delay or void the proceedings.  
22 The board may, for good cause shown, continue any hearing from time to  
23 time.

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

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

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

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

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

33     (e) Revoke the license of the person to practice osteopathic  
34 medicine.

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

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

39     **4. An order that imposes discipline and the findings of fact and**  
40 **conclusions of law supporting that order are public records.**

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

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



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1 *2. The complaint or other document filed by the board to initiate*  
2 *disciplinary action and all documents and information considered by the*  
3 *board when determining whether to impose discipline are public records.*

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

5 634.190 1. The person charged is entitled to a hearing before the  
6 board, but the failure of the person charged to attend his hearing or his  
7 failure to defend himself does not delay or void the proceedings. The board  
8 may, for good cause shown, continue any hearing from time to time.

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

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

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

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

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

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

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

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

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

26 3. If the board finds that a licensee has violated the provisions of NRS  
27 439B.425, the board shall suspend his license for a specified period or until  
28 further order of the board.

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

30 *5. An order that imposes discipline and the findings of fact and*  
31 *conclusions of law supporting that order are public records.*

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

33 634.212 1. The board shall keep a record of its proceedings relating  
34 to licensing and disciplinary actions. ~~These~~ *Except as otherwise provided*  
35 *in section 27 of this act, these* records must be open to public inspection at  
36 all reasonable times and must contain the name, known place of business  
37 and residence, and the date and number of the license of every chiropractor  
38 licensed under this chapter. The board may keep such other records as it  
39 deems desirable.

40 2. Except as *otherwise* provided in this subsection, all information  
41 pertaining to the personal background, medical history or financial affairs  
42 of an applicant or licensee which the board requires to be furnished to it  
43 under this chapter, or which it otherwise obtains, is confidential and may  
44 be disclosed in whole or in part only as necessary in the course of  
45 administering this chapter or upon the order of a court of competent  
46 jurisdiction. The board may, under procedures established by regulation,  
47 permit the disclosure of this information to any agent of the Federal  
48 Government, of another state or of any political subdivision of this state  
49 who is authorized to receive it.



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

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

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

11 *2. The complaint or other document filed by the board to initiate  
12 disciplinary action and all documents and information considered by the  
13 board when determining whether to impose discipline are public records.*

14 *3. An order that imposes discipline and the findings of fact and  
15 conclusions of law supporting that order are public records.*

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

17 634A.250 ~~1.1.~~ In addition to any other penalties prescribed by law,  
18 the board may, after notice and hearing, impose upon any person who  
19 violates any provision of this chapter or the regulations adopted pursuant  
20 thereto an administrative fine of not more than \$2,500.

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

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

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

31 *2. The complaint or other document filed by the board to initiate  
32 disciplinary action and all documents and information considered by the  
33 board when determining whether to impose discipline are public records.*

34 *3. An order that imposes discipline and the findings of fact and  
35 conclusions of law supporting that order are public records.*

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

37 635.130 1. The board, after notice and hearing, and upon any cause  
38 enumerated in subsection 2, may take one or more of the following  
39 disciplinary actions:

- 40 (a) Deny an application for a license or refuse to renew a license.  
41 (b) Suspend or revoke a license.  
42 (c) Place a licensee on probation.  
43 (d) Impose a fine not to exceed \$5,000.

44 ~~(e) Require the licensee to pay all costs incurred by the board relating  
45 to the discipline of the licensee.~~

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



- 1 (a) The making of a false statement in any affidavit required of the  
2 applicant for application, examination or licensure pursuant to the  
3 provisions of this chapter.
- 4 (b) Lending the use of the holder's name to an unlicensed person.
- 5 (c) If the holder is a podiatric physician, his permitting an unlicensed  
6 person in his employ to practice as a podiatry hygienist.
- 7 (d) Habitual indulgence in the use of alcohol or any controlled  
8 substance which impairs the intellect and judgment to such an extent as in  
9 the opinion of the board incapacitates the holder in the performance of his  
10 professional duties.
- 11 (e) Conviction of a crime involving moral turpitude.
- 12 (f) Conviction of violating any of the provisions of NRS 616D.200,  
13 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.
- 14 (g) Conduct which in the opinion of the board disqualifies him to  
15 practice with safety to the public.
- 16 (h) The commission of fraud by or on behalf of the licensee regarding  
17 his license or practice.
- 18 (i) Gross incompetency.
- 19 (j) Affliction of the licensee with any mental or physical disorder which  
20 seriously impairs his competence as a podiatric physician or podiatry  
21 hygienist.
- 22 (k) False representation by or on behalf of the licensee regarding his  
23 practice.
- 24 (l) Unethical or unprofessional conduct.
- 25 (m) Willful or repeated violations of this chapter or regulations adopted  
26 by the board.
- 27 (n) Willful violation of the regulations adopted by the state board of  
28 pharmacy.
- 29 **Sec. 34.** NRS 635.180 is hereby amended to read as follows:  
30 635.180 Except as otherwise provided in NRS 635.167, every person  
31 who practices podiatry or as a podiatry hygienist without having complied  
32 with the provisions of this chapter must be fined not more than \$10,000 for  
33 each offense . ~~and may be required to pay all costs incurred by the board~~  
34 ~~relating to the discipline of the person.~~
- 35 **Sec. 35.** Chapter 636 of NRS is hereby amended by adding thereto a  
36 new section to read as follows:  
37 *1. Except as otherwise provided in this section, a complaint filed with*  
38 *the board, all documents and other information filed with the complaint*  
39 *and all documents and other information compiled as a result of an*  
40 *investigation conducted to determine whether to initiate disciplinary*  
41 *action are and remain confidential.*  
42 *2. The complaint or other document filed by the board to initiate*  
43 *disciplinary action and all documents and information considered by the*  
44 *board when determining whether to impose discipline are public records.*
- 45 **Sec. 36.** NRS 636.105 is hereby amended to read as follows:  
46 636.105 1. The executive director shall make and keep:  
47 (a) A record of all meetings and proceedings of the board.  
48 (b) A record of all prosecutions and violations of this chapter.  
49 (c) A record of the results of all examinations of applicants.



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- 1 (d) A register of all licensees.
- 2 (e) An inventory of all property of the board and all property of the state
- 3 in the board's possession.

4 2. ~~1. All~~ *Except as otherwise provided in section 35 of this act*, records

5 of the board are subject to public inspection.

