

SENATE BILL NO. 276—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF THE ATTORNEY GENERAL)

MARCH 23, 2005

Referred to Committee on Commerce and Labor

SUMMARY—Establishes uniform disciplinary process for certain regulatory bodies which administer occupational licensing. (BDR 54-98)

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

~

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

AN ACT relating to regulatory bodies; establishing a uniform disciplinary process for certain regulatory bodies which administer occupational licensing; revising certain provisions governing occupational licensing so they conform with the uniform disciplinary process; repealing certain provisions in the chapters governing occupational licensing so they conform with the uniform disciplinary process; providing penalties; 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
2 thereto a new chapter to consist of the provisions set forth as
3 sections 2 to 41, inclusive, of this act.

4 **Sec. 2.** *As used in this chapter, unless the context otherwise*
5 *requires, the words and terms defined in sections 3 to 10,*
6 *inclusive, of this act have the meanings ascribed to them in those*
7 *sections.*

8 **Sec. 3.** 1. *“Contested case” and “case” have the meaning*
9 *ascribed to “contested case” in NRS 233B.032.*



2. A final decision of a regulatory body approving or denying an application for issuance or renewal of a license is not a contested case for the purposes of this chapter.

Sec. 4. "Employee" includes, without limitation, a person who has a contract to provide services as an independent contractor.

Sec. 5. "License" means any license, certificate, registration, permit or similar type of authorization issued by a regulatory body.

Sec. 6. "Licensee" means a person who holds any license, certificate, registration, permit or similar type of authorization issued by a regulatory body.

Sec. 7. "Member of a regulatory body" means a person who is serving as a member or officer of a regulatory body.

Sec. 8. "Prosecutor" means any of the following:

1. The Attorney General or a deputy attorney general who prosecutes a contested case pursuant to this chapter;

2. If the Attorney General and his deputies are disqualified to act in such a matter, an attorney appointed by the Attorney General to prosecute a contested case pursuant to this chapter; or

3. If the regulatory body is authorized to employ or retain attorneys other than the Attorney General and his deputies, an attorney employed or retained by the regulatory body to prosecute a contested case pursuant to this chapter.

Sec. 9. "Records" means any records, files, books, documents, papers, information or data in any form.

Sec. 10. 1. "Regulatory body" means:

(a) Any state agency, board or commission which has the authority to regulate an occupation or profession pursuant to this title; and

(b) Any officer of a state agency, board or commission which has the authority to regulate an occupation or profession pursuant to this title.

2. The term does not include any regulatory body which is exempted from the provisions of this chapter pursuant to section 11 of this act, unless the regulatory body makes an election pursuant to that section to follow the provisions of this chapter.

Sec. 11. 1. The following regulatory bodies are exempted from the provisions of this chapter:

(a) State Contractors' Board.

(b) State Board of Professional Engineers and Land Surveyors.

(c) Nevada State Board of Accountancy.

(d) Board of Medical Examiners.

(e) Board of Dental Examiners of Nevada.

(f) State Board of Nursing.



- 1 (g) *Chiropractic Physicians' Board of Nevada.*
- 2 (h) *Nevada State Board of Optometry.*
- 3 (i) *State Board of Pharmacy.*
- 4 (j) *Board of Examiners for Marriage and Family Therapists.*
- 5 (k) *Real Estate Commission, Real Estate Administrator and*
- 6 *Real Estate Division of the Department of Business and Industry.*
- 7 (l) *Commission of Appraisers of Real Estate.*
- 8 (m) *Commissioner of Mortgage Lending and Division of*
- 9 *Mortgage Lending of the Department of Business and Industry.*
- 10 (n) *Commissioner of Financial Institutions and Division of*
- 11 *Financial Institutions of the Department of Business and*
- 12 *Industry.*
- 13 (o) *State Board of Health and Health Division of the*
- 14 *Department of Human Resources.*

15 2. *Any regulatory body which is exempted from the provisions*
16 *of this chapter pursuant to subsection 1 may elect by regulation to*
17 *follow the provisions of this chapter or any portion thereof.*

18 **Sec. 12.** 1. *The provisions of this chapter must be*
19 *interpreted so as to effectuate their general purpose to make*
20 *uniform among the regulatory bodies that are subject to the*
21 *provisions of this chapter the procedures used to prosecute*
22 *contested cases and take administrative action against a person*
23 *who violates any law or regulation governing occupational*
24 *licensing.*

25 2. *To the extent possible, the provisions of this chapter are*
26 *intended to supplement other statutory provisions governing*
27 *administrative procedure, occupational licensing and regulatory*
28 *bodies, and such other provisions must be given effect to the extent*
29 *that those provisions do not conflict with the provisions of this*
30 *chapter. If there is a conflict between such other provisions and*
31 *the provisions of this chapter, the provisions of this chapter*
32 *control.*

33 **Sec. 13.** 1. *The provisions of this chapter do not affect or*
34 *limit the authority of a regulatory body, at any stage of a contested*
35 *case, to make an informal disposition of the contested case*
36 *pursuant to subsection 5 of NRS 233B.121 or to enter into a*
37 *consent or settlement agreement approved by the regulatory body*
38 *pursuant to NRS 622.330.*

39 2. *The provisions of this chapter do not affect or limit the*
40 *authority of a regulatory body to designate a panel of its members*
41 *to hear a contested case pursuant to this chapter.*

42 **Sec. 14.** 1. *A person who provides a governmental entity,*
43 *officer or employee with any information relating to a contested*
44 *case is immune from any civil liability for providing that*



1 *information if the person acted in good faith and without*
2 *malicious intent.*

3 2. *A governmental entity, officer or employee is immune from*
4 *any civil liability for:*

5 (a) *Any decision or action taken in good faith and without*
6 *malicious intent in carrying out the provisions of this chapter or*
7 *any law or regulation governing occupational licensing; or*

8 (b) *Communicating or cooperating with or providing any*
9 *documents or other information to any other governmental entity,*
10 *officer or employee conducting an investigation, disciplinary*
11 *proceeding or civil or criminal prosecution.*

12 **Sec. 15. 1. To initiate the prosecution of a contested case,**
13 **the prosecutor shall file a charging document with the regulatory**
14 **body and serve the licensee with the charging document.**

15 2. *The regulatory body shall determine whether the case will*
16 *be heard by the regulatory body or a hearing panel or officer.*

17 3. *The regulatory body or hearing panel or officer shall*
18 *provide the licensee with written notice of the case pursuant to*
19 *NRS 233B.121 and 241.034.*

20 4. *If the case is heard by a hearing panel or officer, the*
21 *hearing panel or officer shall follow the procedures established by*
22 *this chapter and any other applicable statutory and regulatory*
23 *provisions governing the case. The hearing panel or officer shall*
24 *prepare written findings and recommendations and serve the*
25 *findings and recommendations on the parties and the regulatory*
26 *body for its review.*

27 5. *The findings and recommendations of the hearing panel or*
28 *officer do not become final unless they are approved by the*
29 *regulatory body after review. In reviewing the findings and*
30 *recommendations of the hearing panel or officer, the regulatory*
31 *body may:*

32 (a) *Approve the findings and recommendations, with or*
33 *without modification;*

34 (b) *Reject the findings and recommendations and remand the*
35 *case to the hearing panel or officer;*

36 (c) *Reject the findings and recommendations and order a*
37 *hearing de novo before the regulatory body; or*

38 (d) *Take any other action that the regulatory body deems*
39 *appropriate to resolve the case.*

40 6. *If the case is heard by the regulatory body, the regulatory*
41 *body shall follow the procedures established by this chapter and*
42 *any other applicable statutory and regulatory provisions governing*
43 *the case.*

44 7. *The regulatory body or the hearing panel or officer, with*
45 *the approval of the regulatory body, may consolidate two or more*



1 *cases if it appears that the cases involve common issues of law or*
2 *fact and the interests of the parties will not be prejudiced by the*
3 *consolidation.*

4 **Sec. 16.** 1. *In any contested case against a licensee*
5 *pursuant to this chapter, the licensee may appear on his own*
6 *behalf or the licensee may be represented by:*

7 (a) *An attorney licensed to practice law in this State; or*

8 (b) *An attorney licensed to practice law in another state who is*
9 *properly associated with an attorney licensed to practice law in*
10 *this State and who provides a certificate of good standing from the*
11 *licensing authority of the other state.*

12 2. *An attorney representing a licensee shall:*

13 (a) *Ensure that his conduct complies with the Nevada Rules of*
14 *Professional Conduct; and*

15 (b) *Conform to all standards of ethical and courteous behavior*
16 *required in the courts of this State.*

17 3. *An attorney may withdraw from his representation of a*
18 *licensee upon notice to the licensee and the regulatory body or*
19 *hearing panel or officer. The notice must include the reason for*
20 *the requested withdrawal. The regulatory body or hearing panel or*
21 *officer may deny the request if there may be an unreasonable*
22 *delay in the case or the substantial rights of the licensee may be*
23 *prejudiced.*

24 4. *If the regulatory body or hearing panel or officer finds that*
25 *an attorney has violated any provision of this section, the*
26 *regulatory body or hearing panel or officer may bar the attorney*
27 *from participating in the case or may impose such other sanctions*
28 *as the regulatory body or hearing panel or officer deems*
29 *appropriate.*

30 5. *A licensee is responsible for all costs related to the*
31 *presentation of his defense.*

32 **Sec. 17.** 1. *After being served with the charging document,*
33 *the licensee may, but is not required to, file an answer to the*
34 *charging document. The licensee may file such an answer not*
35 *later than 20 days after the date of service of the charging*
36 *document.*

37 2. *The prosecutor may amend the charging document at any*
38 *time before the hearing. If the prosecutor amends the charging*
39 *document before the hearing, the prosecutor shall:*

40 (a) *File the amended charging document with the regulatory*
41 *body or hearing panel or officer; and*

42 (b) *Serve the licensee with the amended charging document.*

43 3. *After being served with an amended charging document,*
44 *the licensee may do any or all of the following:*



1 (a) *File an answer to the amended charging document. The*
2 *licensee may file such an answer not later than 20 days after the*
3 *date of service of the amended charging document or not later*
4 *than the date of the hearing, whichever date is sooner.*

5 (b) *Move for a continuance of the hearing. The regulatory*
6 *body or hearing panel or officer shall grant the continuance if the*
7 *licensee demonstrates that:*

8 (1) *The amendment materially alters the allegations in the*
9 *charging document; and*

10 (2) *The licensee does not have a reasonable opportunity to*
11 *prepare a defense against the amended charging document before*
12 *the date of the hearing.*

13 4. *The prosecutor may amend the charging document at the*
14 *time of the hearing if the amendment is not considered material*
15 *and the substantial rights of the licensee would not be prejudiced*
16 *by the amendment.*

17 5. *The charging document, any amended charging document*
18 *and any answer filed by the licensee must be made part of the*
19 *record at the hearing.*

20 **Sec. 18.** 1. *At any time after being served with the charging*
21 *document, the licensee may file with the regulatory body or*
22 *hearing panel or officer a written discovery request for a copy of*
23 *all documents and other evidence intended to be presented by the*
24 *prosecutor in support of the case and a list of proposed witnesses.*

25 2. *The investigative file for the case is not discoverable unless*
26 *the prosecutor intends to present materials from the investigative*
27 *file as evidence in support of the case. The investigative file for the*
28 *case includes all communications, records, affidavits or reports*
29 *acquired or created as part of the investigation of the case,*
30 *whether or not acquired through a subpoena related to the*
31 *investigation of the licensee.*

32 3. *A party may not serve any interrogatories on another party*
33 *or take any depositions relating to the case, unless permitted by the*
34 *regulations of the regulatory body.*

35 **Sec. 19.** *A party shall not communicate either directly or*
36 *indirectly with any member of the regulatory body, any member of*
37 *the hearing panel or the hearing officer about any issue of fact or*
38 *law related to the case unless the communication:*

39 1. *Is part of a pleading, motion or other document that is*
40 *properly filed and served on all parties; or*

41 2. *Occurs while all parties are present or occurs during a*
42 *meeting or hearing for which all parties have been given proper*
43 *notice, whether or not all parties are present at that meeting or*
44 *hearing.*



1 **Sec. 20. 1.** *If a party fails to appear at a scheduled hearing*
2 *and a continuance has not been scheduled or granted, any party*
3 *who is present at the hearing may make an offer of proof that the*
4 *absent party was given sufficient legal notice. Upon a*
5 *determination by the regulatory body or hearing panel or officer*
6 *that the absent party was given sufficient legal notice, the*
7 *regulatory body or hearing panel or officer may proceed to*
8 *consider and dispose of the case without the participation of the*
9 *absent party.*

10 2. *If the licensee fails to appear at a hearing, the regulatory*
11 *body or hearing panel or officer may accept the allegations*
12 *against the licensee in the charging document as true.*

13 **Sec. 21. 1.** *Except as otherwise provided in this chapter or*
14 *as permitted by the regulatory body or hearing panel or officer, to*
15 *request a ruling from the regulatory body or hearing panel or*
16 *officer on any issue of law or procedure in a case, a party must file*
17 *a written motion with the regulatory body or hearing panel or*
18 *officer.*

19 2. *A party may file only the following prehearing motions:*

20 (a) *A motion requesting a continuance or an extension of time.*

21 (b) *A motion requesting, for good cause, the recusal of the*
22 *hearing officer, a member of the hearing panel or a member of the*
23 *regulatory body from participation in the case.*

24 (c) *A motion requesting the separation of consolidated cases.*

25 (d) *A motion requesting a more definite statement regarding*
26 *the allegations in the charging document on the ground that there*
27 *is not enough information in the charging document to formulate*
28 *a defense.*

29 (e) *A motion requesting dismissal of the charging document*
30 *for failure to state facts which, if true, would form a sufficient*
31 *basis for discipline.*

32 (f) *With leave of the regulatory body or hearing panel or*
33 *officer, any other motion requesting appropriate action or relief*
34 *before the date of the hearing.*

35 3. *A prehearing motion must be filed with the regulatory body*
36 *or hearing panel or officer at least 10 days before the date of the*
37 *hearing. A party who opposes the motion may file a response to*
38 *the prehearing motion not later than 7 days after the date of*
39 *service of the motion. Upon a showing of good cause, the*
40 *regulatory body or hearing panel or officer may allow a party to*
41 *file such a motion or response within such other times as the*
42 *regulatory body or hearing panel or officer deems appropriate.*

43 4. *The regulatory body or hearing panel or officer shall rule*
44 *on any prehearing motion before or on the date of the hearing.*
45 *The regulatory body may authorize the president or chairman of*



1 *the regulatory body to rule on any prehearing motion before the*
2 *date of the hearing. The hearing panel may authorize the*
3 *chairman or presiding officer of the hearing panel to rule on any*
4 *prehearing motion before the date of the hearing.*

5 *5. A party may file only the following motions after the*
6 *commencement of the hearing:*

7 *(a) After the prosecutor has concluded the presentation of his*
8 *case in chief, a motion requesting dismissal of the charging*
9 *document for failure of the prosecutor to meet his burden of proof.*

10 *(b) With leave of the regulatory body or hearing panel or*
11 *officer, any other motion requesting appropriate action or relief*
12 *during the hearing.*

13 *6. A party may file only the motions set forth in section 24 of*
14 *this act after the close of the hearing.*

15 **Sec. 22.** *1. The prosecutor has the burden of proof in any*
16 *hearing pursuant to this chapter. The standard of proof in such a*
17 *hearing is substantial evidence.*

18 *2. Except as otherwise provided in this chapter, the*
19 *regulatory body or hearing panel or officer is not bound by strict*
20 *rules of procedure or rules of evidence when conducting the*
21 *hearing, except that evidence must be taken and considered in the*
22 *hearing pursuant to NRS 233B.123.*

23 *3. In any hearing pursuant to this chapter, the acts which*
24 *constitute grounds for initiating disciplinary action against a*
25 *licensee and the administrative penalties that may be imposed*
26 *against a licensee are set forth in the occupational licensing*
27 *chapter governing the licensee.*

28 *4. If requested by any party, the hearing or any portion of the*
29 *hearing must be transcribed. The party making the request shall*
30 *pay all costs for the transcription.*

31 **Sec. 23.** *1. Except as otherwise provided in this section, in*
32 *any hearing pursuant to this chapter, the hearing must proceed as*
33 *follows:*

34 *(a) The president or chairman of the regulatory body, the*
35 *chairman or presiding officer of the hearing panel or the hearing*
36 *officer shall call the hearing to order.*

37 *(b) The parties and their representatives and the members of*
38 *the regulatory body, the members of the hearing panel or the*
39 *hearing officer must be introduced.*

40 *(c) The regulatory body or hearing panel or officer shall*
41 *consider any preliminary motions, stipulations or orders and shall*
42 *address any administrative details regarding the hearing.*

43 *(d) The regulatory body or hearing panel or officer:*

44 *(1) Shall ask the parties if they want any witness excluded*
45 *from the hearing;*



1 (2) Shall instruct any witness who is excluded from the
2 hearing not to discuss the case during the course of the hearing;

3 (3) Shall allow the licensee to remain in the hearing;

4 (4) Shall allow any person who acts as both a
5 representative of the prosecutor and a witness in the hearing to
6 remain in the hearing; and

7 (5) May, on its own motion, exclude any witness from the
8 hearing.

9 (e) The prosecutor may make an opening statement. After the
10 prosecutor has had the opportunity to make an opening statement,
11 the licensee may make an opening statement. The regulatory body
12 or hearing panel or officer may limit equally the time of the
13 opening statement of each party.

14 (f) The prosecutor may present his case by presenting evidence
15 and calling witnesses in the following manner:

16 (1) The witness must be sworn in.

17 (2) The prosecutor may directly examine the witness.

18 (3) The licensee may cross-examine the witness.

19 (4) If requested, the prosecutor may question the witness on
20 redirect examination.

21 (5) If requested, the licensee may question the witness on
22 recross-examination.

23 (g) After the prosecutor has had the opportunity to present his
24 case, the licensee may present his case by presenting evidence and
25 calling witnesses in the following manner:

26 (1) The witness must be sworn in.

27 (2) The licensee may directly examine the witness.

28 (3) The prosecutor may cross-examine the witness.

29 (4) If requested, the licensee may question the witness on
30 redirect examination.

31 (5) If requested, the prosecutor may question the witness on
32 recross-examination.

33 (h) A member of the regulatory body, a member of the hearing
34 panel or the hearing officer may question a witness at any time
35 during the hearing. If a witness is questioned by a member of the
36 regulatory body, a member of the hearing panel or the hearing
37 officer, the party who called the witness may request permission to
38 ask further questions, limited to the area addressed by the member
39 or hearing officer. When that party has asked those questions, the
40 other party may request permission to ask further questions,
41 limited to the area addressed by the member or hearing officer.

42 (i) After the prosecutor and licensee have presented their
43 cases, the regulatory body or hearing panel or officer may allow
44 the prosecutor and licensee to call rebuttal witnesses. If the
45 prosecutor or licensee, or both, call one or more rebuttal



1 witnesses, each rebuttal witness must be sworn in and questioned
2 in the same manner as provided in paragraph (f) or (g), as
3 appropriate.

4 (j) The prosecutor may make a closing argument. After the
5 prosecutor has had the opportunity to make a closing argument,
6 the licensee may make a closing argument. The regulatory body or
7 hearing panel or officer may limit equally the time of the closing
8 argument of each party. If the licensee makes a closing argument,
9 the prosecutor may make a final closing argument. The regulatory
10 body or hearing panel or officer may limit the time of the final
11 closing argument.

12 (k) If allowed by the regulatory body or hearing panel or
13 officer, either party may recommend specific disciplinary action to
14 the regulatory body or hearing panel or officer at the appropriate
15 time.

16 (l) After the close of the hearing, the regulatory body or
17 hearing panel or officer shall deliberate and reach a decision. Not
18 later than 60 days after the close of the hearing:

19 (1) If the hearing was conducted by the hearing panel or
20 officer, the hearing panel or officer shall prepare written findings
21 and recommendations and serve the findings and
22 recommendations on the parties and the regulatory body for its
23 review.

24 (2) If the hearing was conducted by the regulatory body, the
25 regulatory body shall prepare a final decision in the manner
26 provided in NRS 233B.125.

27 2. The regulatory body or hearing panel or officer may
28 deviate from the order of the hearing set forth in subsection 1 if
29 the regulatory body or hearing panel or officer:

30 (a) Upon a showing of good cause, deems it appropriate; or

31 (b) Deems it necessary to expedite or ensure the fairness of the
32 hearing.

33 **Sec. 24. 1.** After the close of the hearing, a party may file
34 only the following motions:

35 (a) A motion requesting a rehearing.

36 (b) A motion requesting reconsideration of the findings and
37 recommendations of the hearing panel or officer or the final
38 decision of the regulatory body.

39 (c) A motion requesting that the final decision of the
40 regulatory body be vacated or modified.

41 (d) With leave of the regulatory body or hearing panel or
42 officer, any other motion requesting appropriate action or relief
43 after the close of the hearing.