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

7 **Sec. 37.** NRS 636.325 is hereby amended to read as follows:  
8 636.325 1. Upon conclusion of the hearing, or waiver thereof by the  
9 licensee against whom the charge is filed, the board shall make and  
10 announce its decision. If the board determines that the allegations included  
11 in the charge are true, it may, in the exercise of reasonable discretion, take  
12 any one or more of the following actions:

- 13 (a) ~~Reprimand~~ *Publicly reprimand* the licensee;
- 14 (b) Place the licensee on probation for a specified or unspecified period;
- 15 (c) Suspend the licensee from practice for a specified or unspecified
- 16 period;
- 17 (d) Revoke the licensee's license; or
- 18 (e) Impose an administrative fine pursuant to the provisions of NRS

19 636.420 . ~~and order the licensee to pay any costs or fees incurred by the~~  
20 ~~board in connection with the hearing.~~

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

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

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

26 4. *An order that imposes discipline and the findings of fact and*  
27 *conclusions of law supporting that order are public records.*

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

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

35 2. *The complaint or other document filed by the board to initiate*  
36 *disciplinary action and all documents and information considered by the*  
37 *board when determining whether to impose discipline are public records.*

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

39 637.085 1. Except as otherwise provided in subsection 2 ~~1.1~~ *and*  
40 *section 38 of this act*, all applications for licensure, any charges filed by  
41 the board, financial records of the board, formal hearings on any charges  
42 heard by the board or a panel selected by the board, records of the hearings  
43 and any order or decision of the board or panel must be open to the public.

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

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

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



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1 ~~-(e)-~~ Any report concerning the fitness of any person to receive or hold a  
2 license to practice ophthalmic dispensing.

3 ~~-(d)-~~ (c) Any communication between:

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

5 (2) The board or its staff, investigators, experts, committees, panels,  
6 hearing officers, advisory members or consultants and counsel for the  
7 board.

8 ~~-(e)-~~ (d) Any other information or records in the possession of the  
9 board.

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

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

14 637.150 **1.** Upon proof to the satisfaction of the board that an  
15 applicant or holder of a license:

16 ~~-(1)-~~ (a) Has been adjudicated insane;

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

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

19 ~~-(4)-~~ (d) Has been convicted of violating any of the provisions of NRS  
20 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

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

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

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

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

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

31 ~~-(10)-~~ (j) Is incompetent;

32 ~~-(11)-~~ (k) Is guilty of unethical or unprofessional conduct as determined  
33 by the board;

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

36 ~~-(13)-~~ (m) Is guilty of a fraudulent or deceptive practice as determined  
37 by the board,

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

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

45 **3. An order that imposes discipline and the findings of fact and**  
46 **conclusions of law supporting that order are public records.**



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1     **Sec. 41.** Chapter 637A 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 initiate disciplinary**  
7 **action are and remain confidential.**

8     **2. The complaint or other document filed by the board to initiate**  
9 **disciplinary action and all documents and information considered by the**  
10 **board when determining whether to impose discipline are public records.**

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

12     637A.290 1. The holder of any license issued by the board whose  
13 default has been entered or who has been heard by the board and found  
14 guilty of the violation alleged in the complaint may be disciplined by the  
15 board by one or more of the following methods:

16     (a) Placing the licensee on probation for a period not to exceed 2 years;  
17     (b) Suspending the right of the licensee to practice, or the right to use a  
18 license, for a period not to exceed 3 years;

19     (c) Revoking the license;

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

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

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

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

28     ~~[(h)]~~ (g) Requiring the licensee to retake and pass the examination or  
29 otherwise demonstrate that he is qualified and competent to practice.

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

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

33     **4. An order that imposes discipline and the findings of fact and**  
34 **conclusions of law supporting that order are public records.**

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

37     **1. Except as otherwise provided in this section, a complaint filed with**  
38 **the board, all documents and other information filed with the complaint**  
39 **and all documents and other information compiled as a result of an**  
40 **investigation conducted to determine whether to initiate disciplinary**  
41 **action are and remain confidential.**

42     **2. The complaint or other document filed by the board to initiate**  
43 **disciplinary action and all documents and information considered by the**  
44 **board when determining whether to impose discipline are public records.**

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

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



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- ~~1.1~~ (a) Refuse to renew a license;
- ~~1.2~~ (b) Revoke a license;
- ~~1.3~~ (c) Suspend a license for a definite time, not to exceed 1 year;
- ~~1.4~~ (d) Administer to the licensee a public ~~for private~~ reprimand; or
- ~~1.5~~ (e) Impose a civil penalty not to exceed \$1,000.

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

3. *An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records*

Sec. 45. Chapter 638 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 board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are and remain confidential.*

2. *The complaint or other document filed by the board to initiate disciplinary action and all documents and information considered by the board when determining whether to impose discipline are public records.*

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

638.087 1. The board shall keep a record of:

- (a) All charges filed against a licensee;
- (b) The proceedings of any formal hearing conducted by the board or a hearing officer;
- (c) Any order filed by the board; and
- (d) All licenses issued by the board including the name of the holder of the license, his business and residential addresses, the date the license was issued and the serial number of the license.

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

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

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

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

- (a) Is of good moral character;
- (b) Except as otherwise provided in subsection 3, has received a diploma conferring the degree of doctor of veterinary medicine or its equivalent from a school of veterinary medicine within the United States or Canada or, if the applicant is a graduate of a school of veterinary medicine located outside the United States or Canada, that he has received an educational certificate issued after December 31, 1972, by the Educational Committee on Foreign Veterinary Graduates of the American Veterinary Medical Association;
- (c) Has passed each examination required by the board pursuant to NRS 638.110; and



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

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

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

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

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

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

18 638.147 **1.** If the board determines that any applicant for a license or  
19 any person licensed pursuant to this chapter has committed any of the acts  
20 which are grounds for disciplinary action, the board may:

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

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

23 ~~{3.}~~ (c) Revoke a license.

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

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

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

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

32 ~~8.}~~ *reprimand.*

33 (h) Limit the practice of the licensee to specified branches of veterinary  
34 medicine.

35 ~~{9.}~~ (i) Require the licensee to take a competency examination or a  
36 mental or physical examination.

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

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

40 **3. An order that imposes discipline and the findings of fact and**  
41 **conclusions of law supporting that order are public records.**

42 **Sec. 48.5.** NRS 639.2485 is hereby amended to read as follows:

43 639.2485 1. ~~{Any}~~ **Except as otherwise provided in this section, any**  
44 **records or information obtained during the course of an investigation by**  
45 **the board and any record of the investigation are confidential .** ~~{until the~~  
46 ~~investigation is completed. Upon completion of the investigation the~~  
47 ~~information and records are public records, only if:~~

48 ~~—(a) Disciplinary action is imposed by the board as a result of the~~  
49 ~~investigation; or~~



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1 ~~—(b) The person regarding whom the investigation was made submits a~~  
2 ~~written request to the board asking that the information and records be~~  
3 ~~made public records.~~

4 2. *The complaint or other document filed by the board to initiate*  
5 *disciplinary action and all documents and information considered by the*  
6 *board when determining whether to impose discipline are public records.*

7 3. The board may disclose to a practitioner and a law enforcement  
8 agency information concerning a person who procures or attempts to  
9 procure any dangerous drug or controlled substance in violation of NRS  
10 453.391 or 454.311.