44 2. A motion requesting a rehearing or reconsideration must
45 be filed with:



1 (a) *The hearing panel or officer not later than 15 days after*
2 *the date of service of the findings and recommendations of the*
3 *hearing panel or officer.*

4 (b) *The regulatory body not later than 15 days after the date of*
5 *service of the final decision of the regulatory body.*

6 3. *A party who opposes the motion may file a response to the*
7 *motion not later than 7 days after the date of service of the motion.*

8 4. *The regulatory body may authorize the president or*
9 *chairman of the regulatory body to rule on the motion. The*
10 *hearing panel may authorize the chairman or presiding officer of*
11 *the hearing panel to rule on the motion.*

12 5. *A motion requesting a rehearing or reconsideration may be*
13 *based only on one of the following grounds:*

14 (a) *Newly discovered or available evidence.*

15 (b) *Error in the hearing or in the findings and*
16 *recommendations or the decision that would be grounds for*
17 *reversal of the findings and recommendations or the decision.*

18 (c) *The need in the public interest for further consideration of*
19 *the issues or evidence, or both.*

20 6. *The regulatory body or hearing panel or officer shall enter*
21 *an order ruling on the motion requesting a rehearing or*
22 *reconsideration not later than 25 days after the date on which the*
23 *motion is filed. A copy of the order must be served on each party.*
24 *The regulatory body or hearing panel or officer may:*

25 (a) *Deny the motion;*

26 (b) *Order a rehearing or partial rehearing;*

27 (c) *Order reconsideration of the findings and*
28 *recommendations or the decision; or*

29 (d) *Direct other proceedings as the regulatory body or hearing*
30 *panel or officer deems appropriate.*

31 7. *If the regulatory body or hearing panel or officer orders a*
32 *rehearing, the rehearing must be confined to the issues upon*
33 *which the rehearing was ordered.*

34 **Sec. 25.** 1. *Except as otherwise provided in the Constitution*
35 *of this State, a party may not seek any type of judicial intervention*
36 *or review of a contested case until after the contested case results*
37 *in a final decision of the regulatory body.*

38 2. *Except as otherwise provided in this section, a party may*
39 *seek judicial review of a final decision of the regulatory body in*
40 *accordance with the provisions of chapter 233B of NRS that apply*
41 *to a contested case.*

42 3. *Notwithstanding the provisions of subsection 1 of NRS*
43 *233B.131 regarding transmittal of the record of the proceeding*
44 *under judicial review:*



1 (a) *The party filing the petition for judicial review shall*
2 *provide an original or certified copy of the transcript of the*
3 *hearing to the reviewing court; and*

4 (b) *The regulatory body shall provide an original or certified*
5 *copy of the remainder of the record of the proceeding under*
6 *review to the reviewing court.*

7 **Sec. 26. 1.** *If a regulatory body revokes the license of a*
8 *person in a contested case pursuant to this chapter, the regulatory*
9 *body shall, in the final decision of the regulatory body ordering*
10 *the revocation, prescribe a period during which the person may*
11 *not apply for reinstatement of the license. The period must not be*
12 *less than 1 year and not more than 10 years.*

13 2. *In addition to any other requirements set forth in the*
14 *applicable occupational licensing chapter, if a person applies for*
15 *reinstatement of a license that has been revoked in a contested*
16 *case pursuant to this chapter, the person shall:*

17 (a) *Submit an application on a form supplied by the regulatory*
18 *body.*

19 (b) *Satisfy all the current requirements for the issuance of an*
20 *initial license.*

21 (c) *Attest that, in this State or any other jurisdiction:*

22 (1) *The person has not, during the period of revocation,*
23 *violated any state or federal law governing the practice of the*
24 *licensed occupation or profession or any related occupation or*
25 *profession, and no criminal or civil action involving such a*
26 *violation is pending against the person; and*

27 (2) *No other regulatory body having jurisdiction over the*
28 *practice of the licensed occupation or profession or any related*
29 *occupation or profession has, during the period of revocation,*
30 *taken disciplinary action against the person, and no such*
31 *disciplinary action is pending against the person.*

32 (d) *Satisfy any additional requirements for reinstatement of*
33 *the license prescribed by the regulatory body.*

34 3. *The regulatory body shall consider each application for*
35 *reinstatement of a license submitted pursuant to this section. In*
36 *determining whether to reinstate the license, the regulatory body*
37 *shall consider the following criteria:*

38 (a) *The severity of the act resulting in the revocation of the*
39 *license.*

40 (b) *The conduct of the person after the revocation of the*
41 *license.*

42 (c) *The amount of time elapsed since the revocation of the*
43 *license.*

44 (d) *The veracity of the attestations made by the person*
45 *pursuant to subsection 2.*



1 (e) *The degree of compliance by the person with any additional*
2 *requirements for reinstatement of the license prescribed by the*
3 *regulatory body.*

4 (f) *The degree of rehabilitation demonstrated by the person.*

5 4. *If the regulatory body reinstates the license, the regulatory*
6 *body may place any conditions, limitations or restrictions on the*
7 *license as it deems necessary.*

8 5. *The regulatory body may deny reinstatement of the license*
9 *if the person fails to comply with any provisions of this section.*

10 6. *The regulatory body's denial of reinstatement of the*
11 *license is not a contested case for the purposes of judicial review.*

12 Secs. 27-41. (Deleted by amendment.)

13 Sec. 41.5. NRS 622.060 is hereby amended to read as follows:

14 622.060 "Regulatory body" means:

15 1. Any *state* agency, board or commission which has the
16 authority to regulate an occupation or profession pursuant to this
17 title; and

18 2. Any officer of ~~an~~ *a state* agency, board or commission
19 which has the authority to regulate an occupation or profession
20 pursuant to this title.

21 Sec. 42. NRS 623.131 is hereby amended to read as follows:

22 623.131 1. Except as otherwise provided in ~~subsections 2, 3~~
23 ~~and 4,~~ *this section*, the records of the Board which relate to ~~:~~

24 ~~—(a) An~~ *an* employee of the Board ~~;~~

25 ~~—(b) An~~ *or an* examination given by the Board ~~;~~ *or*

26 ~~—(c) Complaints and charges filed with the Board and the material~~
27 ~~compiled as a result of its investigation of those complaints and~~
28 ~~charges;~~

29 ~~are~~ *are* confidential.

30 2. The records described in ~~subsection 1~~ *this section* may be
31 disclosed, pursuant to procedures established by regulation of the
32 Board, to a court or an agency of the Federal Government, any state,
33 any political subdivision of this State ~~;~~ or any other related
34 professional board or organization.

35 3. ~~[The complaint or other document filed by]~~ *Except as*
36 *otherwise provided in this section, a complaint filed with the*
37 *Board, all documents and other information filed with the*
38 *complaint and all documents and other information compiled as a*
39 *result of an investigation conducted to determine whether to*
40 *initiate disciplinary action against a person are confidential,*
41 *unless the person submits a written statement to the Board*
42 *requesting that such documents and information be made public*
43 *records.*

44 4. *The charging documents filed with* the Board to initiate
45 disciplinary action *pursuant to sections 2 to 41, inclusive, of this*



1 *act* and all other documents and information considered by the
2 Board when determining whether to impose discipline are public
3 records.

4 ~~[4-]~~ 5. The Board may report to other related professional
5 boards and organizations an applicant's score on an examination
6 given by the Board.

7 *6. The provisions of this section do not prohibit the Board*
8 *from communicating or cooperating with or providing any*
9 *documents or other information to any other licensing board or*
10 *any other agency that is investigating a person, including, without*
11 *limitation, a law enforcement agency.*

12 **Sec. 43.** NRS 623.270 is hereby amended to read as follows:

13 623.270 1. The Board may place the holder of any certificate
14 of registration issued pursuant to the provisions of this chapter on
15 probation, publicly reprimand him, fine him not more than \$10,000,
16 suspend or revoke his license, impose the costs of investigation and
17 prosecution upon him or take any combination of these disciplinary
18 actions, ~~[if proof satisfactory to the Board is presented that:]~~ *for any*
19 *of the following acts:*

20 (a) The certificate was obtained by fraud or concealment of a
21 material fact.

22 (b) The holder of the certificate has been found guilty by the
23 Board or by a court of justice of any fraud, deceit or concealment of
24 a material fact in his professional practice, or has been convicted by
25 a court of justice of a crime involving moral turpitude.

26 (c) The holder of the certificate has been found guilty by the
27 Board of incompetency, negligence or gross negligence in:

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

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

30 (d) The holder of a certificate has affixed his signature or seal to
31 plans, drawings, specifications or other instruments of service which
32 have not been prepared by him or in his office, or under his
33 responsible control, or has permitted the use of his name to assist
34 any person who is not a registered architect, registered interior
35 designer or residential designer to evade any provision of this
36 chapter.

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

39 (1) Architecture or residential design; or

40 (2) As a registered interior designer.

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

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

44 (2) Practice as a registered interior designer.



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

2. The conditions for probation imposed pursuant to the provisions of subsection 1 may include, but are not limited to:

(a) Restriction on the scope of professional practice.

(b) Peer review.

(c) Required education or counseling.

(d) Payment of restitution to each person who suffered harm or loss.

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

4. The Board shall not privately reprimand the holder of any certificate of registration issued pursuant to this chapter.

5. As used in this section:

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

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

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

(2) Practice as a registered interior designer,

→ demonstrates a significant lack of ability, knowledge or fitness to discharge a professional obligation.

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

(1) The profession of architecture or residential design; or

(2) Practice as a registered interior designer.

Sec. 44. NRS 623.290 is hereby amended to read as follows:

623.290 ~~[If the guilt of the accused is established in the opinion of the majority of the Board, the Secretary shall make proper entry in the record of its proceedings, stating the findings of the Board and the penalty, if any.]~~ If the registration of an architect, registered interior designer or residential designer is suspended or revoked, or he is given a written reprimand, notation of the penalty must be entered in the register of architects, register of registered interior designers or register of residential designers and in his personnel file. Notification of the suspension, revocation or written reprimand must be sent to the National Council of Architectural Registration Boards or the National Council for Interior Design Qualification, as appropriate. ~~[The Secretary shall give notice in writing of the decision and penalty to the holder of the certificate.]~~

Sec. 45. NRS 623.300 is hereby amended to read as follows:

623.300 ~~[At any time after 1 year from the date of revocation of]~~ **If the Board revokes** a certificate of registration, ~~[and upon the payment of all costs incurred by the Board as a result of the case at~~



~~issue by] the person whose certificate has been revoked [, that person may make application to the Board for a new certificate, and the Board, at its discretion and upon evidence which in its opinion would warrant the granting of a new certificate, may issue a new certificate.] may apply for reinstatement of the certificate pursuant to the provisions of sections 2 to 41, inclusive, of this act.~~

Sec. 46. NRS 623.310 is hereby amended to read as follows:

623.310 The Board shall, by regulation, adopt a fee schedule which may not exceed the following:

For an examination for a certificate	\$800.00
For rewriting an examination or a part or parts failed	800.00
For a processing fee for an examination for registration as an architect	50.00
For a certificate of registration	125.00
For a temporary certificate of registration	500.00
For initial registration or renewal of registration	300.00
For the late renewal of an expired certificate within 1 year after its expiration	220.00
For the late renewal of a certificate which has been expired for more than 1 year but not more than 3 years	300.00
For the restoration <i>reinstatement</i> of a revoked certificate	500.00
For change of address	5.00
For replacement of a certificate	30.00
For application forms	25.00
For photostatic copies, each sheet	[.25] <i>0.25</i>

Sec. 47. NRS 623.335 is hereby amended to read as follows:

623.335 *In addition to any other immunity provided by the provisions of sections 2 to 41, inclusive, of this act:*

1. Any person who furnishes information concerning an applicant for registration or a holder of a certificate of registration in good faith and without malicious intent is immune from any civil action for furnishing that information.

2. The Board, any member, employee or committee of the Board, counsel, investigator, expert, hearing officer, registrant or other person who assists the Board in the investigation or prosecution of an alleged violation of a provision of this chapter, a proceeding concerning licensure or reissuance of a license or a criminal prosecution is immune from any civil liability for:

(a) Any decision or action taken in good faith and without malicious intent in response to information acquired by the Board.



(b) Disseminating information concerning an applicant for registration or a registrant to any other licensing board, national association of registered boards, an agency of the Federal Government or of the State, the Attorney General or any law enforcement agency.

Sec. 48. NRS 623.365 is hereby amended to read as follows:

623.365 In addition to any other civil penalty provided by law, a person who violates any provision of this chapter or any regulation adopted by the Board is subject to a civil penalty of not more than \$10,000 for each violation. Any such penalty must be imposed by the Board at a hearing ~~[for which written notice has been given not less than 30 days before the hearing.]~~ *conducted pursuant to the provisions of sections 2 to 41, inclusive, of this act.*

Sec. 49. (Deleted by amendment.)

Sec. 50. NRS 623A.140 is hereby amended to read as follows:

623A.140 ~~[The]~~ *In a manner consistent with the provisions of sections 2 to 41, inclusive, of this act, the* Board may:

1. Grant or refuse certificates after examination and revoke or suspend a certificate or take any other disciplinary action set forth in NRS 623A.270 for any of the causes specified in this chapter.

2. Take depositions and issue subpoenas for the purpose of any hearing authorized by this chapter.

3. Establish reasonable educational requirements for applicants.

4. Establish requirements for approval of schools of landscape architecture.

Sec. 51. NRS 623A.150 is hereby amended to read as follows:

623A.150 1. All money coming into the possession of the Board must be kept or deposited by the Executive Director in an account in a bank, credit union or savings and loan association in this State.

2. Except as otherwise provided in subsection 6, all money collected by the Board must be used to pay the expenses of:

(a) Examinations and the issuance of certificates of registration and certificates to practice as a landscape architect intern; and

(b) Conducting the business of the Board.

3. The expenses, including the per diem allowances and travel expenses of the members and employees of the Board while engaged in the business of the Board and the expenses to conduct examinations, must be paid from the current receipts. No portion thereof may be paid from the State Treasury.

4. Any balance remaining in excess of the expenses incurred may be retained by the Board and used to defray the future expenses of the Board.



1 5. ~~[The]~~ *In a manner consistent with the provisions of*
2 *sections 2 to 41, inclusive, of this act, the* Board may delegate to a
3 hearing officer or panel its authority to take any disciplinary action
4 pursuant to the provisions of this chapter, impose and collect fines
5 and penalties therefor and deposit the money therefrom in an
6 account maintained by the Board in a bank, credit union or savings
7 and loan association specified in subsection 1.

8 6. If a hearing officer or panel is not authorized to take
9 disciplinary action pursuant to the provisions of subsection 5 and the
10 Board deposits the money collected from the imposition of fines
11 with the State Treasurer for credit to the State General Fund, it may
12 present a claim to the State Board of Examiners for recommendation
13 to the Interim Finance Committee if money is needed to pay
14 attorney's fees or the costs of an investigation, or both.

15 **Sec. 52.** NRS 623A.280 is hereby amended to read as follows:

16 623A.280 1. The following acts, among others, constitute
17 cause for disciplinary action : ~~[if proof satisfactory to the Board is~~
18 ~~presented that:]~~

19 (a) A holder of a certificate of registration has signed or sealed
20 instruments of service which were not prepared by him or under his
21 direct supervision.

22 (b) A holder of a certificate of registration has permitted the use
23 of his signature or seal by another person to evade the provisions of
24 this chapter or any regulation adopted by the Board.

25 (c) A holder of a certificate of registration has not signed, sealed
26 or dated instruments of service prepared by him.

27 (d) A holder of a certificate of registration or certificate to
28 practice as a landscape architect intern impersonates a landscape
29 architect or landscape architect intern of the same or similar name.

30 (e) A holder of a certificate of registration or certificate to
31 practice as a landscape architect intern practices under an assumed,
32 fictitious or corporate name.

33 (f) A holder of a certificate of registration or certificate to
34 practice as a landscape architect intern practices landscape
35 architecture in violation of the provisions of this chapter or any
36 regulation adopted by the Board.

37 (g) A holder of a certificate of registration or certificate to
38 practice as a landscape architect intern has obtained his certificate of
39 registration or certificate to practice as a landscape architect intern
40 by fraud or misrepresentation.

41 (h) A holder of a certificate of registration or certificate to
42 practice as a landscape architect intern is guilty of fraud or deceit in
43 the practice of landscape architecture.



(i) A holder of a certificate of registration or certificate to practice as a landscape architect intern is guilty of incompetency, negligence or gross negligence.

(j) A holder of a certificate of registration or certificate to practice as a landscape architect intern is convicted of or enters a plea of nolo contendere to any crime an essential element of which is dishonesty or which is directly related to the practice of landscape architecture.

(k) A holder of a certificate of registration or certificate to practice as a landscape architect intern is guilty of aiding or abetting any person in the violation of the provisions of this chapter or any regulation adopted by the Board.

(l) A person practices as a landscape architect with a certificate of registration or certificate to practice as a landscape architect intern that has expired or has been suspended or revoked.

(m) A holder of a certificate of registration or certificate to practice as a landscape architect intern is disciplined by an agency of another state or foreign country which regulates the practice of landscape architecture and at least one of the grounds for the disciplinary action taken is a ground for disciplinary action pursuant to the provisions of this chapter.

(n) A holder of a certificate of registration or certificate to practice as a landscape architect intern fails to comply with an order issued by the Board or to cooperate in an investigation conducted by the Board.

2. As used in this section:

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

(b) "Incompetency" means conduct that, in the practice of landscape architecture, demonstrates a significant lack of ability, knowledge or fitness to discharge a professional obligation.

(c) "Negligence" means a deviation from the normal standard of professional care exercised generally by other members in the practice of landscape architecture.

Sec. 53. NRS 623A.305 is hereby amended to read as follows:

623A.305 1. When a complaint is filed with the Executive Director of the Board, it must be considered by the President of the Board or a member of the Board designated by him. If it appears to the President or the person designated by him that further proceedings are warranted, he shall report the results of his investigation together with his recommendation to the Board in a manner which does not violate the right of the person charged in the complaint to due process in any later hearing on the complaint.



2. The Board shall promptly make a determination with respect to each complaint reported to it by the President or a person designated by him and shall dismiss the complaint or ~~cause written notice of the charges in the complaint and the date fixed for the hearing to be served upon the person.~~ *proceed with disciplinary action pursuant to sections 2 to 41, inclusive, of this act.*

Sec. 54. NRS 623A.351 is hereby amended to read as follows:

623A.351 *In addition to any other immunity provided by the provisions of sections 2 to 41, inclusive, of this act:*

1. Any person who, in good faith and without malicious intent, provides information concerning a holder of a certificate of registration or certificate to practice as a landscape architect intern or an applicant for a certificate of registration or certificate to practice as a landscape architect intern is immune from any civil action for providing that information.

2. Any person who assists the Board in the investigation or prosecution of an alleged violation of a provision of this chapter, a proceeding concerning the issuance or renewal of a certificate of registration or certificate to practice as a landscape architect intern or a criminal prosecution is immune from any civil liability for:

(a) Any decision or action taken in good faith and without malicious intent in response to information acquired by the Board; and

(b) Disseminating information concerning a holder of a certificate of registration or certificate to practice as a landscape architect intern or an applicant for a certificate of registration or certificate to practice as a landscape architect intern to:

(1) Any other licensing board;

(2) A national association of registered boards;

(3) An agency of this State or the Federal Government;

(4) The Attorney General; or

(5) Any law enforcement agency.

Sec. 55. NRS 623A.353 is hereby amended to read as follows:

623A.353 1. Except as otherwise provided in this section, a record of the Board that relates to ~~the~~

~~(a) An~~ *an* employee of the Board ~~;~~

~~(b) An~~ *or an* examination administered by the Board ~~;~~ ~~or~~

~~(c) A complaint filed with the Board and any information obtained as a result of its investigation of the complaint,~~

~~is~~ is confidential.

2. ~~[A record specified in subsection 1]~~ *The records described in this section* may be disclosed, pursuant to procedures established by regulation of the Board, to:

(a) A court;

(b) An agency of the Federal Government;



- (c) Another state;
- (d) A political subdivision of this State; or
- (e) Any other related professional board or organization.

3. ~~Upon completion of an investigation by the Board, any record of the Board specified in paragraph (e) of subsection 1 is a public record only if:~~

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

~~—(b) The person who was the subject of the investigation submits a written statement to the Board requesting that the record be made a public record.~~

~~4.]~~ The Board may report to any other related professional board and organization the score of an applicant on an examination administered by the Board.

4. 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 against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

5. The charging documents filed with the Board to initiate disciplinary action pursuant to sections 2 to 41, inclusive, of this act and all other documents and information considered by the Board when determining whether to impose discipline are public records.

6. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 56. NRS 623A.365 is hereby amended to read as follows:

623A.365 1. In addition to any other penalty provided by law, a person who violates any provision of this chapter or any regulation adopted by the Board is subject to a civil penalty of not more than \$5,000 for each violation. Any such penalty must be imposed by the Board at a hearing ~~for which notice has been given~~ *conducted pursuant to [NRS 623A.305.] the provisions of sections 2 to 41, inclusive, of this act.*

2. If a person does not pay a civil penalty imposed pursuant to subsection 1 within 60 days after the order of the Board becomes final, the order may be executed upon in the same manner as a judgment issued by a court.