11 ~~3.1~~ 4. If the board receives a request or subpoena for records or  
12 information obtained during an investigation by the board and the records  
13 or information is not made public pursuant to subsection ~~1.1~~ 2, the board  
14 shall notify the person regarding whom the investigation was made of the  
15 request or subpoena. If that person does not consent in writing to the  
16 release of the records or information, the board may release the records or  
17 information only upon the order of a court of competent jurisdiction.

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

19 639.255 1. The holder of any certificate, license or permit issued by  
20 the board, whose default has been entered or who has been heard by the  
21 board and found guilty of the violations alleged in the accusation, may be  
22 disciplined by the board by one or more of the following methods:

- 23 (a) Suspending judgment;  
24 (b) Placing the certificate, license or permit holder on probation;  
25 (c) Suspending the right of a certificate holder to practice, or the right to  
26 use any license or permit, for a period not to exceed 1 year;  
27 (d) Revoking the certificate, license or permit;  
28 (e) Public ~~for private~~ reprimand; *or*  
29 (f) Imposition of a fine not to exceed \$1,000 for each count of the  
30 accusation. ~~1.1 or~~

31 ~~—(g) Requiring the certificate, license or permit holder to pay all costs~~  
32 ~~incurred by the board relating to the discipline of the person.~~

33 2. Such action by the board is final, except that the propriety of such  
34 action is subject to review upon questions of law by a court of competent  
35 jurisdiction.

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

37 4. *An order that imposes discipline and the findings of fact and*  
38 *conclusions of law supporting that order are public records.*

39 **Sec. 50.** NRS 640.075 is hereby amended to read as follows:

40 640.075 1. ~~Any~~ *Except as otherwise provided in this section, any*  
41 records or information obtained during the course of an investigation by  
42 the board and any record of the investigation are confidential. ~~1.1 until the~~  
43 ~~investigation is completed. Upon completion of the investigation the~~  
44 ~~information and records are public records, only if:~~

45 ~~—(a) Disciplinary action is imposed by the board as a result of the~~  
46 ~~investigation; or~~

47 ~~—(b) The person regarding whom the investigation was made submits a~~  
48 ~~written request to the board asking that the information and records be~~  
49 ~~made public records.~~



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1     2. *The complaint or other document filed by the board to initiate*  
2 *disciplinary action and all documents and information considered by the*  
3 *board when determining whether to impose discipline are public records.*

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

7     4. *An order that imposes discipline and the findings of fact and*  
8 *conclusions of law supporting that order are public records.*

9     **Sec. 51.** NRS 640.160 is hereby amended to read as follows:

10     640.160 1. The board, after due notice and hearing, and upon any  
11 ground enumerated in subsection 2, may take one or more of the following  
12 actions:

- 13     (a) Refuse to issue a license or temporary license to any applicant.  
14     (b) Refuse to renew the license or temporary license of any person.  
15     (c) Suspend or revoke the license or temporary license of any person.  
16     (d) Place any person who has been issued a license or temporary license  
17 on probation.  
18     (e) Impose an administrative fine which does not exceed \$5,000 on any  
19 person who has been issued a license.

20     ~~[(f) Require any person who has been issued a license to pay all costs~~  
21 ~~*incurred by the board relating to the discipline of the person.]*~~

22     2. The board may take action pursuant to subsection 1 if an applicant  
23 or person who has been licensed pursuant to this chapter:

- 24     (a) Is habitually drunk or is addicted to the use of a controlled  
25 substance.  
26     (b) Has been convicted of violating any state or federal law relating to  
27 controlled substances.  
28     (c) Is, in the judgment of the board, guilty of immoral or unprofessional  
29 conduct.  
30     (d) Has been convicted of any crime involving moral turpitude.  
31     (e) Has been convicted of violating any of the provisions of NRS  
32 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.  
33     (f) Is guilty, in the judgment of the board, of gross negligence in his  
34 practice as a physical therapist which may be evidenced by claims of  
35 malpractice settled against a practitioner.  
36     (g) Has obtained or attempted to obtain a license by fraud or material  
37 misrepresentation.  
38     (h) Has been declared insane by a court of competent jurisdiction and  
39 has not thereafter been lawfully declared sane.  
40     (i) Has entered into any contract or arrangement which provides for the  
41 payment of an unearned fee to any person following his referral of a  
42 patient.  
43     (j) Has employed as a physical therapist any unlicensed physical  
44 therapist or physical therapist whose license has been suspended.  
45     (k) Has had his license to practice physical therapy suspended, revoked  
46 or in any way limited by another jurisdiction.  
47     (l) Is determined to be professionally incompetent by the board.  
48     (m) Has violated any provision of this chapter or the board's  
49 regulations.



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

2     640A.200 1. The board may, after notice and hearing, suspend,  
3     revoke or refuse to issue or renew a license to practice as an occupational  
4     therapist or occupational therapy assistant, or may impose conditions upon  
5     the use of that license, if the board determines that the holder of or  
6     applicant for the license is guilty of unprofessional conduct which has  
7     endangered or is likely to endanger the public health, safety or welfare. The  
8     board may reinstate a revoked license upon application by the person to  
9     whom the license was issued not less than 1 year after the license is  
10    revoked.

11    2. If the board receives a report pursuant to subsection 5 of NRS  
12    228.420, a hearing must be held to consider the report within 30 days after  
13    receiving the report.

14    3. *An order that imposes discipline and the findings of fact and*  
15    *conclusions of law supporting that order are public records.*

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

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

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

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

23    **Sec. 52.5** NRS 640A.220 is hereby amended to read as follows:

24    640A.220 ~~{Any}~~

25    1. *Except as otherwise provided in this section, any* records or  
26    information obtained during the course of an investigation by the board are  
27    confidential. ~~{until the investigation is completed. Upon completion of the~~  
28    ~~investigation, the records and information are public records if:~~

29    ~~—1. Disciplinary action is imposed by the board as a result of the~~  
30    ~~investigation; or~~

31    ~~—2. The person under investigation submits a written request to the~~  
32    ~~board asking that the information and records be made}~~

33    2. *The complaint or other document filed by the board to initiate*  
34    *disciplinary action and all documents and information considered by the*  
35    *board when determining whether to impose discipline are* public records.

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

37    641.090 1. The secretary-treasurer shall make and keep on behalf of  
38    the board:

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

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

42    (c) A record of all examinations of applicants.