1 **Sec. 57.** NRS 625A.180 is hereby amended to read as follows:

2 625A.180 1. If the Board finds after *notice and* a hearing ~~[-]~~
3 *as required by law*, or after providing an opportunity for *such* a
4 hearing, that disciplinary action is necessary, it may by order:

5 (a) Place the environmental health specialist on probation for a
6 specified period or until further order of the Board;

7 (b) Administer a public reprimand; or

8 (c) Suspend or revoke his certificate.

9 2. If the order places an environmental health specialist on
10 probation, the Board may impose such limitations or conditions
11 upon his professional activities as it finds consistent to protect the
12 public health.

13 3. The Board shall not administer a private reprimand.

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

16 **Sec. 58.** NRS 625A.185 is hereby amended to read as follows:

17 625A.185 1. Except as otherwise provided in this section, a
18 complaint filed with the Board, all documents and other information
19 filed with the complaint and all documents and other information
20 compiled as a result of an investigation conducted to determine
21 whether to initiate disciplinary action *against a person* are
22 confidential ~~[-]~~, *unless the person submits a written statement to*
23 *the Board requesting that such documents and information be*
24 *made public records.*

25 2. The ~~[-]~~ *charging*
26 *documents filed with* the Board to initiate disciplinary action
27 *pursuant to sections 2 to 41, inclusive, of this act* and all
28 documents and information considered by the Board when
29 determining whether to impose discipline are public records.

30 3. *The provisions of this section do not prohibit the Board*
31 *from communicating or cooperating with or providing any*
32 *documents or other information to any other licensing board or*
33 *any other agency that is investigating a person, including, without*
34 *limitation, a law enforcement agency.*

35 **Sec. 59.** NRS 625A.190 is hereby amended to read as follows:

36 625A.190 1. Upon denial of an application for registration ,
37 ~~[-]~~ *the Board*
38 shall give the person written notice of its decision mailed to him at
39 his last known address by certified mail, return receipt requested.
40 The notice must:

41 (a) State the reason for the denial ; ~~[-]~~ and

42 (b) Inform the person that he has the right to a hearing before the
43 Board.

44 2. A written request for a hearing must be filed with the Board
45 within 30 days after the notice is mailed. If a hearing is requested,



1 the Board shall set a time and place for a formal hearing and notify
2 the person of the time and place set for the hearing. The Board shall
3 hold the hearing at the time and place designated in the notice.

4 **Secs. 60-74.** (Deleted by amendment.)

5 **Sec. 75.** NRS 630A.155 is hereby amended to read as follows:
6 630A.155 The Board shall:

7 1. Regulate the practice of homeopathic medicine in this State
8 and any activities that are within the scope of such practice, to
9 protect the public health and safety and the general welfare of the
10 people of this State.

11 2. Determine the qualifications of, and examine, applicants for
12 licensure or certification pursuant to this chapter, and specify by
13 regulation the methods to be used to check the background of such
14 applicants.

15 3. License or certify those applicants it finds to be qualified.

16 4. Investigate ~~§~~ *and, if required*, hear and decide *in a manner*
17 *consistent with the provisions of sections 2 to 41, inclusive, of this*
18 *act* all complaints made against any homeopathic physician,
19 advanced practitioner of homeopathy, homeopathic assistant or any
20 agent or employee of any of them, or any facility where the primary
21 practice is homeopathic medicine. If a complaint concerns a practice
22 which is within the jurisdiction of another licensing board,
23 including, without limitation, spinal manipulation, surgery, nursing
24 or allopathic medicine, the Board shall refer the complaint to the
25 other licensing board.

26 **Sec. 76.** NRS 630A.160 is hereby amended to read as follows:

27 630A.160 1. Out of the money coming into the possession of
28 the Board, each member of the Board is entitled to receive:

29 (a) A salary of not more than \$80 per day, as fixed by the Board,
30 while engaged in the business of the Board; and

31 (b) A per diem allowance and travel expenses at a rate fixed by
32 the Board, while engaged in the business of the Board. The rate
33 must not exceed the rate provided for state officers and employees
34 generally.

35 2. While engaged in the business of the Board, each employee
36 of the Board is entitled to receive a per diem allowance and travel
37 expenses at a rate fixed by the Board. The rate must not exceed the
38 rate provided for state officers and employees generally.

39 3. Expenses of the Board and the expenses and salaries of the
40 members and employees of the Board must be paid from the fees
41 received by the Board pursuant to the provisions of this chapter.
42 Except as otherwise provided in subsection 6, no part of the salaries
43 or expenses of the members of the Board may be paid out of the
44 State General Fund.



1 4. All money received by the Board must be deposited in
2 financial institutions in this State that are federally insured or
3 insured by a private insurer approved pursuant to NRS 678.755.

4 5. ~~[The]~~ *In a manner consistent with the provisions of*
5 *sections 2 to 41, inclusive, of this act, the* Board may delegate to a
6 hearing officer or panel its authority to take any disciplinary action
7 pursuant to this chapter, impose and collect administrative fines,
8 court costs and attorney's fees therefor and deposit the money
9 therefrom in financial institutions in this State that are federally
10 insured or insured by a private insurer approved pursuant to
11 NRS 678.755.

12 6. If a hearing officer or panel is not authorized to take
13 disciplinary action pursuant to subsection 5, the Board shall deposit
14 the money collected from the imposition of administrative fines,
15 court costs and attorney's fees with the State Treasurer for credit to
16 the State General Fund. The Board may present a claim to the State
17 Board of Examiners for recommendation to the Interim Finance
18 Committee if money is needed to pay attorney's fees or the costs of
19 an investigation, or both.

20 **Sec. 77.** NRS 630A.210 is hereby amended to read as follows:

21 630A.210 1. ~~[The]~~ *In a manner consistent with the*
22 *provisions of sections 2 to 41, inclusive, of this act, the* Board may
23 hold hearings and conduct investigations relating to its duties under
24 this chapter and take evidence on any matter under inquiry before
25 the Board. The Secretary-Treasurer of the Board or, in his absence,
26 any member of the Board may administer oaths to any witness
27 appearing before the Board. The Secretary-Treasurer or President of
28 the Board may issue subpoenas to compel the attendance of
29 witnesses and the production of books, medical records, X-ray
30 photographs and other papers. The Secretary-Treasurer, President or
31 other officer of the Board shall sign the subpoena on behalf of the
32 Board.

33 2. If any person fails to comply with a subpoena issued by the
34 Board, the Secretary-Treasurer or President of the Board may
35 petition the district court for an order of the court compelling
36 compliance with the subpoena.

37 3. Upon such a petition, the court shall enter an order directing
38 the person subpoenaed to appear before the court at a time and place
39 to be fixed by the court in its order, the time to be not more than 10
40 days from the date of the order, and then and there show cause why
41 he has not complied with the subpoena. A certified copy of the order
42 must be served upon that person.

43 4. If it appears to the court that the subpoena was regularly
44 issued by the Board, the court shall enter an order compelling



1 compliance with the subpoena, and upon failure to obey the order
2 the person must be dealt with as for contempt of court.

3 **Sec. 78.** NRS 630A.295 is hereby amended to read as follows:

4 630A.295 The Board shall adopt regulations:

5 1. Specifying the training, education and experience necessary
6 for certification as an advanced practitioner of homeopathy.

7 2. Delineating the authorized scope of practice of an advanced
8 practitioner of homeopathy.

9 3. Establishing the procedure for application for certification as
10 an advanced practitioner of homeopathy.

11 4. Establishing the duration, renewal and termination of
12 certificates for advanced practitioners of homeopathy.

13 5. Establishing requirements for the continuing education of
14 advanced practitioners of homeopathy.

15 6. Delineating the grounds ~~[and—procedures]~~ respecting
16 disciplinary actions against advanced practitioners of homeopathy.

17 **Sec. 79.** NRS 630A.299 is hereby amended to read as follows:

18 630A.299 The Board shall adopt regulations regarding the
19 certification of a homeopathic assistant, including, but not limited
20 to:

21 1. The educational and other qualifications of applicants.

22 2. The required academic program for applicants.

23 3. The procedures for applications for and the issuance of
24 certificates.

25 4. The tests or examinations of applicants by the Board.

26 5. The medical services which a homeopathic assistant may
27 perform, except that he may not perform those specific functions
28 and duties delegated or restricted by law to persons licensed as
29 dentists, chiropractors, podiatric physicians, optometrists or hearing
30 aid specialists under chapter 631, 634, 635, 636 or 637A,
31 respectively, of NRS.

32 6. The duration, renewal and termination of certificates.

33 7. The grounds ~~[and—procedures]~~ respecting disciplinary actions
34 against homeopathic assistants.

35 8. The supervision of a homeopathic assistant by a supervising
36 homeopathic physician.

37 9. The establishment of requirements for the continuing
38 education of homeopathic assistants.

39 **Secs. 80 and 81.** (Deleted by amendment.)

40 **Sec. 82.** NRS 630A.440 is hereby amended to read as follows:

41 630A.440 ~~HH~~ *Notwithstanding the provisions of sections 2 to*
42 *41, inclusive, of this act, if* the Board issues an order summarily
43 suspending the license of a homeopathic physician pending
44 proceedings for disciplinary action and requires the homeopathic
45 physician to submit to a mental or physical examination or an



1 examination of his competence to practice homeopathic medicine,
2 the examination must be conducted and the results obtained not later
3 than 60 days after the Board issues its order.

4 **Sec. 83.** NRS 630A.450 is hereby amended to read as follows:

5 630A.450 ~~HH~~ *Notwithstanding the provisions of sections 2 to*
6 *41, inclusive, of this act, if* the Board issues an order summarily
7 suspending the license of a homeopathic physician pending
8 proceedings for disciplinary action, the court shall not stay that
9 order.

10 **Sec. 84.** NRS 630A.480 is hereby amended to read as follows:

11 630A.480 ~~[1.— If, after an investigation by a committee or on~~
12 ~~its own initiative, the Board decides to proceed with disciplinary~~
13 ~~action, it shall bring charges against a licensed homeopathic~~
14 ~~physician and fix a time and place for a formal hearing. If]~~
15 *Notwithstanding the provisions of sections 2 to 41, inclusive, of*
16 *this act, if* the Board receives a report pursuant to subsection 5 of
17 NRS 228.420, ~~[such a hearing]~~ *a disciplinary proceeding regarding*
18 *the report* must be ~~[held]~~ *commenced* within 30 days after
19 ~~[receiving] the Board receives~~ the report. ~~[The Board shall notify~~
20 ~~the homeopathic physician of the charges brought against him,~~
21 ~~including the time and place set for the hearing, and of the sanctions~~
22 ~~authorized in NRS 630A.510.~~

23 ~~—2.— The Board, a hearing officer or a committee of the members~~
24 ~~of the Board shall hold the formal hearing on the charges at the time~~
25 ~~and place designated in the notification. If the hearing is before a~~
26 ~~committee, at least one member of the Board who is not a physician~~
27 ~~must participate in the hearing and in the final recommendation of~~
28 ~~the committee to the Board.]~~

29 **Sec. 85.** NRS 630A.490 is hereby amended to read as follows:

30 630A.490 *Except as otherwise provided in sections 2 to 41,*
31 *inclusive, of this act:*

32 1. Service of process made under this chapter must be either
33 personal or by registered or certified mail with return receipt
34 requested, addressed to the homeopathic physician at his last known
35 address. If personal service cannot be made and if notice by mail is
36 returned undelivered, the Secretary-Treasurer of the Board shall
37 cause notice to be published once a week for 4 consecutive weeks in
38 a newspaper published in the county of the homeopathic physician's
39 last known address or, if no newspaper is published in that county,
40 then in a newspaper widely distributed in that county.

41 2. Proof of service of process or publication of notice made
42 under this chapter must be filed with the Board and recorded in the
43 minutes of the Board.



1 **Sec. 86.** NRS 630A.500 is hereby amended to read as follows:

2 630A.500 ~~[H]~~ *Notwithstanding the provisions of sections 2 to*
3 *41, inclusive, of this act, in* any disciplinary hearing:

4 1. ~~[The Board, a panel of the members of the Board or a~~
5 ~~hearing officer is not bound by formal rules of evidence.~~

6 ~~—2.]~~ Proof of actual injury need not be established.

7 ~~[3.]~~ 2. A certified copy of the record of a court or a licensing
8 agency showing a conviction or plea of nolo contendere or the
9 suspension, revocation, limitation, modification, denial or surrender
10 of a license to practice homeopathic medicine is conclusive
11 evidence of its occurrence.

12 **Sec. 87.** NRS 630A.510 is hereby amended to read as follows:

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

23 2. If the Board finds that a violation has occurred, it may by
24 order:

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

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

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

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

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

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

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

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

39 (i) Require the person to perform community service without
40 compensation.

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

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



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. 88. NRS 630A.520 is hereby amended to read as follows:

630A.520 1. Any person aggrieved by a final order of the Board is entitled to judicial review of the Board's order ~~§~~ *as provided by law.*

2. Every order of the Board which limits the practice of homeopathic medicine or suspends or revokes a license is effective from the date the Secretary-Treasurer of the Board certifies the order until the date the order is modified or reversed by a final judgment of the court. The court shall not stay the order of the Board pending a final determination by the court.

3. The district court shall give a petition for judicial review of the Board's order priority over other civil matters which are not expressly given priority by law.

Sec. 89. NRS 630A.530 is hereby amended to read as follows:

630A.530 1. Any person:

(a) Whose practice of homeopathic medicine has been limited;
or

(b) Whose license to practice homeopathic medicine has been:

(1) Suspended until further order; or

(2) Revoked,

↪ ~~[by an order of the Board]~~ may apply to the Board for removal of the limitation *or suspension* or ~~[restoration]~~ *may apply to the Board pursuant to the provisions of sections 2 to 41, inclusive, of this act for reinstatement* of his *revoked* license.

2. In hearing the application, the Board or a committee of members of the Board:

(a) May require the applicant to submit to a mental or physical examination or an examination of his competence to practice homeopathic medicine by physicians or other persons whom it designates and submit such other evidence of changed conditions and of fitness as it deems proper.

(b) Shall determine whether under all the circumstances the time of the application is reasonable.

(c) May deny the application or modify or rescind its order as it deems the evidence and the public safety warrants.

3. The applicant has the burden of proving by clear and convincing evidence that the requirements for ~~[restoration]~~ *reinstatement* of the license or removal of the limitation *or suspension* have been met.

4. The Board shall not ~~[restore]~~ *reinstate* a license unless it is satisfied that the applicant has complied with all of the terms and conditions set forth in the final order of the Board and that he is



1 capable of practicing homeopathic medicine with reasonable skill
2 and safety to patients.

3 5. ~~[To restore]~~ *In addition to any other requirements set forth*
4 *in sections 2 to 41, inclusive, of this act, to reinstate* a license that
5 has been revoked by the Board, a person must apply for a license
6 and take an examination as though he had never been licensed under
7 this chapter.

8 **Sec. 90.** NRS 630A.540 is hereby amended to read as follows:

9 630A.540 *In addition to any other immunity provided by the*
10 *provisions of sections 2 to 41, inclusive, of this act:*

11 1. Any person who furnishes information to the Board, in good
12 faith and without malicious intent in accordance with the provisions
13 of this chapter, concerning a person who is licensed or certified or
14 applies for a license or certificate under this chapter is immune from
15 civil liability for furnishing that information.

16 2. The Board and its members, staff, counsel, investigators,
17 experts, committees, panels, hearing officers and consultants are
18 immune from civil liability for any decision or action taken in good
19 faith and without malicious intent in response to information
20 received by the Board.

21 3. The Board and any of its members are immune from civil
22 liability for disseminating information concerning a person who is
23 licensed or certified or applies for a license or certificate under this
24 chapter to the Attorney General or any board or agency of the State,
25 hospital, medical society, insurer, employer, patient or his family or
26 law enforcement agency.

27 **Sec. 91.** NRS 630A.555 is hereby amended to read as follows:

28 630A.555 1. Except as otherwise provided in this section,
29 ~~[any records or information obtained during]~~ *a complaint filed with*
30 *the Board, all documents and other information filed with the*
31 *complaint and all documents and other information compiled as a*
32 *result of an investigation* ~~[by the Board and any record of the~~
33 ~~investigation]~~ *conducted to determine whether to initiate*
34 *disciplinary action against a person* are confidential ~~[.]~~, *unless the*
35 *person submits a written statement to the Board requesting that*
36 *such documents and information be made public records.*

37 2. The ~~[complaint or other document filed by]~~ *charging*
38 *documents filed with* the Board to initiate disciplinary action
39 *pursuant to sections 2 to 41, inclusive, of this act* and all
40 documents and information considered by the Board when
41 determining whether to impose discipline are public records.

42 3. The ~~[Board may provide any record or information~~
43 ~~described in subsection 1 to]~~ *provisions of this section do not*
44 *prohibit the Board from communicating or cooperating with or*
45 *providing any documents or other information to* any other



1 licensing board or *any other* agency ~~[]~~ *that is investigating a*
2 *person, including, without limitation, a law enforcement agency.* ~~[]~~
3 ~~which is investigating a person who is licensed pursuant to this~~
4 ~~chapter.]~~

5 **Sec. 92.** NRS 630A.560 is hereby amended to read as follows:

6 630A.560 ~~[The]~~ *In a manner consistent with the provisions of*
7 *sections 2 to 41, inclusive, of this act, the* Board is authorized to
8 prosecute all persons guilty of violation of the provisions of this
9 chapter and may employ investigators and such other assistants as
10 may be necessary to carry out the provisions of this chapter ~~[]~~ *and*
11 *sections 2 to 41, inclusive, of this act,* but any expenses so incurred
12 must not be paid out of the State General Fund.

13 **Sec. 93.** NRS 633.301 is hereby amended to read as follows:

14 633.301 *1.* The Board shall keep a record of its proceedings
15 relating to licensing and disciplinary actions. Except as otherwise
16 provided in ~~[NRS 633.611,]~~ *this section,* the record must be open to
17 public inspection at all reasonable times and contain the name,
18 known place of business and residence, and the date and number of
19 the license of every osteopathic physician licensed under this
20 chapter.

21 *2. Except as otherwise provided in this section, a complaint*
22 *filed with the Board, all documents and other information filed*
23 *with the complaint and all documents and other information*
24 *compiled as a result of an investigation conducted to determine*
25 *whether to initiate disciplinary action against a person are*
26 *confidential, unless the person submits a written statement to the*
27 *Board requesting that such documents and information be made*
28 *public records.*

29 *3. The charging documents filed with the Board to initiate*
30 *disciplinary action pursuant to sections 2 to 41, inclusive, of this*
31 *act and all other documents and information considered by the*
32 *Board when determining whether to impose discipline are public*
33 *records.*

34 *4. The provisions of this section do not prohibit the Board*
35 *from communicating or cooperating with or providing any*
36 *documents or other information to any other licensing board or*
37 *any other agency that is investigating a person, including, without*
38 *limitation, a law enforcement agency.*

39 **Secs. 94 and 95.** (Deleted by amendment.)

40 **Sec. 96.** NRS 633.529 is hereby amended to read as follows:

41 633.529 *1. [] Notwithstanding the provisions of sections 2*
42 *to 41, inclusive, of this act, if* the Board receives a report pursuant
43 to the provisions of NRS 633.526, 633.527, 690B.250 or 690B.260
44 indicating that a judgment has been rendered or an award has been
45 made against an osteopathic physician regarding an action or claim



1 for malpractice or that such an action or claim against the
2 osteopathic physician has been resolved by settlement, the Board
3 may order that the osteopathic physician undergo a mental or
4 physical examination or an examination testing his competence to
5 practice medicine by osteopathic physicians or other examinations
6 designated by the Board to assist the Board or any investigative
7 committee of the Board in determining the fitness of the osteopathic
8 physician to practice medicine.

9 2. For the purposes of this section:

10 (a) Every osteopathic physician who applies for a license or who
11 holds a license under this chapter shall be deemed to have given his
12 consent to submit to a mental or physical examination or an
13 examination testing his competence to practice medicine when
14 ordered to do so in writing by the Board.

15 (b) The testimony or reports of the examining osteopathic
16 physician are not privileged communications.

17 **Secs. 97 and 98.** (Deleted by amendment.)

18 **Sec. 99.** NRS 633.561 is hereby amended to read as follows:

19 633.561 1. ~~HH~~ *Notwithstanding the provisions of sections 2*
20 *to 41, inclusive, of this act, if* the Board or a member of the Board
21 designated to review a complaint pursuant to NRS 633.541 has
22 reason to believe that the conduct of ~~fa~~ *an osteopathic* physician
23 has raised a reasonable question as to his competence to practice
24 *osteopathic* medicine with reasonable skill and safety to patients,
25 the Board or the member designated by the Board may require the
26 ~~{person charged in the complaint}~~ *osteopathic physician* to submit
27 to a mental or physical examination by physicians designated by the
28 Board.

29 2. For the purposes of this section:

30 (a) Every physician who is licensed under this chapter who
31 accepts the privilege of practicing osteopathic medicine in this State
32 shall be deemed to have given his consent to submit to a mental or
33 physical examination if directed to do so in writing by the Board.