43    (d) A register of all licenses.

44    (e) A register of all holders of licenses.

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

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



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

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

4 641.240 *1.* If the board, a panel of its members or a hearing officer  
5 appointed by the board finds the person guilty as charged in the complaint,  
6 it may:

7 ~~1-1~~ (a) Administer a public ~~for private reprimand.~~

8 ~~2-1~~ *reprimand.*

9 (b) Limit his practice.

10 ~~3-1~~ (c) Suspend his license for a period of not more than 1 year.

11 ~~4-1~~ (d) Revoke his license.

12 ~~5-1~~ (e) Impose a fine of not more than \$5,000.

13 ~~6-1~~ (f) Revoke or suspend his license and impose a monetary penalty.

14 ~~7-1~~ (g) Suspend the enforcement of any penalty by placing him on  
15 probation. The board may revoke the probation if the person does not  
16 follow any conditions imposed.

17 ~~8-1~~ (h) Require the person to submit to the supervision of or  
18 counseling or treatment by a person designated by the board. The person  
19 named in the complaint is responsible for any expense incurred.

20 ~~9-1~~ (i) Impose and modify any conditions of probation for the  
21 protection of the public or the rehabilitation of the probationer.

22 ~~10-1~~ (j) Require the person to pay for the costs of remediation or  
23 restitution.

24 ~~11-1 Assess the costs of the disciplinary proceedings, including any~~  
25 ~~investigations.~~

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

27 *3. An order that imposes discipline and the findings of fact and*  
28 *conclusions of law supporting that order are public records.*

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

30 641.255 ~~1-1~~

31 *1. Except as otherwise provided in subsection 2, all complaints filed*  
32 *with the board, all information relating to a complaint and all*  
33 *information relating to an investigation conducted to determine whether*  
34 *to initiate disciplinary action are confidential, except to the extent*  
35 *necessary for the conduct of an investigation. ~~1-1 until the board determines~~*  
36 *~~whether to proceed with any action authorized under this chapter. If the~~*  
37 *~~board proceeds with any action, confidentiality is no longer required.~~*

38 *2. The complaint or other document filed by the board to initiate*  
39 *disciplinary action and all documents and information considered by the*  
40 *board when determining whether to impose discipline are public records.*

41 **Sec. 55.5.** NRS 641A.191 is hereby amended to read as follows:

42 641A.191 *1. ~~1-1 Any~~ Except as otherwise provided in this section,*  
43 *any records or information obtained during the course of an investigation*  
44 *by the board and any record of the investigation are confidential. ~~1-1 until the~~*  
45 *~~investigation is completed. Except as otherwise provided in NRS~~*  
46 *~~641A.315, upon completion of the investigation the information and~~*  
47 *~~records are public records, only if:~~*

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



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1 ~~—(b) The person regarding whom the investigation was made submits a~~  
2 ~~written request to the board asking that the information and records be~~  
3 ~~made public records.~~

4 2. *The complaint or other document filed by the board to initiate*  
5 *disciplinary action and all documents and information considered by the*  
6 *board when determining whether to impose discipline are public records.*

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

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

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

14 ~~{1-}~~ (a) Placing him upon probation for a period to be determined by  
15 the board.

16 ~~{2-}~~ (b) Suspending his license for not more than 1 year.

17 ~~{3-}~~ (c) Revoking his license.

18 ~~{4-}~~ (d) Administering a ~~{private or}~~ public reprimand.

19 ~~{5-}~~ (e) Limiting his practice.

20 ~~{6-}~~ (f) Imposing an administrative fine of not more than \$5,000.

21 ~~{7-}~~ (g) Requiring him to complete successfully another examination.

22 ~~{8-} Requiring him to pay the costs incurred by the board to conduct the~~  
23 ~~hearing.~~

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

25 3. *An order that imposes discipline and the findings of fact and*  
26 *conclusions of law supporting that order are public records.*

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

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

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

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

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

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

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

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

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

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



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~~1 (g) Require the person to pay all costs incurred by the board relating to~~  
~~2 the discipline of the person.~~

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

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

6 *5. An order that imposes discipline and the findings of fact and*  
7 *conclusions of law supporting that order are public records.*

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

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

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

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

24 4. The board may, for good cause, continue a hearing from time to  
25 time.

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

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

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

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

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

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

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

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

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

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

46 6. If his license or certificate is revoked or suspended pursuant to  
47 subsection 5, the licensed or certified counselor or certified intern may  
48 apply to the board for a rehearing within 10 days after the license or  
49 certificate is revoked or suspended. The licensed or certified counselor or



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certified intern may apply to the board for reinstatement of his revoked license or certificate not earlier than 1 year after the license or certificate is revoked. The board may accept or reject the application and may require the successful completion of an examination as a condition of reinstatement of the license or certificate.

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

*8. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.*

**Sec. 58.5.** NRS 641C.760 is hereby amended to read as follows:

641C.760 1. ~~Any~~ *Except as otherwise provided in this section, any records or information obtained during the course of an investigation by the board and any record of the investigation are confidential. ~~Until the investigation is completed. Upon completion of the investigation, the information and records are public records if:~~*

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

~~—(b) The person regarding whom the investigation was made submits a written request to the board asking that the information and records be made public records.~~

2. *The complaint or other document filed by the board to initiate disciplinary action and all documents and information considered by the board when determining whether to impose discipline are public records.*

3. If the board receives a request or subpoena for records or information obtained during an investigation by the board and the records or information is not made public pursuant to subsection ~~1.1~~ 2, the board shall notify the person regarding whom the investigation was made of the request or subpoena. If that person does not consent in writing to the release of the records or information, the board may release the records or information only upon the order of a court of competent jurisdiction.

**Sec. 59.** Chapter 642 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 board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are and remain confidential.*

2. *The complaint or other document filed by the board to initiate disciplinary action and all documents and information considered by the board when determining whether to impose discipline are public records.*

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

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

~~1.1~~ (a) Refuse to renew his license;

~~1.2~~ (b) Revoke his license;

~~1.3~~ (c) Suspend his license for a definite period or until further order of the board;

~~1.4~~ (d) Impose a fine of not more than \$5,000 for each act which constitutes a ground for disciplinary action;



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1 ~~15.1~~ (e) Place him on probation for a definite period subject to any  
2 reasonable conditions imposed by the board;  
3 ~~16.1~~ (f) Administer a public ~~for private reprimand;~~  
4 ~~7. Require him to pay the costs incurred by the board in taking~~  
5 ~~disciplinary action against him; or~~  
6 ~~8.1 reprimand; or~~  
7 (g) Impose any combination of disciplinary actions set forth in this  
8 section.  
9 *2. The board shall not administer a private reprimand.*  
10 *3. An order that imposes discipline and the findings of fact and*  
11 *conclusions of law supporting that order are public records.*  
12 **Sec. 61.** NRS 642.473 is hereby amended to read as follows:  
13 642.473 1. If the board determines that a person who holds a funeral  
14 director's license, a permit to operate a funeral establishment or a license to  
15 conduct direct cremations or immediate burials has committed any of the  
16 acts set forth in NRS 642.470, the board may:  
17 (a) Refuse to renew his license or permit;  
18 (b) Revoke his license or permit;  
19 (c) Suspend his license or permit for a definite period or until further  
20 order of the board;  
21 (d) Impose a fine of not more than \$5,000 for each act that constitutes a  
22 ground for disciplinary action;  
23 (e) Place him on probation for a definite period subject to any  
24 reasonable conditions imposed by the board;  
25 (f) Administer a public ~~for private~~ reprimand; *or*  
26 (g) ~~Require him to pay the costs incurred by the board in taking~~  
27 ~~disciplinary action against him; or~~  
28 ~~(h) Impose any combination of disciplinary actions set forth in~~  
29 ~~paragraphs (a) to (g);~~ (f), inclusive.  
30 2. Before the board may refuse to renew, or suspend or revoke a  
31 license or permit for any of the acts set forth in NRS 642.470, the board  
32 shall give at least 10 days' notice in writing to the licensee or holder of the  
33 permit. The notice must contain a brief statement of the reasons for the  
34 proposed action of the board and designate a time and place for a hearing  
35 before any final action is taken.  
36 *3. The board shall not administer a private reprimand.*  
37 *4. An order that imposes discipline and the findings of fact and*  
38 *conclusions of law supporting that order are public records.*  
39 **Sec. 62.** Chapter 643 of NRS is hereby amended by adding thereto a  
40 new section to read as follows:  
41 *1. Except as otherwise provided in this section, a complaint filed with*  
42 *the board, all documents and other information filed with the complaint*  
43 *and all documents and other information compiled as a result of an*  
44 *investigation conducted to determine whether to initiate disciplinary*  
45 *action are and remain confidential.*  
46 *2. The complaint or other document filed by the board to initiate*  
47 *disciplinary action and all documents and information considered by the*  
48 *board when determining whether to impose discipline are public records.*



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1     **Sec. 63.** NRS 643.185 is hereby amended to read as follows:  
2     643.185 1. The following are grounds for disciplinary action by the  
3     board:

4     (a) Violation by any person licensed pursuant to the provisions of this  
5     chapter of any provision of this chapter or the regulations adopted by the  
6     board.

7     (b) Conviction of a felony.

8     (c) Malpractice or incompetency.

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

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

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

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

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

17    (b) Revoke or suspend a license; *and*

18    (c) Impose a fine of not more than \$1,000. ~~†and~~

19    ~~—(d) Require the person to pay all costs incurred by the board relating to~~  
20    ~~the discipline of the person.]~~

21    3. *An order that imposes discipline and the findings of fact and*  
22    *conclusions of law supporting that order are public records.*

23    **Sec. 64.** Chapter 644 of NRS is hereby amended by adding thereto a  
24    new section to read as follows:

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

30    2. *The complaint or other document filed by the board to initiate*  
31    *disciplinary action and all documents and information considered by the*  
32    *board when determining whether to impose discipline are public records.*

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

34    644.080 The board:

35    1. Shall prescribe the duties of its officers, examiners and employees,  
36    and fix the compensation of those employees.

37    2. May establish offices in as many localities in the state as it finds  
38    necessary to carry out the provisions of this chapter. All records and files  
39    of the board must be kept at the main office of the board and *, except as*  
40    *otherwise provided in section 64 of this act,* be open to public inspection at  
41    all reasonable hours.

42    3. May adopt a seal.

43    4. May issue subpoenas to compel the attendance of witnesses and the  
44    production of books and papers.

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

46    644.430 1. The following are grounds for disciplinary action by the  
47    board:

48    (a) Failure of an owner of a cosmetological establishment, a licensed  
49    aesthetician, cosmetologist, hair designer, electrologist, instructor,



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1 manicurist or school of cosmetology, or a cosmetologist's apprentice to  
2 comply with the requirements of this chapter or the applicable regulations  
3 adopted by the board.

4 (b) Obtaining practice in cosmetology or any branch thereof, for money  
5 or any thing of value, by fraudulent misrepresentation.

6 (c) Gross malpractice.

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

9 (e) Drunkenness or the use or possession, or both, of a controlled  
10 substance or dangerous drug without a prescription, while engaged in the  
11 practice of cosmetology.

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

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

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

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

19 (j) Continued practice of cosmetology or operation of a cosmetological  
20 establishment or school of cosmetology after the license therefor has  
21 expired.

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

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

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

27 (b) Revoke or suspend a license;

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

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

30 *3. An order that imposes discipline and the findings of fact and*  
31 *conclusions of law supporting that order are public records.*

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

34 *1. Except as otherwise provided in this section, a complaint filed with*  
35 *the division alleging a violation of this chapter, all documents and other*  
36 *information filed with the complaint and all documents and other*  
37 *information compiled as a result of an investigation conducted to*  
38 *determine whether to initiate disciplinary action are and remain*  
39 *confidential.*

40 *2. The complaint or other document filed by the commission to*  
41 *initiate disciplinary action and all documents and information*  
42 *considered by the commission when determining whether to impose*  
43 *discipline are public records.*

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

45 645.180 1. The division shall adopt a seal by which it shall  
46 authenticate its proceedings.

47 2. ~~{Records}~~ *Except as otherwise provided in section 67 of this act,*  
48 *records* kept in the office of the division under authority of this chapter are  
49 open to public inspection under regulations adopted by the real estate



1 division, except that the division may refuse to make public, unless ordered  
2 to do so by a court:

- 3 (a) Real estate brokers' and real estate salesmen's examinations; *and*  
4 (b) ~~Files compiled by the division while investigating possible~~  
5 ~~violations of this chapter or chapter 119 of NRS; and~~  
6 ~~(c)~~ The criminal and financial records of licensees, applicants for  
7 licenses and owner-developers.