34 (b) The testimony or examination reports of the examining
35 physicians are not privileged communications.

36 3. Except in extraordinary circumstances, as determined by the
37 Board, the failure of a physician who is licensed under this chapter
38 to submit to an examination if directed as provided in this section
39 constitutes an admission of the charges against him.

40 **Sec. 100.** NRS 633.571 is hereby amended to read as follows:

41 633.571 ~~HH~~ *Notwithstanding the provisions of sections 2 to*
42 *41, inclusive, of this act, if* the Board has reason to believe that the
43 conduct of any osteopathic physician has raised a reasonable
44 question as to his competence to practice osteopathic medicine with
45 reasonable skill and safety to patients, the Board may cause a



1 medical competency examination of the physician for purposes of
2 determining his fitness to practice osteopathic medicine with
3 reasonable skill and safety to patients.

4 **Sec. 101.** NRS 633.581 is hereby amended to read as follows:

5 633.581 ~~[[H]]~~ *Notwithstanding the provisions of sections 2 to*
6 *41, inclusive, of this act, if* the Board issues an order summarily
7 suspending the license of an osteopathic physician pending
8 proceedings for disciplinary action and requires the physician to
9 submit to a mental or physical examination or a medical
10 competency examination, the examination shall be conducted and
11 the results obtained not later than 60 days after the Board issues its
12 order.

13 **Sec. 102.** NRS 633.591 is hereby amended to read as follows:

14 633.591 ~~[[H]]~~ *Notwithstanding the provisions of sections 2 to*
15 *41, inclusive, of this act, if* the Board issues an order summarily
16 suspending the license of an osteopathic physician pending
17 proceedings for disciplinary action, the court shall not stay that
18 order unless the Board fails to institute and determine such
19 proceedings as promptly as the requirements for investigation of the
20 case reasonably allow.

21 **Sec. 103.** NRS 633.601 is hereby amended to read as follows:

22 633.601 1. In addition to any other remedy provided by law,
23 the Board, through its President or Secretary or the Attorney
24 General, may apply to any court of competent jurisdiction to enjoin
25 any unprofessional conduct of an osteopathic physician which is
26 harmful to the public or to limit the physician's practice or suspend
27 his license to practice medicine as provided in this section.

28 2. The court in a proper case may issue a temporary restraining
29 order or a preliminary injunction for such purposes:

30 (a) Without proof of actual damage sustained by any person, this
31 provision being a preventive as well as punitive measure; and

32 (b) Pending proceedings for disciplinary action by the Board.
33 ~~{Such}~~ *Notwithstanding the provisions of sections 2 to 41,*
34 *inclusive, of this act, such* proceedings shall be instituted and
35 determined as promptly as the requirements for investigation of the
36 case reasonably allow.

37 **Sec. 104.** NRS 633.621 is hereby amended to read as follows:

38 633.621 ~~[[If a formal complaint is filed with the Board pursuant~~
39 ~~to NRS 633.541, the Secretary of the Board shall fix a time and~~
40 ~~place for a hearing and cause a notice of the hearing and a formal~~
41 ~~complaint to be served on the person charged at least 20 days before~~
42 ~~the date fixed for the hearing. If]~~ *Notwithstanding the provisions of*
43 *sections 2 to 41, inclusive, of this act, if* the Board receives a
44 ~~[formal complaint concerning]~~ *report pursuant to* subsection 5 of
45 NRS 228.420, ~~[such a hearing]~~ *a disciplinary proceeding regarding*



1 *the report* must be ~~[held]~~ *commenced* within 30 days after
2 ~~[receiving the formal complaint.]~~ *the Board receives the report.*

3 **Sec. 105.** NRS 633.631 is hereby amended to read as follows:

4 633.631 *Except as otherwise provided in sections 2 to 41,*
5 *inclusive, of this act:*

6 1. Service of process made under this chapter shall be either
7 personal or by registered or certified mail with return receipt
8 requested, addressed to the osteopathic physician at his last known
9 address, as indicated on the records of the Board, if possible. If
10 personal service cannot be made and if mail notice is returned
11 undelivered, the Secretary of the Board shall cause notice of hearing
12 to be published once a week for 4 consecutive weeks in a newspaper
13 published in the county of the physician's last known address or, if
14 no newspaper is published in that county, then in a newspaper
15 widely distributed in that county.

16 2. Proof of service of process or publication of notice made
17 under this chapter shall be filed with the Secretary of the Board and
18 shall be recorded in the minutes of the Board.

19 **Sec. 106.** NRS 633.641 is hereby amended to read as follows:

20 633.641 ~~[H]~~ *Notwithstanding the provisions of sections 2 to*
21 *41, inclusive, of this act, in* any disciplinary proceeding before the
22 Board:

23 1. Proof of actual injury need not be established where the
24 formal complaint charges deceptive or unethical professional
25 conduct or medical practice harmful to the public.

26 2. A certified copy of the record of a court or a licensing
27 agency showing a conviction or the suspension or revocation of a
28 license to practice osteopathic medicine is conclusive evidence of its
29 occurrence.

30 **Sec. 107.** NRS 633.651 is hereby amended to read as follows:

31 633.651 1. ~~[The person charged in a formal complaint is~~
32 ~~entitled to a hearing before the Board, but the failure of the person~~
33 ~~charged to attend his hearing or his failure to defend himself must~~
34 ~~not delay or void the proceedings. The Board may, for good cause~~
35 ~~shown, continue any hearing from time to time.~~

36 ~~—2.]~~ If the Board finds ~~[the]~~ *a* person guilty ~~[as charged in the~~
37 ~~formal complaint.]~~ *in a disciplinary proceeding,* it shall by order
38 take one or more of the following actions:

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

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

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

44 (d) Suspend the license of the person to practice osteopathic
45 medicine for a specified period or until further order of the Board.



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

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

~~[3-]~~ 2. The Board shall not administer a private reprimand.

~~[4-]~~ 3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 108. NRS 633.681 is hereby amended to read as follows:
633.681 1. Any person:

(a) Whose practice of osteopathic medicine has been limited; or

(b) Whose license to practice osteopathic medicine has been:

(1) Suspended until further order; or

(2) Revoked,

➔ ~~[by an order of the Board]~~ may apply to the Board after a reasonable period for removal of the limitation *or suspension* or ~~[restoration]~~ *may apply to the Board pursuant to the provisions of sections 2 to 41, inclusive, of this act for reinstatement* of his *revoked* license.

2. In hearing the application, the Board:

(a) May require the person to submit to a mental or physical examination by physicians whom it designates and submit such other evidence of changed conditions and of fitness as it deems proper;

(b) Shall determine whether under all the circumstances the time of the application is reasonable; and

(c) May deny the application or modify or rescind its order as it deems the evidence and the public safety warrants.

Sec. 109. NRS 633.691 is hereby amended to read as follows:

633.691 ~~[The]~~ *In addition to any other immunity provided by the provisions of sections 2 to 41, inclusive, of this act, the* Board, a medical review panel of a hospital, or any person who or other organization which initiates or assists in any lawful investigation or proceeding concerning the discipline of an osteopathic physician for gross malpractice, repeated malpractice, professional incompetence or unprofessional conduct is immune from any civil action for such initiation or assistance or any consequential damages, if the person or organization acted without malicious intent.

Sec. 110. (Deleted by amendment.)

Sec. 111. NRS 633.731 is hereby amended to read as follows:

633.731 ~~[The]~~ *In a manner consistent with the provisions of sections 2 to 41, inclusive, of this act, the* Board shall cause the prosecution of all persons who commit any act prohibited by this chapter. The Board may employ investigators and such other



1 assistants as may be necessary to carry into effect the provisions of
2 this chapter.

3 **Secs. 112-119.** (Deleted by amendment.)

4 **Sec. 120.** NRS 634A.180 is hereby amended to read as
5 follows:

6 634A.180 ~~[The Board shall not refuse to issue, refuse to renew,~~
7 ~~suspend or revoke any license for any of the causes enumerated in~~
8 ~~NRS 634A.170, unless the person accused has been given at least 20~~
9 ~~days' notice in writing of the charge against him and a hearing by~~
10 ~~the Board. If]~~ *Notwithstanding the provisions of sections 2 to 41,*
11 *inclusive, of this act, if* the Board receives a report pursuant to
12 subsection 5 of NRS 228.420, a ~~[hearing]~~ *disciplinary proceeding*
13 *regarding the report* must be ~~[held]~~ *commenced* within 30 days
14 after ~~[receiving]~~ *the Board receives* the report.

15 **Sec. 121.** NRS 634A.185 is hereby amended to read as
16 follows:

17 634A.185 1. Except as otherwise provided in this section, a
18 complaint filed with the Board, all documents and other information
19 filed with the complaint and all documents and other information
20 compiled as a result of ~~[the]~~ *an* investigation conducted to
21 determine whether to initiate disciplinary action *against a person*
22 are confidential ~~[]~~, *unless the person submits a written statement*
23 *to the Board requesting that such documents and information be*
24 *made public records.*

25 2. The ~~[complaint or other document filed by]~~ *charging*
26 *documents filed with* the Board to initiate disciplinary action
27 *pursuant to sections 2 to 41, inclusive, of this act* and all
28 documents and information considered by the Board when
29 determining whether to impose discipline are public records.

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

32 4. *The provisions of this section do not prohibit the Board*
33 *from communicating or cooperating with or providing any*
34 *documents or other information to any other licensing board or*
35 *any other agency that is investigating a person, including, without*
36 *limitation, a law enforcement agency.*

37 **Sec. 122.** NRS 634A.250 is hereby amended to read as
38 follows:

39 634A.250 In addition to any other penalties prescribed by law,
40 the Board may, after notice and *a* hearing ~~[]~~ *as required by law,*
41 impose upon any person who violates any provision of this chapter
42 or the regulations adopted pursuant thereto an administrative fine of
43 not more than \$2,500.



Sec. 123. NRS 635.130 is hereby amended to read as follows:

635.130 1. The Board, after notice and *a* hearing ~~is~~ *as required by law*, and upon any cause enumerated in subsection 2, may take one or more of the following disciplinary actions:

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

(b) Suspend or revoke a license.

(c) Place a licensee on probation.

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

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

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

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

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

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

(e) Conviction of a crime involving moral turpitude.

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

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

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

(i) Gross incompetency.

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

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

(l) Unethical or unprofessional conduct.

(m) Willful or repeated violations of this chapter or regulations adopted by the Board.

(n) Willful violation of the regulations adopted by the State Board of Pharmacy.

Sec. 124. NRS 635.150 is hereby amended to read as follows:

635.150 ~~[Any person against whom charges have been made shall be notified of that fact and a copy of the charges shall be sent~~



~~to him by the Board. He shall be given a fair and impartial trial by the Board, whose decision shall~~

1. A decision by the Board in a disciplinary proceeding must be made by a majority vote of ~~[its members. If]~~ the members of the Board.

2. Notwithstanding the provisions of sections 2 to 41, inclusive, of this act, if the Board receives a report pursuant to subsection 5 of NRS 228.420, a ~~[hearing]~~ disciplinary proceeding regarding the report must be ~~[held]~~ commenced within 30 days after ~~[receiving]~~ the Board receives the report.

Sec. 125. NRS 635.158 is hereby amended to read as follows:

635.158 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 ~~[the]~~ *an* investigation conducted to determine whether to initiate disciplinary action *against a person* are confidential ~~[]~~, *unless the person submits a written statement to the Board requesting that such documents and information be made public records.*

2. The ~~[complaint or other document filed by]~~ *charging documents filed with* the Board to initiate disciplinary action *pursuant to sections 2 to 41, inclusive, of this act* and all documents and information considered by the Board when determining whether to impose discipline are public records.

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

4. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Secs. 126-134. (Deleted by amendment.)

Sec. 135. NRS 637.060 is hereby amended to read as follows:

637.060 1. Except as otherwise provided in subsection 3, all money received by the Board under the provisions of this chapter must be deposited in banks, credit unions or savings and loan associations in the State of Nevada. The money may be drawn on by the Board for payment of all expenses incurred in the administration of the provisions of this chapter.

2. ~~[The]~~ *In a manner consistent with the provisions of sections 2 to 41, inclusive, of this act, the* Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect administrative fines therefor and deposit the money therefrom in banks, credit unions or savings and loan associations in this State.



3. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 2 and the Board deposits the money collected from the imposition of administrative fines with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

Sec. 136. NRS 637.085 is hereby amended to read as follows:

637.085 1. Except as otherwise provided in ~~subsection 2 and NRS 637.087,~~ *this section*, all applications for licensure, ~~any charges filed by the Board,~~ financial records of the Board ~~[, formal hearings on any charges heard by the Board or a panel selected by the Board,]~~ and records of ~~the~~ hearings and any order or decision of the Board or *a* panel must be open to the public.

2. Except as otherwise provided in ~~NRS 637.087,~~ *this section*, the following may be kept confidential:

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

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

(c) Any communication between:

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

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

(d) Any other information or records in the possession of the Board.

3. ~~[This section does]~~ *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 against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.*

4. *The charging documents filed with the Board to initiate disciplinary action pursuant to sections 2 to 41, inclusive, of this act and all documents and information considered by the Board when determining whether to impose discipline are public records.*

5. *The provisions of this section do* not prohibit the Board from communicating or cooperating with *or providing any documents or other information to* any other licensing board or *any other* agency ~~for any agency which~~ *that* is investigating a ~~licensee,~~ *person*, including *, without limitation*, a law enforcement agency.



1 **Sec. 137.** NRS 637.150 is hereby amended to read as follows:
2 637.150 1. Upon proof ~~[to the satisfaction of the Board]~~ *by*
3 *substantial evidence* that an applicant or holder of a license:
4 (a) Has been adjudicated insane;
5 (b) Habitually uses any controlled substance or intoxicant;
6 (c) Has been convicted of a crime involving moral turpitude;
7 (d) Has been convicted of violating any of the provisions of
8 NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
9 inclusive;
10 (e) Has advertised in any manner which would tend to deceive,
11 defraud or mislead the public;
12 (f) Has presented to the Board any diploma, license or certificate
13 that has been signed or issued unlawfully or under fraudulent
14 representations, or obtains or has obtained a license to practice in
15 the State through fraud of any kind;
16 (g) Has been convicted of a violation of any federal or state law
17 relating to a controlled substance;
18 (h) Has violated any regulation of the Board;
19 (i) Has violated any provision of this chapter;
20 (j) Is incompetent;
21 (k) Is guilty of unethical or unprofessional conduct as
22 determined by the Board;
23 (l) Is guilty of repeated malpractice, which may be evidenced by
24 claims of malpractice settled against a practitioner; or
25 (m) Is guilty of a fraudulent or deceptive practice as determined
26 by the Board,
27 ↳ the Board may, in the case of an applicant, refuse to grant him a
28 license, or may, in the case of a holder of a license, place him on
29 probation, reprimand him publicly, require him to pay an
30 administrative fine of not more than \$10,000, suspend or revoke his
31 license, or take any combination of these disciplinary actions.
32 2. The Board shall not privately reprimand a holder of a
33 license.

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. 138.** NRS 637.170 is hereby amended to read as follows:
37 637.170 1. Any licensee whose license was revoked by the
38 Board may apply for ~~[a new license pursuant to the provisions of~~
39 ~~this chapter at any time after the date of revocation. The Board may~~
40 ~~consider such an application for licensure and may grant it]~~
41 *reinstatement of the license pursuant to the provisions of sections*
42 *2 to 41, inclusive, of this act.*

43 2. *In addition to the requirements for reinstatement of the*
44 *license pursuant to sections 2 to 41, inclusive, of this act, the*
45 *Board may reinstate the license* upon the applicant's payment of a



1 fee set by the Board to cover the administrative costs of any
2 investigation and hearing.

3 **Sec. 139.** NRS 637.181 is hereby amended to read as follows:

4 637.181 *Notwithstanding the provisions of sections 2 to 41,*
5 *inclusive, of this act:*

6 1. The Board shall conduct an investigation if it receives a
7 complaint that sets forth reason to believe that a person, without the
8 proper license, is engaging in an activity for which a license is
9 required pursuant to this chapter. The complaint must be:

10 (a) Made in writing; and

11 (b) Signed and verified by the person filing the complaint.

12 2. If the Board determines that a person, without the proper
13 license, is engaging in an activity for which a license is required
14 pursuant to this chapter, the Board shall issue and serve on the
15 person an order to cease and desist engaging in the activity until
16 such time as the person obtains the proper license from the Board.

17 3. If a person upon whom an order to cease and desist is served
18 does not comply with the order within 30 days after service, the
19 Board shall, after notice and opportunity for a hearing, impose upon
20 the person an administrative fine of not more than \$10,000. The
21 imposition of an administrative fine is a final decision for the
22 purposes of judicial review.

23 4. An administrative fine imposed pursuant to this section is in
24 addition to any other penalty provided in this chapter.

25 **Sec. 140.** NRS 637A.080 is hereby amended to read as
26 follows:

27 637A.080 1. All fees provided for in this chapter must be
28 paid to the Board.

29 2. Except as otherwise provided in subsection 4, all money
30 coming into the possession of the Board must be kept or deposited
31 by the Secretary in banks, credit unions, savings and loan
32 associations or other financial institutions in this State to be
33 expended for the payment of the salaries and expenses of the
34 members and employees of the Board and for other necessary or
35 proper purposes in the administration of this chapter.

36 3. ~~[The]~~ *In a manner consistent with the provisions of*
37 *sections 2 to 41, inclusive, of this act, the* Board may delegate to a
38 hearing officer or panel its authority to take any disciplinary action
39 pursuant to this chapter, impose and collect penalties therefor and
40 deposit the money therefrom in banks, credit unions, savings and
41 loan associations or other financial institutions in this State.

42 4. If a hearing officer or panel is not authorized to take
43 disciplinary action pursuant to subsection 3 and the Board deposits
44 the money collected from the imposition of penalties with the State
45 Treasurer for credit to the State General Fund, it may present a



1 claim to the State Board of Examiners for recommendation to the
2 Interim Finance Committee if money is needed to pay attorney's
3 fees or the costs of an investigation, or both.

4 **Sec. 141.** NRS 637A.110 is hereby amended to read as
5 follows:

6 637A.110 ~~[The]~~ *In a manner consistent with the provisions of*
7 *sections 2 to 41, inclusive, of this act, the* Board may:

8 1. Appoint a technical, clerical and operational staff as may be
9 required. The number of the staff appointed must be limited by the
10 money available for that purpose in the hearing aid licensing fund.

11 2. Grant or refuse licenses for any of the causes specified in
12 this chapter.

13 3. Take disciplinary action against a licensee.

14 4. Take depositions and issue subpoenas for the purpose of any
15 hearing authorized by this chapter.

16 5. Establish reasonable educational requirements for applicants
17 and apprentices and reasonable requirements for the continuing
18 education of hearing aid specialists and apprentices.

19 **Sec. 142.** NRS 637A.250 is hereby amended to read as
20 follows:

21 637A.250 ~~[The]~~ *In a manner consistent with the provisions of*
22 *sections 2 to 41, inclusive, of this act, the* Board may take
23 disciplinary action against a licensee ~~{after a hearing which~~
24 ~~discloses that}~~ *if* the licensee:

25 1. Has been convicted of a felony relating to the practice of
26 hearing aid specialists.

27 2. Has been convicted of violating any of the provisions of
28 NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
29 inclusive.

30 3. Obtained the license by fraud or misrepresentation.

31 4. Has made any false or fraudulent statements concerning
32 hearing aids or the business of hearing aid specialist.

33 5. Has been guilty of negligence, incompetence or
34 unprofessional conduct in his practice as a hearing aid specialist. As
35 used in this subsection, "unprofessional conduct" includes, without
36 limitation:

37 (a) Conduct which is intended to deceive or which the Board by
38 specific regulation has determined is unethical;

39 (b) Conduct which is harmful to the public or any conduct
40 detrimental to the public health or safety;

41 (c) Conduct for which disciplinary action was taken by an
42 agency of another state which is authorized to regulate the practice
43 of hearing aid specialists; and



(d) Knowingly employing, directly or indirectly, any person who is not licensed to fit or dispense hearing aids or whose license to fit or dispense hearing aids has been suspended or revoked.

6. Has loaned or transferred his license to another person.

7. Willfully violated any law of this State or any provision of this chapter regulating hearing aid specialists or the operation of an office, store or other location for dispensing hearing aids.

Sec. 143. (Deleted by amendment.)

Sec. 144. NRS 637A.270 is hereby amended to read as follows:

637A.270 ~~{As soon as practicable after the filing of a complaint the Board may, if the Board determines that further action is required, fix a date for the hearing thereof, which date must not be less than 20 days thereafter. If}~~ *Notwithstanding the provisions of sections 2 to 41, inclusive, of this act, if* the Board receives a report pursuant to subsection 5 of NRS 228.420, a ~~{hearing}~~ *disciplinary proceeding regarding the report* must be ~~{held}~~ *commenced* within 30 days after ~~{receiving}~~ *the Board receives* the report. ~~{The Secretary shall immediately mail, by registered or certified mail, to the defendant licensee, a copy of the complaint and a notice showing the date and place fixed for the hearing.}~~

Sec. 145. NRS 637A.290 is hereby amended to read as follows:

637A.290 1. ~~{The}~~ *In a manner consistent with the provisions of sections 2 to 41, inclusive, of this act, the* holder of any license issued by the Board ~~{whose default has been entered or who has been heard by the Board and found guilty of the violation alleged in the complaint}~~

may be disciplined by the Board by one or more of the following methods:

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

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

(c) Revoking the license;

(d) Public reprimand;

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

(f) Requiring the licensee to pay restitution to any person who has suffered an economic loss as a result of a violation of the provisions of this chapter or any regulation adopted by the Board pursuant thereto; or

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



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

3. The Board shall not issue 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. 146. NRS 637A.300 is hereby amended to read as follows:

637A.300 1. If a license is revoked, it shall be surrendered to the Board.

2. ~~[The]~~ *In a manner consistent with the provisions of sections 2 to 41, inclusive, of this act, the* Board may, in its discretion, reinstate any license after revocation upon payment of the reinstatement fee as prescribed in NRS 637A.210.

Sec. 147. NRS 637A.315 is hereby amended to read as follows:

637A.315 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 ~~[the]~~ *an* investigation conducted to determine whether to initiate disciplinary action *against a person* are confidential ~~[]~~, *unless the person submits a written statement to the Board requesting that such documents and information be made public records.*

2. The ~~[complaint or other document filed by]~~ *charging documents filed with* the Board to initiate disciplinary action *pursuant to sections 2 to 41, inclusive, of this act* and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. *The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.*

Sec. 148. NRS 637B.240 is hereby amended to read as follows:

637B.240 1. All fees collected under the provisions of this chapter must be paid to the secretary-treasurer of the Board to be used to defray the necessary expenses of the Board. The Secretary-Treasurer shall deposit the fees in qualified banks, credit unions or savings and loan associations in this State.

2. ~~[The]~~ *In a manner consistent with the provisions of sections 2 to 41, inclusive, of this act, the* Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect civil penalties therefor



1 and deposit the money therefrom in banks, credit unions or savings
2 and loan associations in this State.

3 3. If a hearing officer or panel is not authorized to take
4 disciplinary action pursuant to subsection 2 and the Board deposits
5 the money collected from the imposition of civil penalties with the
6 State Treasurer for credit to the State General Fund, it may present a
7 claim to the State Board of Examiners for recommendation to the
8 Interim Finance Committee if money is needed to pay attorney's
9 fees or the costs of an investigation, or both.

10 **Sec. 149.** (Deleted by amendment.)

11 **Sec. 150.** NRS 637B.270 is hereby amended to read as
12 follows:

13 637B.270 ~~[Not later than 15 days after the filing of a~~
14 ~~complaint, the Board shall fix a date for the hearing, which date~~
15 ~~must not be less than 20 days nor more than 45 days after the date~~
16 ~~the complaint is filed. If]~~ *Notwithstanding the provisions of*
17 *sections 2 to 41, inclusive, of this act, if* the Board receives a report
18 pursuant to subsection 5 of NRS 228.420, a ~~[hearing]~~ *disciplinary*
19 *proceeding regarding the report* must be ~~[held]~~ *commenced* within
20 30 days after ~~[receiving]~~ *the Board receives* the report. ~~[The Board~~
21 ~~shall immediately mail to the defendant, by certified mail, return~~
22 ~~receipt requested, a copy of the complaint and a notice showing the~~
23 ~~time, date and place of the hearing.]~~

24 **Sec. 151.** NRS 637B.280 is hereby amended to read as
25 follows:

26 637B.280 1. If, after ~~[the hearing,]~~ *notice and a hearing as*
27 *required by law*, the Board determines that the applicant or licensee
28 has committed any act which constitutes grounds for disciplinary
29 action, the Board may, in the case of the applicant, refuse to issue a
30 license, and in all other cases:

- 31 (a) Refuse to renew a license;
32 (b) Revoke a license;
33 (c) Suspend a license for a definite time, not to exceed 1 year;
34 (d) Administer to the licensee a public reprimand; or
35 (e) Impose a civil penalty not to exceed \$1,000.

36 2. The Board shall not administer a private reprimand.

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. 152.** NRS 637B.288 is hereby amended to read as
40 follows:

41 637B.288 1. Except as otherwise provided in this section, a
42 complaint filed with the Board, all documents and other information
43 filed with the complaint and all documents and other information
44 compiled as a result of ~~[the]~~ *an* investigation conducted to
45 determine whether to initiate disciplinary action *against a person*



1 are confidential ~~[]~~, *unless the person submits a written statement*
2 *to the Board requesting that such documents and information be*
3 *made public records.*

4 2. The ~~[complaint or other document filed by]~~ *charging*
5 *documents filed with* the Board to initiate disciplinary action
6 *pursuant to sections 2 to 41, inclusive, of this act* and all
7 documents and information considered by the Board when
8 determining whether to impose discipline are public records.

9 3. *The provisions of this section do not prohibit the Board*
10 *from communicating or cooperating with or providing any*
11 *documents or other information to any other licensing board or*
12 *any other agency that is investigating a person, including, without*
13 *limitation, a law enforcement agency.*

14 **Sec. 153.** NRS 638.017 is hereby amended to read as follows:

15 638.017 *Except as otherwise provided in sections 2 to 41,*
16 *inclusive, of this act:*

17 1. Service of process made pursuant to and all notices required
18 by this chapter must be either personal or by registered or certified
19 mail with return receipt requested, addressed to the veterinarian,
20 veterinary technician or applicant for a license, at his last known
21 address, as indicated on the records of the Board. If personal service
22 cannot be made and if notice by mail is returned undelivered, the
23 Executive Director of the Board shall cause a notice of the hearing
24 or action to be published once a week for 4 consecutive weeks in a
25 newspaper published in the county of that person's last known
26 address or, if no newspaper is published in that county, then in a
27 newspaper widely distributed in that county.

28 2. Proof of service of process or publication of notice made
29 pursuant to this chapter must be filed with the Executive Director
30 and recorded in the minutes of the Board.

31 **Sec. 154.** NRS 638.087 is hereby amended to read as follows:

32 638.087 1. The Board shall keep a record of:

33 (a) All charges filed against a licensee;

34 (b) The proceedings of any formal hearing conducted by the
35 Board or a hearing officer;

36 (c) Any order filed by the Board; and

37 (d) All licenses issued by the Board including the name of the
38 holder of the license, his business address, the date the license was
39 issued and the number of the license.

40 2. Except as otherwise provided in ~~[NRS 638.088,]~~ *this*
41 *section*, the records of the Board listed in subsection 1 must be open
42 to the public at reasonable times and places.

43 3. *Except as otherwise provided in this section, a complaint*
44 *filed with the Board, all documents and other information filed*
45 *with the complaint and all documents and other information*



1 *compiled as a result of an investigation conducted to determine*
2 *whether to initiate disciplinary action against a person are*
3 *confidential, unless the person submits a written statement to the*
4 *Board requesting that such documents and information be made*
5 *public records.*

6 *4. The charging documents filed with the Board to initiate*
7 *disciplinary action pursuant to sections 2 to 41, inclusive, of this*
8 *act and all other documents and information considered by the*
9 *Board when determining whether to impose discipline are public*
10 *records.*

11 *5. The provisions of this section do not prohibit the Board*
12 *from communicating or cooperating with or providing any*
13 *documents or other information to any other licensing board or*
14 *any other agency that is investigating a person, including, without*
15 *limitation, a law enforcement agency.*

16 **Sec. 155.** NRS 638.129 is hereby amended to read as follows:

17 638.129 1. Any person:

18 (a) Whose practice of veterinary medicine has been limited; or

19 (b) Whose license to practice veterinary medicine has been
20 suspended until further order or revoked,

21 ➔ ~~[by an order of the Board,]~~ may apply to the Board after a
22 reasonable period for removal of the limitation *or suspension or*
23 *[restoration] may apply to the Board pursuant to the provisions of*
24 *sections 2 to 41, inclusive, of this act for reinstatement* of his
25 *revoked* license.

26 2. In hearing the application, the Board:

27 (a) May require the person to submit to a mental or physical
28 examination by physicians whom it designates or to an examination
29 testing his competence by other persons whom it designates, and
30 submit such other evidence of changed conditions and of fitness as it
31 considers proper;

32 (b) Shall determine whether under all the circumstances the time
33 of the application is reasonable; and

34 (c) May deny the application or modify or rescind its order as
35 the evidence warrants.

36 **Secs. 156 and 157.** (Deleted by amendment.)

37 **Sec. 158.** NRS 638.1423 is hereby amended to read as
38 follows:

39 638.1423 *Notwithstanding the provisions of sections 2 to 41,*
40 *inclusive, of this act:*

41 1. If the Board receives information that a veterinarian or
42 veterinary technician is causing, allowing or maintaining any
43 condition or activity which is an immediate threat to the welfare of
44 an animal, it may, without a hearing, suspend his license or prohibit
45 the use of certain procedures or any dangerous activity. The Board



1 shall notify the veterinarian or veterinary technician within 2 days
2 after taking the action.

3 2. The Board shall, within 14 days after notifying the
4 veterinarian or veterinary technician, hold an informal hearing to
5 determine if cause exists to extend the order. The veterinarian or
6 veterinary technician may present evidence at that hearing. After the
7 hearing the Board may extend the order for no more than 60 days.

8 3. The issuance or extension of the order is not an adjudication
9 on the merits. During the period of suspension, the Board shall
10 investigate further and if it decides it is necessary, hold a formal
11 hearing which must take priority over any other proceeding before
12 the Board. If the Board finds, after the formal hearing, that the
13 licensee is causing, allowing or maintaining any condition or
14 activity which is an immediate threat to the welfare of an animal, it
15 shall issue an order stating its findings and the action taken.

16 **Sec. 159.** NRS 638.1429 is hereby amended to read as
17 follows:

18 638.1429 1. After the investigation of the complaint is
19 completed, the member of the Board who conducted the
20 investigation shall submit to the Board a written report of his
21 findings and recommendations concerning the disposition of the
22 complaint.

23 2. If the Board determines that there is not sufficient evidence
24 to believe that a licensee has committed an act which constitutes a
25 cause for disciplinary action, the Board shall dismiss the complaint
26 and send a written notice to the person who filed the complaint and
27 the licensee who was the subject of the investigation that the
28 complaint was dismissed.

29 3. If the Board determines that there is sufficient evidence to
30 believe that a licensee has committed an act which constitutes a
31 ground for disciplinary action, the Board may enter into a settlement
32 agreement with the licensee. The settlement agreement must be
33 signed by the licensee and the President of the Board. The Board
34 shall send a written notice of the settlement to the person who filed
35 the complaint against the licensee. The notice must include a copy
36 of the settlement agreement. The complaint and the settlement
37 agreement are public records.

38 ~~[4. If the Board does not enter into a settlement agreement with~~
39 ~~the licensee, the Board shall:~~

40 ~~—(a) Cause an accusation to be filed against the licensee. The~~
41 ~~accusation must:~~

42 ~~—(1) Include a written statement of the charges alleged;~~

43 ~~—(2) Set forth in ordinary and concise language the acts or~~
44 ~~omissions with which the licensee is charged;~~



~~— (3) Specify the statutes and regulations which the licensee is alleged to have violated; and~~

~~— (4) Be signed by the President of the Board.~~

~~— (b) Fix a time and place for a hearing and so notify the licensee at least 30 days before the date of the hearing. The notice must include a copy of the accusation and any disciplinary action the Board may impose pursuant to NRS 638.147.]~~

Sec. 160. NRS 638.1445 is hereby amended to read as follows:

638.1445 ~~[The]~~ *In a manner consistent with the provisions of sections 2 to 41, inclusive, of this act, the* Board may request and obtain a search warrant from a magistrate upon a showing that the warrant is needed to carry out an order of the Board or for an investigation or hearing being conducted by the Board and that reasonable cause exists to issue the warrant.

Sec. 161. NRS 638.145 is hereby amended to read as follows:

638.145 The Board shall not refuse to issue a license to an applicant or take any disciplinary action against a licensee unless the Board finds, by ~~[a preponderance of the]~~ *substantial* evidence, that the applicant or licensee has engaged in one or more of the practices prohibited by the provisions of this chapter.

Sec. 162. NRS 638.1471 is hereby amended to read as follows:

638.1471 *Notwithstanding the provisions of sections 2 to 41, inclusive, of this act:*

1. The Board may issue to a licensee a citation which may contain an order of abatement or an order to pay an administrative fine assessed by the Board when the licensee is in violation of any provision of this chapter or any regulation adopted by the Board.

2. A citation must be in writing and describe with particularity the nature of the violation, including specific reference to the provision of law or the regulation determined to have been violated, and the amount of the fine, if any. A citation must be issued for each violation of this chapter or any regulation adopted by the Board.

3. Where appropriate, the citation must contain an order of abatement fixing a reasonable time for abatement of the violation.

4. The administrative fine assessed by the Board must not exceed \$5,000 for each violation. In assessing a fine the Board shall give consideration to the appropriateness of the amount of the fine with respect to such factors as the gravity of the violation, the good faith of the licensee and the history of previous violations.

5. A citation must inform the licensee that if he desires a hearing to contest the finding of a violation or the amount of the fine assessed, the hearing must be requested by written notice to the Board within 30 days after the date of issuance of the citation. If a



1 hearing is not requested pursuant to this section, a settlement does
2 not constitute an admission of the violation charged unless the
3 settlement agreement stipulates to such an admission.

4 6. Failure of a licensee to pay a fine within 30 days after the
5 date of assessment, unless the citation is being appealed, may result
6 in disciplinary action being taken by the Board. Where a citation is
7 not contested and a fine is not paid, the full amount of the fine that
8 is assessed must be added to the fee for renewal of the license. A
9 license must not be renewed without payment of the renewal fee and
10 fine.

11 7. Notwithstanding any other provision of law, where a fine is
12 paid to satisfy an assessment based on the finding of a violation,
13 payment of the fine constitutes a satisfactory resolution of the matter
14 for purposes of public disclosure of the disposition of the violation.

15 8. The Board may adopt regulations to carry out this section. It
16 may also adopt regulations to establish similar provisions for the
17 issuance of a citation to a person who is practicing veterinary
18 medicine without a license.

19 **Sec. 163.** NRS 638.1473 is hereby amended to read as
20 follows:

21 638.1473 1. Except as otherwise provided in subsection 4, all
22 reasonable expenses incurred by the Board in carrying out the
23 provisions of this chapter must be paid from the money which it
24 receives. No part of the salaries or expenses of the Board may be
25 paid out of the State General Fund.

26 2. Except as otherwise provided in this section, all money
27 collected by the Board from the imposition of fines must be
28 deposited with the State Treasurer for credit to the State General
29 Fund. All other money received by the Board must be deposited in
30 qualified banks, credit unions or savings and loan associations in
31 this State and paid out on its order for its expenses.

32 3. ~~The~~ *In a manner consistent with the provisions of*
33 *sections 2 to 41, inclusive, of this act, the* Board may delegate to a
34 hearing officer or panel its authority to take any disciplinary action
35 pursuant to this chapter, impose and collect fines therefor and
36 deposit the money therefrom in banks, credit unions or savings and
37 loan associations in this State.

38 4. If a hearing officer or panel is not authorized to take
39 disciplinary action pursuant to subsection 3 and the Board deposits
40 the money collected from the imposition of fines with the State
41 Treasurer for credit to the State General Fund, it may present a
42 claim to the State Board of Examiners for recommendation to the
43 Interim Finance Committee if money is needed to pay attorney's
44 fees or the costs of an investigation, or both.



1 **Sec. 164.** NRS 638.151 is hereby amended to read as follows:
2 638.151 ~~[At]~~ *In a manner consistent with the provisions of*
3 *sections 2 to 41, inclusive, of this act, at* all hearings the Attorney
4 General, or an attorney employed by the Board, shall represent the
5 Board.

6 **Sec. 165.** NRS 638.1515 is hereby amended to read as
7 follows:

8 638.1515 1. ~~[He]~~ *Notwithstanding the provisions of sections*
9 *2 to 41, inclusive, of this act, in* any disciplinary proceeding :
10 ~~[before the Board:]~~

11 (a) Proof of actual injury need not be established where the
12 charge is deceptive or unethical professional conduct.

13 (b) If proof of actual injury is an issue, proof of actual injury
14 may be established by the testimony and opinion of a witness who is
15 not an expert witness.

16 (c) A certified copy of the record of a court or a licensing
17 agency showing a conviction or the suspension, limitation,
18 modification, denial or revocation of a license of a veterinarian or
19 veterinary technician is conclusive evidence of its occurrence. A
20 plea of nolo contendere is a conviction for the purpose of this
21 section.

22 2. As used in this section, "actual injury" means any type of
23 injury, abuse or mistreatment, whether or not the injury, abuse or
24 mistreatment results in substantial or permanent physical harm or
25 death.

26 **Sec. 166.** NRS 638.152 is hereby amended to read as follows:

27 638.152 ~~[The]~~ *In addition to any other immunity provided by*
28 *the provisions of sections 2 to 41, inclusive, of this act, the* Board,
29 a veterinary society, or any person who or other organization which
30 initiates or assists in any lawful investigation or proceeding
31 concerning a veterinarian or veterinary technician, is immune from
32 any civil action for that initiation or assistance or any consequential
33 damages, if the person or organization acted without malicious
34 intent.

35 **Sec. 167.** NRS 638.153 is hereby amended to read as follows:

36 638.153 ~~[The]~~ *Notwithstanding the provisions of sections 2 to*
37 *41, inclusive, of this act, the* filing and review of a complaint, its
38 dismissal without further action or its transmittal to the Attorney
39 General, and any subsequent disposition by the Board, the Attorney
40 General or any reviewing court do not preclude any appropriate
41 criminal prosecution by the Attorney General or a district attorney
42 based upon the same or other facts.

43 **Sec. 168.** NRS 638.160 is hereby amended to read as follows:

44 638.160 ~~[When]~~ *Notwithstanding the provisions of sections 2*
45 *to 41, inclusive, of this act, when* requested by the Board, the



1 Attorney General or the district attorneys of the respective counties
2 of this State shall prosecute violators of this chapter.

3 **Sec. 169.** NRS 640.070 is hereby amended to read as follows:

4 640.070 1. All fees collected under this chapter must be
5 deposited by the Board in banks, credit unions or savings and loan
6 associations in the State of Nevada.

7 2. All expenses incident to the operation of this chapter must
8 be paid from the revenue derived therefrom.

9 3. ~~[The]~~ *In a manner consistent with the provisions of*
10 *sections 2 to 41, inclusive, of this act, the* Board may delegate to a
11 hearing officer or panel its authority to take any disciplinary action
12 pursuant to this chapter and impose and collect administrative fines
13 therefor. If the Board so delegates its authority, the Board may
14 deposit the money from the fines in banks, credit unions or savings
15 and loan associations in this State for the support of the Board. In
16 addition, the hearing officer or panel may assess a licensee against
17 whom disciplinary action is taken any costs and fees incurred by the
18 Board as a result of the hearing. The money from the reimbursed
19 costs and fees may also be deposited for use by the Board.

20 4. If a hearing officer or panel is not authorized to take
21 disciplinary action pursuant to subsection 3, the Board shall deposit
22 the money collected from the imposition of administrative fines with
23 the State Treasurer for credit to the State General Fund. The Board
24 may present a claim to the State Board of Examiners for
25 recommendation to the Interim Finance Committee if money is
26 needed to pay attorney's fees or the costs of an investigation, or
27 both.

28 **Sec. 170.** NRS 640.075 is hereby amended to read as follows:

29 640.075 1. Except as otherwise provided in this section, ~~[any~~
30 ~~records or information obtained during the course]~~ *a complaint filed*
31 *with the Board, all documents and other information filed with the*
32 *complaint and all documents and other information compiled as a*
33 *result of an investigation* ~~[by the Board and any record of the]~~
34 *conducted to determine whether to initiate disciplinary action*
35 *against a person* are confidential ~~[.]~~, *unless the person submits a*
36 *written statement to the Board requesting that such documents*
37 *and information be made public records.*

38 2. The ~~[complaint or other document filed by]~~ *charging*
39 *documents filed with* the Board to initiate disciplinary action
40 *pursuant to sections 2 to 41, inclusive, of this act* and all
41 documents and information considered by the Board when
42 determining whether to impose discipline are public records.

43 3. ~~[This section does not prevent or]~~ *The provisions of this*
44 *section do not* prohibit the Board from communicating or
45 cooperating with ~~[another]~~ *or providing any documents or other*



1 *information to any other* licensing board or any *other* agency
2 ~~{which}~~ *that* is investigating a ~~{licensee,}~~ *a person*, including ,
3 *without limitation*, a law enforcement agency.

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

6 **Sec. 171.** NRS 640.160 is hereby amended to read as follows:

7 640.160 1. The Board, after notice and *a* hearing ~~{}~~ *as*
8 *required by law*, and upon any ground enumerated in subsection 2,
9 may take one or more of the following actions:

10 (a) Refuse to issue a license or temporary license to any
11 applicant.