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

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

12 645.630 *1.* The commission may require a licensee or owner-  
13 developer to pay an administrative fine of not more than \$5,000 for each  
14 violation he commits or suspend, revoke or place conditions upon his  
15 license or registration, or do both, at any time if the licensee or owner-  
16 developer has, by false or fraudulent representation, obtained a license or  
17 registration, or the licensee or owner-developer, whether or not acting as  
18 such, is found guilty of:

- 19 ~~1-1~~ (a) Making any material misrepresentation.  
20 ~~1-2~~ (b) Making any false promises of a character likely to influence,  
21 persuade or induce.  
22 ~~1-3~~ (c) Accepting a commission or valuable consideration as a real  
23 estate broker-salesman or salesman for the performance of any of the acts  
24 specified in this chapter or chapter 119 or 119A of NRS from any person  
25 except the licensed real estate broker with whom he is associated or the  
26 owner-developer by whom he is employed.  
27 ~~1-4~~ (d) Representing or attempting to represent a real estate broker  
28 other than the broker with whom he is associated, without the express  
29 knowledge and consent of the broker with whom he is associated.  
30 ~~1-5~~ (e) Failing to maintain, for review and audit by the division, each  
31 brokerage agreement governed by the provisions of this chapter and  
32 entered into by the licensee.  
33 ~~1-6~~ (f) Failing, within a reasonable time, to account for or to remit any  
34 money which comes into his possession and which belongs to others.  
35 ~~1-7~~ (g) If he is required to maintain a trust account:  
36 ~~1-a~~ (1) Failing to balance the trust account at least monthly; and  
37 ~~1-b~~ (2) Failing to submit to the division an annual accounting of the  
38 trust account as required in NRS 645.310.  
39 ~~1-8~~ (h) Commingling the money or other property of his clients with  
40 his own or converting the money of others to his own use.  
41 ~~1-9~~ (i) In the case of a broker-salesman or salesman, failing to place in  
42 the custody of his licensed broker or owner-developer, as soon as possible,  
43 any deposit or other money or consideration entrusted to him by any person  
44 dealing with him as the representative of his licensed broker.  
45 ~~1-10~~ (j) Accepting other than cash as earnest money unless that fact is  
46 communicated to the owner before his acceptance of the offer to purchase  
47 and that fact is shown in the receipt for the earnest money.  
48 ~~1-11~~ (k) Upon acceptance of an agreement, in the case of a broker,  
49 failing to deposit any check or cash received as earnest money before the



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1 end of the next banking day unless otherwise provided in the purchase  
2 agreement.

3 ~~H2.1~~ (1) Inducing any party to a brokerage agreement, sale or lease to  
4 break it in order to substitute a new brokerage agreement, agreement of  
5 sale or lease with the same or another party if the inducement to make the  
6 substitution is offered to secure personal gain to the licensee or owner-  
7 developer.

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

11 *2. An order that imposes discipline and the findings of fact and*  
12 *conclusions of law supporting that order are public records.*

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

14 645.990 1. A person who:

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

17 (b) Sells or attempts to sell in this state any interest in real property by  
18 means of intentional misrepresentation, deceit or fraud,  
19 is guilty of a category D felony and shall be punished as provided in NRS  
20 193.130. In addition to any other penalty, the court shall order the person to  
21 pay restitution.

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

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

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

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

36 6. The administrator may prefer a complaint for violation of NRS  
37 645.230 before any court of competent jurisdiction and may take the  
38 necessary legal steps through the proper legal officers of this state to  
39 enforce the provisions thereof.

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

44 ~~8. 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 administrator.~~



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1     **Sec. 71.** Chapter 645A 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 commissioner, all documents and other information filed with the***  
5 ***complaint and all documents and other information compiled as a result***  
6 ***of the investigation conducted to determine whether to initiate***  
7 ***disciplinary action are and remain confidential.***

8     **2. *The complaint or other document filed by the commissioner to***  
9 ***initiate disciplinary action and all documents and information***  
10 ***considered by the commissioner when determining whether to impose***  
11 ***discipline are public records.***

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

13     645A.050 1. Subject to the administrative control of the director of  
14 the department of business and industry, the commissioner shall exercise  
15 general supervision and control over escrow agents and agencies doing  
16 business in the State of Nevada.

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

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

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

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

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

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

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

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

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

37     3. An escrow agency may engage a certified public accountant to  
38 perform such an examination in lieu of the division. In such a case, the  
39 examination must be equivalent to the type of examination made by the  
40 division and the expense must be borne by the escrow agency being  
41 examined.

42     4. The commissioner shall determine whether an examination  
43 performed by an accountant pursuant to subsection 3 is equivalent to an  
44 examination conducted by the division. The commissioner may examine  
45 any area of the operation of an escrow agency if the commissioner  
46 determines that the examination of that area is not equivalent to an  
47 examination conducted by the division.



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1     **Sec. 73.** NRS 645A.090 is hereby amended to read as follows:  
2     645A.090 1. The commissioner may refuse to license any escrow  
3     agent or agency or may suspend or revoke any license or impose a fine of  
4     not more than \$500 for each violation by entering an order to that effect,  
5     with his findings in respect thereto, if upon a hearing, it is determined that  
6     the applicant or licensee:  
7         (a) In the case of an escrow agency, is insolvent;  
8         (b) Has violated any provision of this chapter or any regulation adopted  
9     pursuant thereto or has aided and abetted another to do so;  
10        (c) In the case of an escrow agency, is in such a financial condition that  
11     he cannot continue in business with safety to his customers;  
12        (d) Has committed fraud in connection with any transaction governed  
13     by this chapter;  
14        (e) Has intentionally or knowingly made any misrepresentation or false  
15     statement to, or concealed any essential or material fact from, any principal  
16     or designated agent of a principal in the course of the escrow business;  
17        (f) Has intentionally or knowingly made or caused to be made to the  
18     commissioner any false representation of a material fact or has suppressed  
19     or withheld from the commissioner any information which the applicant or  
20     licensee possesses;  
21        (g) Has failed without reasonable cause to furnish to the parties of an  
22     escrow their respective statements of the settlement within a reasonable  
23     time after the close of escrow;  
24        (h) Has failed without reasonable cause to deliver, within a reasonable  
25     time after the close of escrow, to the respective parties of an escrow  
26     transaction any money, documents or other properties held in escrow in  
27     violation of the provisions of the escrow instructions;  
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;  
32        (j) Has been convicted of a felony or any misdemeanor of which an  
33     essential element is fraud;  
34        (k) In the case of an escrow agency, has failed to maintain complete and  
35     accurate records of all transactions within the last 6 years;  
36        (l) Has commingled the money of others with his own or converted the  
37     money of others to his own use;  
38        (m) Has failed, before the close of escrow, to obtain written escrow  
39     instructions concerning any essential or material fact or intentionally failed  
40     to follow the written instructions which have been agreed upon by the  
41     parties and accepted by the holder of the escrow;  
42        (n) Has failed to disclose in writing that he is acting in the dual capacity  
43     of escrow agent or agency and undisclosed principal in any transaction; or  
44        (o) In the case of an escrow agency, has:  
45            (1) Failed to maintain adequate supervision of an escrow agent; or  
46            (2) Instructed an escrow agent to commit an act which would be  
47     cause for the revocation of the escrow agent's license and the escrow agent  
48     committed the act. An escrow agent is not subject to disciplinary action for  
49     committing such an act under instruction by the escrow agency.