12 (b) Refuse to renew the license or temporary license of any
13 person.

14 (c) Suspend or revoke the license or temporary license of any
15 person.

16 (d) Place any person who has been issued a license or temporary
17 license on probation.

18 (e) Impose an administrative fine which does not exceed \$5,000
19 on any person who has been issued a license.

20 2. The Board may take action pursuant to subsection 1 if an
21 applicant or person who has been licensed pursuant to this chapter:

22 (a) Is habitually drunk or is addicted to the use of a controlled
23 substance.

24 (b) Has been convicted of violating any state or federal law
25 relating to controlled substances.

26 (c) Is, in the judgment of the Board, guilty of immoral or
27 unprofessional conduct.

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

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

32 (f) Is guilty, in the judgment of the Board, of gross negligence in
33 his practice as a physical therapist which may be evidenced by
34 claims of malpractice settled against a practitioner.

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

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

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

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

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



- 1 (l) Is determined to be professionally incompetent by the Board.
2 (m) Has violated any provision of this chapter or the Board's
3 regulations.

4 **Sec. 172.** NRS 640.161 is hereby amended to read as follows:

5 640.161 1. A complaint against any person who has been
6 licensed pursuant to this chapter may be initiated by the Board or
7 may be filed with the Board by any member or agent of the Board or
8 any aggrieved person.

9 2. The complaint must allege one or more of the grounds
10 enumerated in NRS 640.160 and must contain a statement of facts
11 showing that a provision of this chapter or the Board's regulations
12 has been violated. The complaint must be sufficiently detailed to
13 enable the respondent to understand the allegations.

14 3. The complaint must be in writing and be signed and verified
15 by the person filing it. The original complaint and two copies must
16 be filed with the Board.

17 4. The Board shall review each complaint. If a complaint
18 shows a substantial violation of a provision of this chapter or the
19 Board's regulations, the Board shall proceed with a hearing on the
20 complaint ~~[] pursuant to the provisions of sections 2 to 41,~~
21 ~~inclusive, of this act.~~

22 **Sec. 173.** NRS 640.162 is hereby amended to read as follows:

23 640.162 ~~[1. As soon as practicable after the Board determines~~
24 ~~that a complaint merits a hearing, the Board shall set a date for the~~
25 ~~hearing. The hearing must not be set sooner than 30 days after the~~
26 ~~date on which the respondent received notice of the complaint. If]~~
27 ~~Notwithstanding the provisions of sections 2 to 41, inclusive, of~~
28 ~~this act, if~~ the Board receives a report pursuant to subsection 5 of
29 NRS 228.420, a ~~[hearing]~~ *disciplinary proceeding regarding the*
30 *report* must be ~~[held]~~ *commenced* within 30 days after ~~[receiving]~~
31 *the Board receives* the report.

32 ~~[2. The Board's Secretary shall:~~

33 ~~—(a) Notify the respondent that a complaint against him has been~~
34 ~~filed;~~

35 ~~—(b) Inform him of the date, time and place set for the hearing;~~
36 ~~and~~

37 ~~—(c) Include a copy of the complaint with the notice.~~

38 ~~—3. The notice and complaint may be served on the respondent~~
39 ~~by delivery to him personally or by mailing to him at his last known~~
40 ~~address by registered or certified mail.~~

41 ~~—4. If the respondent so requests, the hearing must be held~~
42 ~~within the county where he resides.]~~

43 **Sec. 174.** (Deleted by amendment.)



1 **Sec. 175.** NRS 640A.200 is hereby amended to read as
2 follows:

3 640A.200 1. The Board may, after notice and *a* hearing ~~[]~~ *as*
4 *required by law*, suspend, revoke or refuse to issue or renew a
5 license to practice as an occupational therapist or occupational
6 therapy assistant, or may impose conditions upon the use of that
7 license, if the Board determines that the holder of or applicant for
8 the license is guilty of unprofessional conduct which has endangered
9 or is likely to endanger the public health, safety or welfare. The
10 Board may reinstate a revoked license *pursuant to the provisions of*
11 *sections 2 to 41, inclusive, of this act* upon application by the
12 person to whom the license was issued . ~~[not less than 1 year after~~
13 ~~the license is revoked.~~

14 ~~—2.— If]~~

15 2. *Notwithstanding the provisions of sections 2 to 41,*
16 *inclusive, of this act, if* the Board receives a report pursuant to
17 subsection 5 of NRS 228.420, a ~~[hearing]~~ *disciplinary proceeding*
18 *regarding the report* must be ~~[held to consider the report]~~
19 *commenced* within 30 days after ~~[receiving]~~ *the Board receives* the
20 report.

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

23 4. As used in this section, “unprofessional conduct” includes:

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

26 (b) The conviction of:

27 (1) A felony or gross misdemeanor relating to the practice of
28 occupational therapy; or

29 (2) Any crime involving moral turpitude; and

30 (c) The violation of any provision of this chapter or regulation
31 of the Board adopted pursuant to this chapter.

32 **Sec. 176.** NRS 640A.210 is hereby amended to read as
33 follows:

34 640A.210 1. ~~[The]~~ *In a manner consistent with the*
35 *provisions of sections 2 to 41, inclusive, of this act, the* Board may
36 conduct investigations, hold hearings and examine witnesses in
37 carrying out its duties pursuant to this chapter. For the purposes of
38 this chapter:

39 (a) Any member of the Board may administer oaths; and

40 (b) The Chairman of the Board may issue subpoenas to compel
41 the attendance of witnesses and the production of books and papers.

42 2. If any person fails to comply with the subpoena within 10
43 days after its issuance, the Chairman of the Board may petition the
44 district court for an order of the court compelling compliance with
45 the subpoena.



3. Upon such a petition, the court shall enter an order directing the person subpoenaed to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and to show cause why he has not complied with the subpoena. A certified copy of the order must be served upon the person subpoenaed.

4. If it appears to the court that the subpoena was regularly issued by the Board, the court shall enter an order compelling compliance with the subpoena, and upon failure to obey the order the person must be dealt with as for contempt of court.

Sec. 177. NRS 640A.220 is hereby amended to read as follows:

640A.220 1. Except as otherwise provided in this section, ~~any records or information obtained during the course of~~ *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 [by the Board] conducted to determine whether to initiate disciplinary action against a person* are confidential ~~[]~~, *unless the person submits a written statement to the Board requesting that such documents and information be made public records.*

2. The ~~complaint or other document filed by~~ *charging documents filed with* the Board to initiate disciplinary action pursuant to sections 2 to 41, inclusive, of this act and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. *The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.*

Sec. 178. NRS 640B.220 is hereby amended to read as follows:

640B.220 1. Except as otherwise provided in subsection 4, all reasonable expenses incurred by the Board in carrying out the provisions of this chapter must be paid from the money that it receives. No part of the expenses of the Board may be paid from the State General Fund.

2. All money received by the Board must be deposited in a bank or other financial institution in this State and paid out on its order for its expenses.

3. ~~[The]~~ *In a manner consistent with the provisions of sections 2 to 41, inclusive, of this act, the* Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines and penalties



1 related to that disciplinary action and deposit the money from the
2 fines and penalties in a bank or other financial institution in this
3 State.

4 4. If a hearing officer or panel is not authorized to take
5 disciplinary action pursuant to subsection 3, the Board shall deposit
6 all money collected from the imposition of fines and penalties with
7 the State Treasurer for credit to the State General Fund. If money
8 has been deposited in the State General Fund pursuant to this
9 subsection, the Board may present a claim to the State Board of
10 Examiners for recommendation to the Interim Finance Committee if
11 money is needed to pay attorney's fees or the costs of an
12 investigation, or both.

13 **Sec. 179.** NRS 640B.700 is hereby amended to read as
14 follows:

15 640B.700 1. The Board may refuse to issue a license to an
16 applicant ~~if~~ or may take disciplinary action against a licensee ~~if~~ if,
17 after notice and a hearing ~~if~~ *as required by law*, the Board
18 determines that the applicant or licensee:

19 (a) Has submitted false or misleading information to the Board
20 or any agency of this State, any other state, the Federal Government
21 or the District of Columbia;

22 (b) Has violated any provision of this chapter or any regulation
23 adopted pursuant thereto;

24 (c) Has been convicted of a felony, a crime relating to a
25 controlled substance or a crime involving moral turpitude;

26 (d) Is addicted to alcohol or any controlled substance;

27 (e) Has violated the provisions of NRS 200.5093 or 432B.220;

28 (f) Is guilty of gross negligence in his practice as an athletic
29 trainer;

30 (g) Is not competent to engage in the practice of athletic
31 training;

32 (h) Has failed to provide information requested by the Board
33 within 60 days after he received the request;

34 (i) Has engaged in unethical or unprofessional conduct as it
35 relates to the practice of athletic training;

36 (j) Has been disciplined in another state, a territory or
37 possession of the United States, or the District of Columbia for
38 conduct that would be a violation of the provisions of this chapter or
39 any regulations adopted pursuant thereto if the conduct were
40 committed in this State;

41 (k) Has solicited or received compensation for services that he
42 did not provide;

43 (l) If the licensee is on probation, has violated the terms of his
44 probation; or



1 (m) Has terminated his professional services to a client in a
2 manner that detrimentally affected that client.

3 2. The Board may, if it determines that an applicant for a
4 license or a licensee has committed any of the acts set forth in
5 subsection 1, after notice and a hearing ~~[-]~~ *as required by law:*

- 6 (a) Refuse to issue a license to the applicant;
7 (b) Refuse to renew or restore the license of the licensee;
8 (c) Suspend or revoke the license of the licensee;
9 (d) Place the licensee on probation;
10 (e) Impose an administrative fine of not more than \$5,000;
11 (f) Require the applicant or licensee to pay the costs incurred by
12 the Board to conduct the investigation and hearing; or
13 (g) Impose any combination of actions set forth in paragraphs
14 (a) to (f), inclusive.

15 *3. The Board shall not issue a private reprimand to a*
16 *licensee.*

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

19 **Sec. 180.** NRS 640B.720 is hereby amended to read as
20 follows:

21 640B.720 1. ~~[The]~~ *In a manner consistent with the*
22 *provisions of sections 2 to 41, inclusive, of this act, the* Board may
23 conduct investigations and hold hearings to carry out its duties
24 pursuant to the provisions of this chapter.

25 2. In such a hearing:

26 (a) Any member of the Board may administer oaths and
27 examine witnesses; and

28 (b) The Board or any member thereof may issue subpoenas to
29 compel the attendance of witnesses and the production of books and
30 papers.

31 3. Each witness who is subpoenaed to appear before the Board
32 is entitled to receive for his attendance the same fees and mileage
33 allowed by law to a witness in a civil case. The amount must be paid
34 by the party who requested the subpoena. If any witness who has not
35 been required to attend at the request of any party is subpoenaed by
36 the Board, his fees and mileage must be paid from the money of the
37 Board.

38 4. If any person fails to comply with the subpoena within 10
39 days after it is issued, the Chairman of the Board may petition a
40 court of competent jurisdiction for an order of the court compelling
41 compliance with the subpoena.

42 5. Upon such a petition, the court shall enter an order directing
43 the person subpoenaed to appear before the court at a time and place
44 to be fixed by the court in its order, the time to be not more than 10
45 days after the date of the order, and to show cause why he has not



1 complied with the subpoena. A certified copy of the order must be
2 served upon the person subpoenaed.

3 6. If it appears to the court that the subpoena was regularly
4 issued by the Board, the court shall enter an order compelling
5 compliance with the subpoena. The failure of the person to obey the
6 order is a contempt of the court that issued the order.

7 **Sec. 181.** NRS 640B.730 is hereby amended to read as
8 follows:

9 640B.730 1. ~~Any records or information obtained during the~~
10 ~~course of an investigation by the Board are confidential until the~~
11 ~~investigation is completed. Upon completion of the investigation,~~
12 ~~the records and information are public records if:~~

13 ~~—(a) Disciplinary action was taken by the Board as a result of the~~
14 ~~investigation; or~~

15 ~~—(b) The person who was investigated submits a written request~~
16 ~~to the Board asking that the information and records be made public~~
17 ~~records.] Except as otherwise provided in this section, a complaint~~

18 ~~filed with the Board, all documents and other information filed~~
19 ~~with the complaint and all documents and other information~~
20 ~~compiled as a result of an investigation conducted to determine~~
21 ~~whether to initiate disciplinary action against a person are~~
22 ~~confidential, unless the person submits a written statement to the~~
23 ~~Board requesting that such documents and information be made~~
24 ~~public records.~~

25 2. *The charging documents filed with the Board to initiate*
26 *disciplinary action pursuant to sections 2 to 41, inclusive, of this*
27 *act and all documents and information considered by the Board*
28 *when determining whether to impose discipline are public records.*

29 3. The provisions of this section do not prohibit the Board from
30 *communicating or* cooperating with ~~another~~ *or providing any*
31 *documents or other information to any other* licensing board or
32 any *other* agency that is investigating a ~~licensee,~~ *person,*
33 including, without limitation, a law enforcement agency.

34 **Sec. 182.** NRS 641.090 is hereby amended to read as follows:

35 641.090 1. The Secretary-Treasurer shall make and keep on
36 behalf of the Board:

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

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

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

41 (d) A register of all licenses.

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

43 (f) An inventory of the property of the Board and of the State in
44 the Board's possession.



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

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

4. 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 against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

5. The charging documents filed with the Board to initiate disciplinary action pursuant to sections 2 to 41, inclusive, of this act and all other documents and information considered by the Board when determining whether to impose discipline are public records.

6. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 183. NRS 641.125 is hereby amended to read as follows:

641.125 ~~[The]~~ *In a manner consistent with the provisions of sections 2 to 41, inclusive, of this act, the* Board may hold hearings and conduct investigations related to its duties under this chapter and take evidence on any matter under inquiry before it.

Sec. 184. NRS 641.230 is hereby amended to read as follows:

641.230 The Board may suspend the license of a psychologist, place a psychologist on probation, revoke the license of a psychologist, require remediation for a psychologist or take any other action specified by regulation if the Board finds by ~~[a preponderance of the]~~ *substantial* evidence that the psychologist has:

1. Been convicted of a felony relating to the practice of psychology.

2. Been convicted of any crime or offense that reflects the inability of the psychologist to practice psychology with due regard for the health and safety of others.

3. Been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.



4. Engaged in gross malpractice or repeated malpractice or gross negligence in the practice of psychology.

5. Aided or abetted the practice of psychology by a person not licensed by the Board.

6. Made any fraudulent or untrue statement to the Board.

7. Violated a regulation adopted by the Board.

8. Had his license to practice psychology suspended or revoked or has had any other disciplinary action taken against him by another state or territory of the United States, the District of Columbia or a foreign country, if at least one of the grounds for discipline is the same or substantially equivalent to any ground contained in this chapter.

9. Failed to report to the Board within 30 days the revocation, suspension or surrender of, or any other disciplinary action taken against, a license or certificate to practice psychology issued to him by another state or territory of the United States, the District of Columbia or a foreign country.

10. Violated or attempted to violate, directly or indirectly, or assisted in or abetted the violation of or conspired to violate a provision of this chapter.

11. Performed or attempted to perform any professional service while impaired by alcohol, drugs or by a mental or physical illness, disorder or disease.

12. Engaged in sexual activity with a patient.

13. Been convicted of abuse or fraud in connection with any state or federal program which provides medical assistance.

14. Been convicted of submitting a false claim for payment to the insurer of a patient.

Sec. 185. NRS 641.240 is hereby amended to read as follows:

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

(a) Administer a public reprimand.

(b) Limit his practice.

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

(d) Revoke his license.

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

(f) Revoke or suspend his license and impose a monetary penalty.

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

(h) Require the person to submit to the supervision of or counseling or treatment by a person designated by the Board. The



1 person named in the complaint is responsible for any expense
2 incurred.

3 (i) Impose and modify any conditions of probation for the
4 protection of the public or the rehabilitation of the probationer.

5 (j) Require the person to pay for the costs of remediation or
6 restitution.

7 2. The Board shall not administer a private reprimand.

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

10 **Sec. 186.** NRS 641.243 is hereby amended to read as follows:

11 641.243 *Except as otherwise provided in sections 2 to 41,*
12 *inclusive, of this act:*

13 1. Service of process made under this chapter must be either
14 upon the person or by registered or certified mail with return receipt
15 requested, addressed to the psychologist at his last known address,
16 as indicated on the records of the Board, if possible. If personal
17 service cannot be made and if notice by mail is returned
18 undelivered, the Board shall cause notice of hearing to be published
19 once a week for 4 consecutive weeks in a newspaper published in
20 the county of the psychologist's last known address or, if no
21 newspaper is published in that county, then in a newspaper widely
22 distributed in that county.

23 2. Proof of service of process or publication of notice made
24 under this chapter must be filed with the Board and must be
25 recorded in the minutes of the Board.

26 **Sec. 187.** (Deleted by amendment.)

27 **Sec. 188.** NRS 641.272 is hereby amended to read as follows:

28 641.272 1. ~~If the Board determines that a complaint is not~~
29 ~~frivolous, it]~~ *Notwithstanding the provisions of sections 2 to 41,*
30 *inclusive, of this act, the Board* may require the person named in
31 ~~the~~ *a* complaint to submit to a mental examination conducted by a
32 panel of three psychologists designated by the Board or a physical
33 examination conducted by a physician designated by the Board.

34 2. Every psychologist licensed under this chapter who accepts
35 the privilege of practicing psychology in this State shall be deemed
36 to have given his consent to submit to a mental or physical
37 examination when directed to do so in writing by the Board. The
38 testimony or reports of the examining psychologists or physician are
39 privileged communications, except as to proceedings conducted
40 pursuant to this chapter.

41 3. Except in extraordinary circumstances, as determined by the
42 Board, the failure of a psychologist to submit to an examination as
43 provided in this section constitutes grounds for the immediate
44 suspension of his license.



1 **Sec. 189.** NRS 641.273 is hereby amended to read as follows:

2 641.273 ~~[(H)]~~ *Notwithstanding the provisions of sections 2 to*
3 *41, inclusive, of this act, if* the Board has reason to believe that the
4 conduct of any psychologist has raised a reasonable question as to
5 his competence to practice psychology with reasonable skill and
6 safety to patients, the Board may require him to take a written or
7 oral examination to determine whether he is competent to practice
8 psychology. If an examination is required, the reasons therefor must
9 be documented and made available to the psychologist being
10 examined.

11 **Sec. 190.** NRS 641.274 is hereby amended to read as follows:

12 641.274 ~~[(H)]~~ *Notwithstanding the provisions of sections 2 to*
13 *41, inclusive, of this act, if* the Board, a panel of its members or a
14 hearing officer issues an order suspending the license of a
15 psychologist pending proceedings for disciplinary action and
16 requires the psychologist to submit to a mental or physical
17 examination or an examination of his competency to practice
18 psychology, the examination must be conducted and the results
19 obtained within 60 days after the Board, panel of its members or
20 hearing officer issues the order.

21 **Sec. 191.** NRS 641.276 is hereby amended to read as follows:

22 641.276 ~~[(H)]~~:

23 ~~—1. A complaint charging unprofessional conduct, a conviction~~
24 ~~or the suspension or revocation of a license is not frivolous; or~~

25 ~~—2. With respect to a complaint reported by the Attorney~~
26 ~~General, the Board has determined to proceed with an action~~
27 ~~authorized under this chapter,~~

28 ~~→ the Board shall fix a time and place for a hearing and cause a~~
29 ~~notice of the hearing and a formal complaint prepared by the Board~~
30 ~~to be served on the person named in the complaint at least 20 days~~
31 ~~before the date fixed for the hearing. If] *Notwithstanding the*~~
32 *provisions of sections 2 to 41, inclusive, of this act, if* the Board
33 receives a report pursuant to subsection 5 of NRS 228.420, a
34 ~~[hearing]~~ *disciplinary proceeding regarding the report* must be
35 ~~[held]~~ *commenced* within 30 days after ~~[receiving]~~ *the Board*
36 *receives* the report.

37 **Sec. 192.** NRS 641.285 is hereby amended to read as follows:

38 641.285 ~~[(H)]~~ *Notwithstanding the provisions of sections 2 to*
39 *41, inclusive, of this act, in any disciplinary* proceeding before the
40 Board, a panel of its members or a hearing officer:

41 1. Proof of actual injury need not be established where the
42 complaint charges deceptive or unethical professional conduct or
43 practice of psychology harmful to the public.

44 2. A certified copy of the record of a court or a licensing
45 agency showing a conviction or the suspension or revocation of a



1 license to practice psychology is conclusive evidence of its
2 occurrence.

3 3. The entering of a plea of nolo contendere in a court of
4 competent jurisdiction shall be deemed a conviction of the offense
5 charged.

6 **Sec. 193.** NRS 641.314 is hereby amended to read as follows:

7 641.314 *Notwithstanding the provisions of sections 2 to 41,*
8 *inclusive, of this act:*

9 1. Pending *disciplinary* proceedings ~~for disciplinary action by~~
10 *before* the Board, a panel of its members or a hearing officer, the
11 court may, upon application by the Board or the Attorney General,
12 issue a temporary restraining order or a preliminary injunction to
13 enjoin any unprofessional conduct of a psychologist which is
14 harmful to the public, to limit the psychologist's practice or to
15 suspend his license to practice psychology, without proof of actual
16 damage sustained by any person, this provision being a preventive
17 as well as a punitive measure.

18 2. The *disciplinary* proceedings before the Board, a panel of its
19 members or a hearing officer must be instituted and determined as
20 promptly as the requirements for investigation of the case
21 reasonably allow.

22 **Sec. 194.** NRS 641.318 is hereby amended to read as follows:

23 641.318 ~~[The]~~ *In addition to any other immunity provided by*
24 *the provisions of sections 2 to 41, inclusive, of this act, the* Board,
25 a review panel of a hospital, an association of psychologists or any
26 other person who or organization which initiates a complaint or
27 assists in any lawful investigation or proceeding concerning the
28 licensing of a psychologist or the discipline of a psychologist for
29 gross malpractice, repeated malpractice, professional incompetence
30 or unprofessional conduct is immune from any civil action for that
31 initiation or assistance or any consequential damages, if the person
32 or organization acted without malicious intent.

33 **Sec. 195.** NRS 641.320 is hereby amended to read as follows:

34 641.320 1. Any person:

- 35 (a) Whose practice of psychology has been limited;
36 (b) Whose license has been revoked; or
37 (c) Who has been placed on probation,

38 ↪ by an order of the Board, a panel of its members or a hearing
39 officer may apply to the Board after 1 year for removal of the
40 limitation or ~~restoration~~ *termination of the probation or may*
41 *apply to the Board pursuant to the provisions of sections 2 to 41,*
42 *inclusive, of this act for reinstatement* of his *revoked* license.

43 2. In hearing the application, the Board:

44 (a) May require the person to submit to a mental or physical
45 examination conducted by psychologists or by physicians whom it



designates and submit such other evidence of changed conditions and of fitness as it considers proper.

(b) Shall determine whether under all the circumstances the time of the application is reasonable.

(c) May deny the application or modify or rescind its order as it considers the evidence and the public safety warrants.

Secs. 196-200. (Deleted by amendment.)

Sec. 201. NRS 641B.150 is hereby amended to read as follows:

641B.150 1. Except as otherwise provided in subsection 4, all reasonable expenses incurred by the Board in carrying out the provisions of this chapter must be paid from the money which it receives. No part of the salaries or expenses of the Board may be paid out of the State General Fund.

2. All money received by the Board must be deposited in qualified banks, credit unions or savings and loan associations in this State and paid out on its order for its expenses.

3. ~~[The]~~ *In a manner consistent with the provisions of sections 2 to 41, inclusive, of this act, the* Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines and penalties therefor and deposit the money therefrom in banks, credit unions or savings and loan associations in this State.

4. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 3 and the Board deposits the money collected from the imposition of fines with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

Sec. 202. NRS 641B.170 is hereby amended to read as follows:

641B.170 1. Except as otherwise provided in ~~[subsection 2,]~~ *this section*, any records or information received by the Board relating to a licensee or an applicant for a license are confidential.

2. ~~[Any records or information received by the Board are public records if:~~

~~(a) The records or information were obtained by the Board during the course of an investigation, the investigation is completed and disciplinary action is imposed by the Board as a result of the investigation; or~~

~~(b) The licensee or the applicant for a license submits a written request to the Board asking that the information or records be made public records.~~



~~3. This section does~~ 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 against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

3. The charging documents filed with the Board to initiate disciplinary action pursuant to sections 2 to 41, inclusive, of this act and all documents and information considered by the Board when determining whether to impose discipline are public records.

4. The provisions of this section do not prohibit the Board from ~~providing any such records or information to another~~ communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency ~~that is investigating a person, including , without limitation, a law enforcement agency . [, which is investigating a person licensed pursuant to this chapter.]~~

Sec. 203. NRS 641B.300 is hereby amended to read as follows:

641B.300 The Board shall charge and collect fees not to exceed the following amounts for:

Initial application	\$40
Provisional license	75
Initial issuance of a license	100
Annual renewal of a license	150
Restoration of a suspended <i>license</i> or <i>reinstatement of a</i> revoked license	150
Restoration of an expired license	200
Renewal of a delinquent license	100
Reciprocal license without examination	100

Sec. 204. NRS 641B.300 is hereby amended to read as follows:

641B.300 The Board shall charge and collect fees not to exceed the following amounts for:

Initial application	\$40
Provisional license	75
Initial issuance of a license	100
Annual renewal of a license	150
Restoration <i>Reinstatement</i> of a revoked license	150
Restoration of an expired license	200
Renewal of a delinquent license	100



1 Reciprocal license without examination \$100

2 **Sec. 205.** (Deleted by amendment.)

3 **Sec. 206.** NRS 641B.430 is hereby amended to read as
4 follows:

5 641B.430 1. ~~[The defendant licensee must be accorded the~~
6 ~~right to appear at the hearing of a complaint conducted by the Board~~
7 ~~in person and through the representation of legal counsel. He must~~
8 ~~be given adequate opportunity to confront the witnesses against him,~~
9 ~~testify and introduce the testimony of witnesses in his behalf and~~
10 ~~submit arguments and briefs in person or through his counsel. The~~
11 ~~Board shall make and announce its decision as soon as practicable.~~

12 ~~—2. The failure of the person charged to attend his hearing or~~
13 ~~defend himself must not delay and does not void the proceedings.~~
14 ~~The Board may, for good cause shown, continue any hearing from~~
15 ~~time to time.~~

16 ~~—3.]~~ If the Board finds ~~[the]~~ *a* person guilty ~~[as charged in the~~
17 ~~complaint, it]~~ *in a disciplinary proceeding, the Board* may , by
18 order:

19 (a) Place the person on probation for a specified period or until
20 further order of the Board.

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

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

24 (d) Suspend the license of the person to practice social work for
25 a specified period or until further order of the Board.

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

27 (f) Impose a fine of not more than \$5,000, which must be
28 deposited with the State Treasurer for credit to the State General
29 Fund.

30 ➤ The order of the Board may contain other terms, provisions or
31 conditions as the Board deems proper and which are not inconsistent
32 with law.

33 ~~[4.]~~ 2. The Board shall not administer a private reprimand.

34 ~~[5.]~~ 3. An order that imposes discipline and the findings of fact
35 and conclusions of law supporting that order are public records.

36 **Sec. 207.** NRS 641B.450 is hereby amended to read as
37 follows:

38 641B.450 ~~[No sooner than 1 year after the date his]~~ *After a*
39 license is revoked, a licensee may apply to the Board *pursuant to*
40 *the provisions of sections 2 to 41, inclusive, of this act* for its
41 reinstatement. The Board has complete discretion to accept or reject
42 such an application and may require successful completion of an
43 examination as a condition of reinstatement.



1 **Sec. 208.** NRS 641C.190 is hereby amended to read as
2 follows:

3 641C.190 1. Except as otherwise provided in subsection 4,
4 all expenses incurred by the Board in carrying out the provisions of
5 this chapter must be paid from the money which it receives. No part
6 of the salaries or expenses of the Board may be paid out of the State
7 General Fund.

8 2. All money received by the Board must be deposited in a
9 bank, credit union or other financial institution in this State and paid
10 out on its order for its expenses.

11 3. ~~[The]~~ *In a manner consistent with the provisions of*
12 *sections 2 to 41, inclusive, of this act, the* Board may delegate to a
13 hearing officer or panel its authority to take any disciplinary action
14 pursuant to this chapter, impose and collect fines and penalties
15 therefor and deposit the money therefrom in a bank, credit union or
16 other financial institution in this State.

17 4. If a hearing officer or panel is not authorized to take
18 disciplinary action pursuant to subsection 3, the Board shall deposit
19 the money collected from the imposition of fines with the State
20 Treasurer for credit to the State General Fund. If money is so
21 deposited, the Board may present a claim to the State Board of
22 Examiners for recommendation to the Interim Finance Committee if
23 money is needed to pay attorney's fees or the costs of an
24 investigation, or both.

25 **Sec. 209.** NRS 641C.200 is hereby amended to read as
26 follows:

27 641C.200 1. The Board shall adopt such regulations as are
28 necessary to carry out the provisions of this chapter, including,
29 without limitation, regulations that prescribe:

30 (a) The ethical standards for licensed and certified counselors
31 and certified interns; and

32 (b) The requirements for continuing education for the renewal,
33 restoration or reinstatement of a license or certificate.

34 2. The Board may adopt regulations that prescribe:

35 (a) The contents of a written examination concerning the
36 practice of counseling problem gamblers;

37 (b) The grounds for initiating disciplinary action against a
38 certified problem gambling counselor or certified problem gambling
39 counselor intern; and

40 (c) Disciplinary procedures for certified problem gambling
41 counselors and certified problem gambling counselor interns,
42 including the suspension, revocation and reinstatement of a
43 certificate as a problem gambling counselor or problem gambling
44 counselor intern.



1 **3. Any regulations adopted by the Board pursuant to this**
2 **section must be consistent with the provisions of sections 2 to 41,**
3 **inclusive, of this act.**

4 **Sec. 210.** NRS 641C.500 is hereby amended to read as
5 follows:

6 641C.500 1. The Board may, by regulation, provide for the
7 certification of a person as a detoxification technician.

8 2. Any regulation adopted pursuant to subsection 1 **must be**
9 **consistent with the provisions of sections 2 to 41, inclusive, of this**
10 **act and** must include, without limitation, provisions relating to:

11 (a) The requirements for submitting an application for a
12 certificate, including, without limitation, the submission of a
13 complete set of fingerprints pursuant to NRS 641C.260;

14 (b) The scope of practice for a person who is issued a certificate;

15 (c) The conduct of any investigation or hearing relating to an
16 application for a certificate;

17 (d) The examination of an applicant for a certificate or a waiver
18 of examination for an applicant;

19 (e) The requirements for issuing a certificate or provisional
20 certificate;

21 (f) The duration, expiration, renewal, restoration, suspension,
22 revocation and reinstatement of a certificate;

23 (g) The grounds for refusing the issuance, renewal, restoration
24 or reinstatement of a certificate;

25 (h) The conduct of any disciplinary or other administrative
26 proceeding relating to a person who is issued a certificate;

27 (i) The filing of a complaint against a person who is issued a
28 certificate;

29 (j) The issuance of a subpoena for the attendance of witnesses
30 and the production of books, papers and records;

31 (k) The payment of fees for:

32 (1) Witnesses, mileage and attendance at a hearing or
33 deposition; and

34 (2) The issuance, renewal, restoration or reinstatement of a
35 certificate;

36 (l) The imposition of a penalty for a violation of any provision
37 of the regulations; and

38 (m) The confidentiality of any record or other information
39 maintained by the Board relating to an applicant or the holder of a
40 certificate.

41 3. A person shall not engage in any activity for which the
42 Board requires a certificate as a detoxification technician pursuant to
43 this section unless the person is the holder of such a certificate.

44 4. In addition to the provisions of subsection 2, a regulation
45 adopted pursuant to this section must include provisions that are



1 substantially similar to the requirements set forth in NRS 641C.270,
2 641C.280 and 641C.710. Any provision included in a regulation
3 pursuant to this subsection remains effective until the provisions of
4 NRS 641C.270, 641C.280 and 641C.710 expire by limitation.

5 5. Except as otherwise provided in this section and NRS
6 641C.900, 641C.910 and 641C.950, the provisions of this chapter
7 do not apply to the holder of a certificate that is issued in accordance
8 with a regulation adopted pursuant to this section.

9 6. As used in this section, "detoxification technician" means a
10 person who is certified by the Board to provide screening for the
11 safe withdrawal from alcohol and other drugs.

12 **Sec. 211.** NRS 641C.720 is hereby amended to read as
13 follows:

14 641C.720 1. The Board or any of its members who become
15 aware of any ground for initiating disciplinary action against a
16 person engaging in the practice of counseling alcohol and drug
17 abusers in this State shall, and any other person who is so aware
18 may, file a written complaint specifying the relevant facts with the
19 Board. The complaint must specifically charge one or more of the
20 grounds for initiating disciplinary action.

21 2. ~~[As soon as practicable after the filing of the complaint, the~~
22 ~~Board shall set a date for a hearing thereon. The date must not be~~
23 ~~earlier than 30 days after the complaint is filed, except that the date~~
24 ~~may be changed upon agreement of the parties. The Board shall~~
25 ~~immediately notify the licensed or certified counselor or certified~~
26 ~~intern of the complaint and the date and place set for the hearing. A~~
27 ~~copy of the complaint must be attached to the notice.~~

28 ~~—3.— The failure of the licensed or certified counselor or certified~~
29 ~~intern to appear at the hearing does not delay or void the proceeding.~~

30 ~~—4.— The Board may, for good cause, continue a hearing from~~
31 ~~time to time.~~

32 ~~—5.—~~ If, after notice and a hearing ~~[.]~~ *as required by law*, the Board
33 determines that ~~[the]~~ *a* licensed or certified counselor or certified
34 intern has violated a provision of this chapter or any regulation
35 adopted pursuant to this chapter, it may:

36 (a) Administer a public reprimand;

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

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

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

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



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

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

(h) Take any combination of the actions authorized by paragraphs (a) to (g), inclusive.

~~[6-] 3.~~ If his license or certificate is revoked or suspended pursuant to subsection ~~[5-] 2,~~ the licensed or certified counselor or certified intern may apply to the Board for ~~[a rehearing within 10 days after the license or certificate is revoked or suspended. The licensed or certified counselor or certified intern]~~ *reinstatement of the suspended license or certificate or* may apply to the Board *pursuant to the provisions of sections 2 to 41, inclusive, of this act* 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-] 4.~~ The Board shall not administer a private reprimand.

~~[8-] 5.~~ An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 212. NRS 641C.760 is hereby amended to read as follows:

641C.760 1. 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]~~ *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 against a person* are confidential ~~[]~~ , *unless the person submits a written statement to the Board requesting that such documents and information be made public records.*

2. The ~~[complaint or other document filed by]~~ *charging documents filed with* the Board to initiate disciplinary action *pursuant to sections 2 to 41, inclusive, of this act* 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 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.]~~ *The provisions of this section do*



1 *not prohibit the Board from communicating or cooperating with*
2 *or providing any documents or other information to any other*
3 *licensing board or any other agency that is investigating a person,*
4 *including, without limitation, a law enforcement agency.*

5 **Sec. 213.** NRS 642.075 is hereby amended to read as follows:

6 642.075 1. Except as otherwise provided in subsection 4, all
7 reasonable expenses incurred by the Board in carrying out the
8 provisions of this chapter and chapters 451 and 452 of NRS must be
9 paid from the money which it receives. No part of the salaries or
10 expenses of the Board may be paid out of the State General Fund.

11 2. Except as otherwise provided in this section, all money
12 collected by the Board from the imposition of fines must be
13 deposited with the State Treasurer for credit to the State General
14 Fund. All other money received by the Board must be deposited in
15 qualified banks, credit unions or savings and loan associations in
16 this State and paid out on its order for its expenses.

17 3. ~~[The]~~ *In a manner consistent with the provisions of*
18 *sections 2 to 41, inclusive, of this act, the* Board may delegate to a
19 hearing officer or panel its authority to take any disciplinary action
20 pursuant to this chapter or chapter 451 and 452 of NRS, to impose
21 and collect fines therefor and to deposit the money therefrom in
22 banks, credit unions or savings and loan associations in this State.

23 4. If a hearing officer or panel is not authorized to take
24 disciplinary action pursuant to subsection 3 and the Board deposits
25 the money collected from the imposition of fines with the State
26 Treasurer for credit to the State General Fund, it may present a
27 claim to the State Board of Examiners for recommendation to the
28 Interim Finance Committee if money is needed to pay attorney's
29 fees or the costs of an investigation, or both.

30 **Sec. 214.** NRS 642.140 is hereby amended to read as follows:

31 642.140 ~~[1. Before the Board may revoke a license to~~
32 ~~practice the profession of embalming, it shall give the licensee at~~
33 ~~least 30 days' written notice of the charge against him and of the~~
34 ~~time and place of the hearing.~~

35 ~~—2.]~~ Upon the revocation of ~~[the license,]~~ *a license to practice*
36 *the profession of embalming,* the Secretary of the Board shall strike
37 the name of the licensee from the register of licensed embalmers and
38 notify all railroad, transportation and express companies doing
39 business in the State of Nevada, and all licensed embalmers in this
40 State, of that action.

41 **Sec. 215.** NRS 642.473 is hereby amended to read as follows:

42 642.473 1. If the Board determines that a person who holds a
43 funeral director's license, a permit to operate a funeral establishment
44 or a license to conduct direct cremations or immediate burials has
45 committed any of the acts set forth in NRS 642.470, the Board may:



- (a) Refuse to renew his license or permit;
- (b) Revoke his license or permit;
- (c) Suspend his license or permit for a definite period or until further order of the Board;
- (d) Impose a fine of not more than \$5,000 for each act that constitutes a ground for disciplinary action;
- (e) Place him on probation for a definite period subject to any reasonable conditions imposed by the Board;
- (f) Administer a public reprimand; or
- (g) Impose any combination of disciplinary actions set forth in paragraphs (a) to (f), inclusive.

~~2. [Except as otherwise provided in NRS 642.518, before the Board may refuse to renew, or suspend or revoke a license or permit for any of the acts set forth in NRS 642.470, the Board shall give at least 10 days' notice in writing to the licensee or holder of the permit. The notice must contain a brief statement of the reasons for the proposed action of the Board and designate a time and place for a hearing before any final action is taken.]~~

~~3.]~~ The Board shall not administer a private reprimand.

~~[4.]~~ 3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 216. NRS 642.500 is hereby amended to read as follows:

642.500 1. A petition for the revocation or suspension of a permit to operate a funeral establishment, funeral director's license or license to conduct direct cremations or immediate burials may be filed by the Attorney General or by the district attorney of the county in which the funeral establishment exists or the licensee resides or has practiced, or by any person residing in this State.

2. The petition must be filed with the Board and state the charges against the licensee with reasonable definiteness.

~~[3. Upon the presentation of the petition to the Board, the Board shall make an order fixing a time and place for a hearing on that petition which must not be less than 10 days nor more than 30 days after the presentation of the petition to the Board.]~~

~~4. Notice of the filing of the petition and the time and place of the hearing must be served upon the holder of the permit or licensee at least 10 days before the hearing. The notice may be served by any sheriff or constable or by any person appointed by the Board.]~~

Sec. 217. NRS 642.518 is hereby amended to read as follows:

642.518 *Notwithstanding the provisions of sections 2 to 41, inclusive, of this act:*

1. If the Board finds that probable cause exists for the revocation of a license, permit or certificate issued by the Board pursuant to the provisions of this chapter or chapter 451 or 452 of NRS, and that enforcement of the provisions of this chapter or



chapter 451 or 452 of NRS requires immediate suspension of the license, permit or certificate pending an investigation, the Board may, upon 5 days' written notice and a preliminary hearing, enter an order suspending the license, permit or certificate for a period of not more than 60 days, pending a hearing upon the revocation of the license, permit or certificate.

2. For the purposes of this section, notice shall be deemed to be sufficient if the notice is personally served on the holder of the license, permit or certificate or posted at the address of the holder, as indicated in the records of the Board, at least 5 days before the preliminary hearing.

3. The provisions of NRS 241.034 do not apply to any action that is taken by the Board pursuant to this section.

Sec. 218. NRS 642.524 is hereby amended to read as follows:

642.524 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 *against a person* are confidential ~~[]~~, *unless the person submits a written statement to the Board requesting that such documents and information be made public records.*

2. The ~~[complaint or other document filed by]~~ *charging documents filed with* the Board to initiate disciplinary action *pursuant to sections 2 to 41, inclusive, of this act* and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. *The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.*

Sec. 219. NRS 642.530 is hereby amended to read as follows:

642.530 1. Except as otherwise provided in subsection 2, a person may seek judicial review of any final decision of the Board that is made pursuant to the provisions of this chapter or chapter 451 or 452 of NRS. Such judicial review must be conducted ~~[pursuant to the provisions of chapter 233B of NRS that apply to a contested case.]~~ *as provided by law.*

2. A person may not seek judicial review of any decision of the Board that orders an immediate suspension of a license, permit or certificate pursuant to NRS 642.518.

Sec. 220. NRS 642.540 is hereby amended to read as follows:

642.540 ~~[]~~ *Notwithstanding the provisions of sections 2 to 41, inclusive, of this act, if* a holder of a license, permit or



1 certificate seeks judicial review of the decision of the Board to
2 revoke or suspend his license, permit or certificate, the decision of
3 the Board must not be stayed by the proceedings on judicial review
4 and the judicial review must not operate to restore the right of the
5 holder of the license, permit or certificate to operate or practice
6 pending the judicial review, unless a bond with a sufficient surety
7 approved by the clerk of the district court is posted with the clerk, in
8 such an amount as the district court may require, conditioned that
9 the judicial review will be prosecuted without unnecessary delay
10 and that, if the decision of the Board is affirmed, the holder of the
11 license, permit or certificate will pay all costs.