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1 2. It is sufficient cause for the imposition of a fine or the refusal,  
2 suspension or revocation of the license of a partnership, corporation or any  
3 other association that any member of the partnership or any officer or  
4 director of the corporation or association has been guilty of any act or  
5 omission which would be cause for such action had the applicant or  
6 licensee been a natural person.

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

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

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

18 **Sec. 74.** Chapter 645B 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 commissioner, all documents and other information filed with the*  
22 *complaint and all documents and other information compiled as a result*  
23 *of an investigation conducted to determine whether to initiate*  
24 *disciplinary action are and remain confidential.*

25 *2. The complaint or other document filed by the commissioner to*  
26 *initiate disciplinary action and all documents and information*  
27 *considered by the commissioner when determining whether to impose*  
28 *discipline are public records.*

29 *3. An order that imposes discipline and the findings of fact and*  
30 *conclusions of law supporting that order are public records.*

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

32 645B.070 1. In the conduct of any examination, periodic or special  
33 audit, investigation or hearing, the commissioner may:

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

35 (b) Administer oaths.

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

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

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



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1 examine or investigate the conduct, activities or business of the person  
2 pursuant to this chapter.

3 **Sec. 76.** NRS 645B.090 is hereby amended to read as follows:

4 645B.090 1. Except as otherwise provided in this section or by  
5 specific statute, all papers, documents, reports and other written  
6 instruments filed with the commissioner pursuant to this chapter are open  
7 to public inspection.

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

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

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

16 (c) Give any mortgage broker a competitive advantage over any other  
17 mortgage broker.

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

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

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

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

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

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

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

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



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1 to the person who filed the complaint and to the person alleged to have  
2 committed the violation.

3 5. Except as otherwise provided in subsection 6, if, upon investigation,  
4 the commissioner determines that there is reasonable cause to believe that  
5 the person committed the alleged violation, the commissioner shall:

6 (a) Schedule a hearing concerning the alleged violation;

7 (b) Mail to the last known address of the person who filed the complaint  
8 written notice that must include, without limitation:

9 (1) The date, time and place of the hearing; and

10 (2) A statement of each alleged violation that will be considered at  
11 the hearing; and

12 (c) By personal service in accordance with the Nevada Rules of Civil  
13 Procedure and any applicable provision of NRS, serve written notice of the  
14 hearing to the person alleged to have committed the violation. The written  
15 notice that is served pursuant to this paragraph must include, without  
16 limitation:

17 (1) The date, time and place of the hearing;

18 (2) A copy of the complaint and a statement of each alleged violation  
19 that will be considered at the hearing; and

20 (3) A statement informing the person that, pursuant to NRS  
21 645B.760, if he fails to appear, without reasonable cause, at the hearing:

22 (I) He is guilty of a misdemeanor; and

23 (II) The commissioner is authorized to conduct the hearing in his  
24 absence, draw any conclusions that the commissioner deems appropriate  
25 from his failure to appear and render a decision concerning each alleged  
26 violation.

27 6. ~~¶ The commissioner is not required to schedule or conduct a hearing~~  
28 ~~concerning an alleged violation pursuant to subsection 5 if the~~  
29 ~~commissioner and the person alleged to have committed the violation~~  
30 ~~enter.] If the commissioner enters into a written consent agreement settling~~  
31 ~~or resolving the alleged violation, ¶. If such a written consent agreement is~~  
32 ~~executed,]~~ the commissioner shall provide a copy of the written consent  
33 agreement to the person who filed the complaint.

34 7. The commissioner may:

35 (a) Investigate and conduct a hearing concerning any alleged violation,  
36 whether or not a complaint has been filed.

37 (b) Hear and consider more than one alleged violation against a person  
38 at the same hearing.

39 **Sec. 78.** Chapter 645C of NRS is hereby amended by adding thereto a  
40 new section to read as follows:

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

46 *2. The complaint or other document filed by the commission to*  
47 *initiate disciplinary action and all documents and information*  
48 *considered by the commission when determining whether to impose*  
49 *discipline are public records.*



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

2     645C.220 1. The division shall maintain a record of:

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

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

7     (c) Formal disciplinary proceedings; and

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

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

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

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

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

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

20     645C.460 1. Grounds for disciplinary action against a certified or  
21 licensed appraiser or registered intern include:

22     (a) Unprofessional conduct;

23     (b) Professional incompetence;

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

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

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

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

31     (b) Place conditions upon his certificate, license or registration card, or  
32 upon the reissuance of a certificate, license or registration card revoked  
33 pursuant to this section.

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

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

41     4. ~~If discipline is imposed pursuant to this section, the costs of the  
42 proceeding, including investigative costs and attorney's fees, may be  
43 recovered by the commission.~~ *An order that imposes discipline and the  
44 findings of fact and conclusions of law supporting that order are public  
45 records.*

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

48     1. *Except as otherwise provided in this section, a complaint filed with  
49 the division, all documents and other information filed with the*



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1 *complaint and all documents and other information compiled as a result*  
2 *of an investigation conducted to determine whether to initiate*  
3 *disciplinary action are and remain confidential.*

4 2. *The complaint or other document filed by the division to initiate*  
5 *disciplinary action and all documents and information considered by the*  
6 *division when determining whether to impose discipline are public*  
7 *records.*

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

9 645D.130 1. The division shall maintain a record of:

- 10 (a) Persons from whom it receives applications for a certificate;  
11 (b) Investigations conducted by it that result in the initiation of formal  
12 disciplinary proceedings;  
13 (c) Formal disciplinary proceedings; and  
14 (d) Rulings or decisions upon complaints filed with it.

15 2. Except as otherwise provided in this section ~~†~~ *and section 81 of*  
16 *this act*, records kept in the office of the division pursuant to this chapter  
17 are open to the public for inspection pursuant to regulations adopted by the  
18 division. The division shall keep confidential, unless otherwise ordered by  
19 a court ~~†~~

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

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

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

25 645D.700 1. Grounds for disciplinary action against a certified  
26 inspector are:

- 27 (a) Unprofessional conduct;  
28 (b) Professional incompetence; and  
29 (c) A criminal conviction for a felony or any offense involving moral  
30 turpitude.

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

- 34 (a) Revoke or suspend his certificate.  
35 (b) Place conditions upon his certificate or upon the reissuance of a  
36 certificate revoked pursuant to this section.  
37 (c) Impose a fine of not more than \$1,000 for each violation.

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

43 4. *An order that imposes discipline and the findings of fact and*  
44 *conclusions of law supporting that order are public records.*

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

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



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1 *of an investigation conducted to determine whether to initiate*  
2 *disciplinary action are and remain confidential.*

3 2. *The complaint or other document filed by the commissioner to*  
4 *initiate disciplinary action and all documents and information*  
5 *considered by the commissioner when determining whether to impose*  
6 *discipline are public records.*

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

8 645E.310 1. In the conduct of any examination, periodic or special  
9 audit, investigation or hearing, the commissioner may:

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

11 (b) Administer oaths.

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

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

21 3. ~~He~~ *In addition to the authority to recover attorney's fees and*  
22 *costs pursuant to section 3 of this act, the* commissioner may assess  
23 against and collect from a person all costs, including, without limitation,  
24 reasonable attorney's fees, that are attributable to any examination,  
25 periodic or special audit, investigation or hearing that is conducted to  
26 examine or investigate the conduct, activities or business of the person  
27 pursuant to this chapter.

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

29 645E.670 1. For each violation committed by an applicant, whether  
30 or not he is issued a license, the commissioner may impose upon the  
31 applicant an administrative fine of not more than \$10,000, if the applicant:

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

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

38 (c) Has violated any provision of this chapter, a regulation adopted  
39 pursuant to this chapter or an order of the commissioner in completing and  
40 filing his application for a license or during the course of the investigation  
41 of his application for a license.

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

46 (a) Is insolvent;

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



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

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

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

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

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

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

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

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

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

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

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

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

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

37 *3. An order that imposes discipline and the findings of fact and*  
38 *conclusions of law supporting that order are public records.*

39 **Sec. 86.5.** NRS 648.034 is hereby amended to read as follows:

40 648.034 1. ~~Any~~ *Except as otherwise provided in this section, any*  
41 records or information obtained during the course of an investigation of a  
42 licensee by the board and any record of the investigation are confidential .  
43 ~~until the investigation is completed. Upon completion of the investigation~~  
44 ~~the information and records are public records, only if:~~

45 ~~—(a) Disciplinary action is imposed by the board as a result of the~~  
46 ~~investigation; or~~

47 ~~—(b) The person regarding whom the investigation was made submits a~~  
48 ~~written request to the board asking that the information and records be~~  
49 ~~made public records.~~



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1     2. *The complaint or other document filed by the board to initiate*  
2 *disciplinary action and all documents and information considered by the*  
3 *board when determining whether to impose discipline are public records.*

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

7     **Sec. 87.** NRS 648.175 is hereby amended to read as follows:

8     648.175 1. If, after a hearing, the board finds that cause exists, the  
9 board may:

10     ~~1-1~~ (a) Revoke the license of the licensee.

11     ~~2-1~~ (b) Suspend the license of the licensee for not more than 1 year for  
12 each violation.

13     ~~3-1~~ (c) Fine the licensee not more than \$5,000 for each violation.

14     ~~4-1~~ (d) Suspend an order authorized by this section upon such terms  
15 and conditions as the board considers appropriate.

16     ~~5-1~~ (e) Place the licensee on probation for not more than 2 years upon  
17 such terms and conditions as the board considers appropriate.

18     ~~6-1 Publicly or privately~~

19     (f) *Publicly* reprimand the licensee.

20     ~~7-1~~ (g) Affirm, modify or vacate the penalty imposed by a notice of  
21 violation.

22     ~~8-1 Require the licensee to pay all costs incurred by the board relating~~  
23 ~~to the discipline of the licensee.~~

24     2. *An order that imposes discipline and the findings of fact and*  
25 *conclusions of law supporting that order are public records.*

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

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

33     2. *The complaint or other document filed by the commissioner to*  
34 *initiate disciplinary action and all documents and information*  
35 *considered by the commissioner when determining whether to impose*  
36 *discipline are public records.*

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

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

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

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

47         (1) Fraud or misrepresentation;

48         (2) An act or omission inconsistent with the faithful discharge of his  
49 duties and obligations; or



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1 (3) A violation of any provision of this chapter.  
2 2. The commissioner may suspend or revoke the license of a collection  
3 agency without notice and hearing if:

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

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

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

12 *4. An order that imposes discipline and the findings of fact and*  
13 *conclusions of law supporting that order are public records.*

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

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

21 *2. The complaint or other document filed by the board to initiate*  
22 *disciplinary action and all documents and information considered by the*  
23 *board when determining whether to impose discipline are public records.*

24 *3. An order that imposes discipline and the findings of fact and*  
25 *conclusions of law supporting that order are public records.*

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

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

33 *2. The complaint or other document filed by the board to initiate*  
34 *disciplinary action and all documents and information considered by the*  
35 *board when determining whether to impose discipline are public records.*

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

37 654.110 1. The board shall:

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

47 (b) Develop and apply appropriate techniques, including examinations  
48 and investigations, for determining whether a person meets those  
49 standards.



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

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

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

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

17 (g) Conduct a continuing study of:

18 (1) Facilities for skilled nursing, facilities for intermediate care and  
19 their administrators; and

20 (2) Residential facilities for groups and their administrators,  
21 with a view to the improvement of the standards imposed for the licensing  
22 of administrators and of procedures and methods for the enforcement of the  
23 standards.

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

28 2. All the records kept by the board, not otherwise privileged ~~H~~ or  
29 ~~confidential~~, are public records.

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

31 654.190 1. The board may, after notice and hearing, impose an  
32 administrative fine of not more than \$2,500 on and suspend or revoke the  
33 license of any nursing facility administrator or administrator of a  
34 residential facility for groups who:

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

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

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

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

42 (e) Violates any regulation of the board prescribing additional standards  
43 of conduct for nursing facility administrators or administrators of  
44 residential facilities for groups.

45 2. The board shall give a licensee against whom proceedings are  
46 brought pursuant to this section written notice of a hearing not less than 10  
47 days before the date of the hearing.

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



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1 ~~recovered by the board.~~ *An order that imposes discipline and the*  
2 *findings of fact and conclusions of law supporting that order are public*  
3 *records.*

4 **Sec. 94.** Chapter 656 of NRS is hereby amended by adding thereto a  
5 new section to read as follows:

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

11 *2. The complaint or other document filed by the board to initiate*  
12 *disciplinary action and all documents and information considered by the*  
13 *board when determining whether to impose discipline are public records.*

14 *3. An order that imposes discipline and the findings of fact and*  
15 *conclusions of law supporting that order are public records.*

16 **Sec. 95.** NRS 623A.295, 630.142, 633.611, 634.165, 638.154 and  
17 639.091 are hereby repealed.

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### LEADLINES OF REPEALED SECTIONS

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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.