12 **Sec. 221.** NRS 642.557 is hereby amended to read as follows:

13 642.557 *Notwithstanding the provisions of sections 2 to 41,*
14 *inclusive, of this act:*

15 1. If the Board has reasonable cause to believe that any person
16 is violating or is threatening to or intends to violate any provision of
17 this chapter or chapter 451 or 452 of NRS, any regulation adopted
18 by the Board pursuant thereto or any order of the Board, the Board
19 may enter an order requiring the person to desist or refrain from
20 engaging in the violation.

21 2. The provisions of NRS 241.034 do not apply to any action
22 that is taken by the Board pursuant to this section.

23 **Sec. 222.** NRS 642.570 is hereby amended to read as follows:

24 642.570 ~~[The]~~ *In a manner consistent with the provisions of*
25 *sections 2 to 41, inclusive, of this act, the* Board shall cause the
26 prosecution of all persons violating any provision of this chapter or
27 chapter 451 or 452 of NRS.

28 **Sec. 223.** NRS 643.170 is hereby amended to read as follows:

29 643.170 1. The Board shall not ~~[suspend or revoke the~~
30 ~~license of any person, or]~~ refuse to issue or renew any license,
31 unless:

32 (a) Before taking that action the Board gives written notice
33 thereof to the accused stating the specific reason for its adverse
34 action; and

35 (b) The accused is granted the opportunity to appear before the
36 Board for a hearing within 20 days after the date of the notice.

37 2. The Board may:

38 (a) Summon witnesses.

39 (b) Require the production of books, records and papers for the
40 hearing.

41 3. Subpoenas must be issued by the Secretary-Treasurer of the
42 Board directed to the sheriff of the proper county to be served and
43 returned in the same manner as subpoenas in criminal cases. The
44 fees and mileage of the sheriff and witnesses must be the same as is



1 allowed in criminal cases and must be paid from the money of the
2 Board as other expenses of the Board are paid.

3 4. If the accused prevails at the hearing, the Board shall grant
4 him the proper relief without delay.

5 5. Any investigation, inquiry or hearing thus authorized may be
6 entertained or held by or before a member or members of the Board,
7 and the finding or order of the member or members, when approved
8 and confirmed by the Board, shall be deemed the finding or order of
9 the Board.

10 **Sec. 224.** NRS 643.1717 is hereby amended to read as
11 follows:

12 643.1717 1. The Board may immediately suspend a license to
13 operate a barbershop for violation of any of the applicable
14 provisions of this chapter or regulations adopted by the Board until
15 the violation is cured.

16 2. ~~[The]~~ *Except for immediate suspensions authorized*
17 *pursuant to subsection 1, the* Board may suspend or revoke a
18 license to operate a barbershop for a violation of the provisions of
19 this chapter or any regulation adopted by the Board ~~[if the Board~~
20 ~~first gives the licensee 20 days' written notice of the proposed~~
21 ~~suspension or revocation and affords the licensee a proper hearing.]~~
22 *only in a manner consistent with the provisions of sections 2 to 41,*
23 *inclusive, of this act.*

24 3. When a license to operate a barbershop has been suspended
25 or revoked for a violation of the provisions of this chapter or the
26 sanitary requirements of the Board, the Board shall post a notice on
27 the shop stating the fact of suspension or revocation and the reason
28 therefor.

29 **Sec. 225.** NRS 643.179 is hereby amended to read as follows:

30 643.179 1. The Board shall not refuse to issue or renew any
31 license to operate a barber school ~~[, or revoke or suspend any such~~
32 ~~license already issued.]~~ except upon 20 days' notice in writing to the
33 interested parties.

34 2. The notice must contain a brief statement of the reasons for
35 the contemplated action of the Board and shall designate a proper
36 time and place for the hearing of all interested parties before any
37 final action is taken.

38 3. Due notice, within the provisions of subsection 1, shall be
39 deemed to have been given when the Board deposits with the United
40 States Postal Service a copy of the notice, addressed to the
41 designated or last known residence of the person applying for the
42 license or to whom the license has already been issued.

43 **Sec. 226.** NRS 643.189 is hereby amended to read as follows:

44 643.189 1. Except as otherwise provided in this section, a
45 complaint filed with the Board, all documents and other information



1 filed with the complaint and all documents and other information
2 compiled as a result of an investigation conducted to determine
3 whether to initiate disciplinary action *against a person* are
4 confidential ~~[]~~, *unless the person submits a written statement to*
5 *the Board requesting that such documents and information be*
6 *made public records.*

7 2. The ~~[complaint or other document filed by]~~ *charging*
8 *document filed with* the Board to initiate disciplinary action
9 *pursuant to sections 2 to 41, inclusive, of this act* and all
10 documents and information considered by the Board when
11 determining whether to impose discipline are public records.

12 3. *The provisions of this section do not prohibit the Board*
13 *from communicating or cooperating with or providing any*
14 *documents or other information to any other licensing board or*
15 *any other agency that is investigating a person, including, without*
16 *limitation, a law enforcement agency.*

17 **Sec. 227.** (Deleted by amendment.)

18 **Sec. 228.** NRS 644.170 is hereby amended to read as follows:

19 644.170 1. All fees collected on behalf of the Board and all
20 receipts of every kind and nature must be reported at the beginning
21 of each month, for the month preceding, to the Board. At the same
22 time, the entire amount of collections, except as otherwise provided
23 in subsection 5, must be paid to the Treasurer of the Board, who
24 shall deposit them in banks, credit unions or savings and loan
25 associations in the State of Nevada.

26 2. The receipts must be for the uses of the Board and out of
27 them must be paid all salaries and all other expenses necessarily
28 incurred in carrying into effect the provisions of this chapter.

29 3. All orders for payment of money must be drawn on the
30 Treasurer of the Board and countersigned by the President and the
31 Secretary of the Board.

32 4. ~~[The]~~ *In a manner consistent with the provisions of*
33 *sections 2 to 41, inclusive, of this act, the* Board may delegate to a
34 hearing officer or panel its authority to take any disciplinary action
35 pursuant to this chapter, impose and collect fines therefor and
36 deposit the money therefrom in banks, credit unions or savings and
37 loan associations in this State.

38 5. If a hearing officer or panel is not authorized to take
39 disciplinary action pursuant to subsection 4 and the Board deposits
40 the money collected from the imposition of fines with the State
41 Treasurer for credit to the State General Fund, it may present a
42 claim to the State Board of Examiners for recommendation to the
43 Interim Finance Committee if money is needed to pay attorney's
44 fees or the costs of an investigation, or both.



1 **Sec. 229.** NRS 644.440 is hereby amended to read as follows:

2 644.440 1. ~~[Except as otherwise provided in subsection 3,~~
3 ~~the]~~ *The* Board may refuse to issue or renew any license ~~[or revoke~~
4 ~~or suspend any license already issued,]~~ only upon 20 days' notice in
5 writing to the interested parties. The notice must contain a brief
6 statement of the reasons for the contemplated action of the Board
7 and designate a proper time and place for the hearing of all
8 interested parties before any final action is taken.

9 2. Notice, within the provisions of subsection 1, shall be
10 deemed to have been given when the Board deposits with the United
11 States Postal Service a copy of the notice, addressed to the
12 designated or last known residence of the applicant or licensee.

13 3. ~~[Violations]~~ *Notwithstanding the provisions of sections 2 to*
14 *41, inclusive, of this act, violations* of any regulation of the Board
15 for sanitation or of any statute or regulation of the State Board of
16 Health or any county regulation concerning health may be corrected
17 by any inspector of the Board by giving notice in the form of a
18 citation. Any licensee receiving a citation shall immediately correct
19 the violation or shall show that corrections have commenced.
20 Failure to correct or to commence corrections within 72 hours after
21 receipt of the citation subjects the license to immediate suspension.
22 The Board may then give 20 days' notice for hearing to show cause
23 why the license should not be permanently revoked.

24 4. ~~[The]~~ *Notwithstanding the provisions of sections 2 to 41,*
25 *inclusive, of this act, the* closure of any establishment or school by
26 the State Board of Health acts as an automatic revocation of the
27 license.

28 **Sec. 229.5.** NRS 644.446 is hereby amended to read as
29 follows:

30 644.446 1. Except as otherwise provided in this section, a
31 complaint filed with the Board, all documents and other information
32 filed with the complaint and all documents and other information
33 compiled as a result of an investigation conducted to determine
34 whether to initiate disciplinary action *against a person* are
35 confidential ~~[]~~, *unless the person submits a written statement to*
36 *the Board requesting that such documents and information be*
37 *made public records.*

38 2. The ~~[complaint or other document filed by]~~ *charging*
39 *document filed with* the Board to initiate disciplinary action
40 *pursuant to sections 2 to 41, inclusive, of this act* and all
41 documents and information considered by the Board when
42 determining whether to impose discipline are public records.

43 3. *The provisions of this section do not prohibit the Board*
44 *from communicating or cooperating with or providing any*
45 *documents or other information to any other licensing board or*



1 *any other agency that is investigating a person, including, without*
2 *limitation, a law enforcement agency.*

3 **Sec. 230.** NRS 648.033 is hereby amended to read as follows:

4 648.033 1. The Board shall maintain a public record of:

5 (a) The business it transacts at its regular and special meetings;
6 and

7 (b) The applications received by it together with the record of
8 the disposition of each application.

9 2. Information obtained by the Board from other than public
10 sources concerning the:

11 (a) Financial condition; or

12 (b) Criminal record,

13 ↪ of an applicant or a licensee is confidential and may be revealed
14 only to the extent necessary for the proper administration of the
15 provisions of this chapter.

16 3. The Board may release information described in subsection
17 2 to an agency of the Federal Government, of a state or of a political
18 subdivision of this State.

19 4. The Board shall adopt by regulation a procedure for
20 notifying the applicant or licensee of the release of confidential
21 information pursuant to subsections 2 and 3. The Board shall release
22 information described in subsection 2 concerning an applicant or
23 licensee to the applicant or licensee upon request.

24 *5. Except as otherwise provided in this section, a complaint*
25 *filed with the Board, all documents and other information filed*
26 *with the complaint and all documents and other information*
27 *compiled as a result of an investigation conducted to determine*
28 *whether to initiate disciplinary action against a person are*
29 *confidential, unless the person submits a written statement to the*
30 *Board requesting that such documents and information be made*
31 *public records.*

32 *6. The charging documents filed with the Board to initiate*
33 *disciplinary action pursuant to sections 2 to 41, inclusive, of this*
34 *act and all other documents and information considered by the*
35 *Board when determining whether to impose discipline are public*
36 *records.*

37 *7. The provisions of this section do not prohibit the Board*
38 *from communicating or cooperating with or providing any*
39 *documents or other information to any other licensing board or*
40 *any other agency that is investigating a person, including, without*
41 *limitation, a law enforcement agency.*

42 **Sec. 230.3.** NRS 648.040 is hereby amended to read as
43 follows:

44 648.040 1. Except as otherwise provided in subsection 6, all
45 money received pursuant to the provisions of this chapter must be



1 deposited in the State Treasury for credit to the Attorney General's
2 Special Fund and must be used by the Board for the administration
3 of this chapter and to pay the expenses and salary of members,
4 agents and employees of the Board.

5 2. Any amount remaining in the Fund at the end of a fiscal year
6 must be carried forward into the next fiscal year.

7 3. The Board through majority vote controls exclusively the
8 expenditures from the Fund. The Board may not make expenditures
9 or incur liabilities in a total amount greater than the amount of
10 money actually available in the Fund.

11 4. Except as otherwise provided in subsection 6, the money in
12 this Fund may be used to:

13 (a) Pay the expenses of the Board in connection with the
14 investigation of the background of an applicant;

15 (b) Finance a substantive investigation of a licensee or of
16 unlicensed activity; and

17 (c) Pay the operational and administrative expenses of the Board
18 and its Secretary,

19 ➤ and for such other expenses as the Board deems appropriate to
20 regulate the persons subject to its supervision.

21 5. ~~[The]~~ *In a manner consistent with the provisions of*
22 *sections 2 to 41, inclusive, of this act, the* Board may delegate to a
23 hearing officer or panel its authority to take any disciplinary action
24 pursuant to this chapter, impose and collect fines therefor and
25 deposit the money therefrom in the State Treasury for credit to the
26 Attorney General's Special Fund.

27 6. If a hearing officer or panel is not authorized to take
28 disciplinary action pursuant to subsection 5, the Board shall deposit
29 the money collected from the imposition of fines with the State
30 Treasurer for credit to the State General Fund. In such a case, the
31 Board may present a claim to the State Board of Examiners for
32 recommendation to the Interim Finance Committee if money is
33 needed to pay attorney's fees or the costs of an investigation, or
34 both.

35 **Sec. 230.6.** NRS 648.175 is hereby amended to read as
36 follows:

37 648.175 1. If, after *notice and* a hearing ~~[H]~~ *as required by*
38 *law*, the Board finds that cause exists, the Board may:

39 (a) Revoke the license of the licensee.

40 (b) Suspend the license of the licensee for not more than 1 year
41 for each violation.

42 (c) Fine the licensee not more than \$5,000 for each violation.

43 (d) Suspend an order authorized by this section upon such terms
44 and conditions as the Board considers appropriate.



(e) Place the licensee on probation for not more than 2 years upon such terms and conditions as the Board considers appropriate.

(f) Publicly reprimand the licensee.

(g) Affirm, modify or vacate the penalty imposed by a notice of violation.

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

Sec. 231. NRS 654.110 is hereby amended to read as follows:

654.110 1. ~~[The]~~ *In a manner consistent with the provisions of sections 2 to 41, inclusive, of this act, the* Board shall:

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

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

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

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

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

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

(g) Conduct a continuing study of:

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

(2) Residential facilities for groups and their administrators,



1 ➤ with a view to the improvement of the standards imposed for the
2 licensing of administrators and of procedures and methods for the
3 enforcement of the standards.

4 (h) Conduct or approve, or both, a program of training and
5 instruction designed to enable all persons to obtain the qualifications
6 necessary to meet the standards set by the Board for qualification as
7 a nursing facility administrator or an administrator of a residential
8 facility for groups.

9 2. ~~[All the]~~ *Except as otherwise provided in this section, all*
10 records kept by the Board, not otherwise privileged or confidential,
11 are public records.

12 3. *Except as otherwise provided in this section, a complaint*
13 *filed with the Board, all documents and other information filed*
14 *with the complaint and all documents and other information*
15 *compiled as a result of an investigation conducted to determine*
16 *whether to initiate disciplinary action against a person are*
17 *confidential, unless the person submits a written statement to the*
18 *Board requesting that such documents and information be made*
19 *public records.*

20 4. *The charging documents filed with the Board to initiate*
21 *disciplinary action pursuant to sections 2 to 41, inclusive, of this*
22 *act and all other documents and information considered by the*
23 *Board when determining whether to impose discipline are public*
24 *records.*

25 5. *The provisions of this section do not prohibit the Board*
26 *from communicating or cooperating with or providing any*
27 *documents or other information to any other licensing board or*
28 *any other agency that is investigating a person, including, without*
29 *limitation, a law enforcement agency.*

30 **Sec. 232.** NRS 654.120 is hereby amended to read as follows:

31 654.120 1. The Secretary of the Board shall receive and
32 account for all money paid to the Board pursuant to this chapter.
33 The Secretary of the Board shall deposit the money in banks, credit
34 unions or savings and loan associations in the State of Nevada.

35 2. Except as otherwise provided in subsection 5, all money
36 received by the Board pursuant to this chapter must be used to:

37 (a) Pay the per diem and travel expenses of the members of the
38 Board.

39 (b) Pay the salaries and per diem and travel expenses of the
40 employees of the Board.

41 (c) Administer the provisions of this chapter.

42 3. Any money which remains at the end of the fiscal year must
43 be retained by the Board for future disbursement for the purposes
44 enumerated in subsection 2.



1 4. ~~[The]~~ *In a manner consistent with the provisions of*
2 *sections 2 to 41, inclusive, of this act, the* Board may delegate to a
3 hearing officer or panel its authority to take any disciplinary action
4 pursuant to this chapter, impose and collect fines and penalties
5 therefor and deposit the money therefrom in banks, credit unions or
6 savings and loan associations in this State.

7 5. If a hearing officer or panel is not authorized to take
8 disciplinary action pursuant to subsection 4 and the Board deposits
9 the money collected from the imposition of fines with the State
10 Treasurer for credit to the State General Fund, it may present a
11 claim to the State Board of Examiners for recommendation to the
12 Interim Finance Committee if money is needed to pay attorney's
13 fees or the costs of an investigation, or both.

14 **Sec. 233.** NRS 654.190 is hereby amended to read as follows:

15 654.190 1. The Board may, after notice and *a* hearing ~~[H]~~ *as*
16 *required by law*, impose an administrative fine of not more than
17 \$2,500 on and suspend or revoke the license of any nursing facility
18 administrator or administrator of a residential facility for groups
19 who:

20 (a) Is convicted of a felony relating to the practice of
21 administering a nursing facility or residential facility or of any
22 offense involving moral turpitude.

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

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

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

29 (e) Violates any regulation of the Board prescribing additional
30 standards of conduct for nursing facility administrators or
31 administrators of residential facilities for groups.

32 2. The Board shall give a licensee against whom proceedings
33 are brought pursuant to this section written notice of a hearing not
34 less than 10 days before the date of the hearing.

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

37 **Sec. 234.** NRS 654.195 is hereby amended to read as follows:

38 654.195 1. Except as otherwise provided in subsection 2, the
39 Board may reinstate the license of an administrator of a residential
40 facility for groups that has been suspended by the Board if a
41 majority of the members of the Board vote in favor of the
42 reinstatement.

43 2. The Board may reinstate a license of an administrator of a
44 residential facility for groups that has been suspended pursuant to



1 NRS 425.540 only if the holder of the license complies with the
2 requirements for reinstatement set forth in NRS 654.193.

3 3. ~~[[The]]~~ *In a manner consistent with the provisions of*
4 *sections 2 to 41, inclusive, of this act, the* Board may reinstate the
5 license of an administrator of a residential facility for groups that
6 has been revoked by the Board if all of the members of the Board
7 vote in favor of reinstatement.

8 **Sec. 235.** NRS 654.195 is hereby amended to read as follows:

9 654.195 1. The Board may reinstate the license of an
10 administrator of a residential facility for groups that has been
11 suspended by the Board if a majority of the members of the Board
12 vote in favor of the reinstatement.

13 2. ~~[[The]]~~ *In a manner consistent with the provisions of*
14 *sections 2 to 41, inclusive, of this act, the* Board may reinstate the
15 license of an administrator of a residential facility for groups that
16 has been revoked by the Board if all of the members of the Board
17 vote in favor of reinstatement.

18 **Sec. 236.** NRS 656.105 is hereby amended to read as follows:

19 656.105 1. Except as otherwise provided in this section, a
20 complaint filed with the Board, all documents and other information
21 filed with the complaint and all documents and other information
22 compiled as a result of an investigation conducted to determine
23 whether to initiate disciplinary action *against a person* are
24 confidential ~~[[]]~~, *unless the person submits a written statement to*
25 *the Board requesting that such documents and information be*
26 *made public records.*

27 2. The ~~[[complaint or other document filed by]]~~ *charging*
28 *documents filed with* the Board to initiate disciplinary action
29 *pursuant to sections 2 to 41, inclusive, of this act* and all
30 documents and information considered by the Board when
31 determining whether to impose discipline are public records.

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

34 4. *The provisions of this section do not prohibit the Board*
35 *from communicating or cooperating with or providing any*
36 *documents or other information to any other licensing board or*
37 *any other agency that is investigating a person, including, without*
38 *limitation, a law enforcement agency.*

39 **Sec. 237.** (Deleted by amendment.)

40 **Sec. 238.** NRS 656.253 is hereby amended to read as follows:

41 656.253 The Board may refuse to issue or renew or may
42 suspend or revoke a license if, after notice and a hearing ~~[[]]~~ *as*
43 *required by law*, the Board determines that the licensee has
44 committed any of the acts set forth in NRS 656.240 or 656.250.



1 **Sec. 238.5.** NRS 656.280 is hereby amended to read as
2 follows:

3 656.280 1. The Board may upon its own motion and shall
4 upon the verified complaint in writing of any person setting forth
5 facts which if proven would constitute grounds for refusal,
6 suspension or revocation as set forth in NRS 656.240 to 656.270,
7 inclusive, investigate the actions of any person who applies for, or
8 holds or represents that he holds a license or certificate. ~~[Such a~~
9 ~~person is in this section and in NRS 656.290 called the accused.]~~

10 2. The Board shall, before refusing to issue ~~[, suspending or~~
11 ~~revoking]~~ any license or certificate, notify the ~~[accused]~~ *applicant*
12 writing of ~~[any charges made.]~~ *the reasons for the refusal.* The
13 notice must be served by delivery personally to the ~~[accused,]~~
14 *applicant* or by mailing by registered or certified mail to the last
15 known place of business of the ~~[accused.]~~ *applicant.*

16 3. The time set in the notice must not be less than 10 nor more
17 than 30 days after delivery or mailing.

18 4. The Board may continue the hearing from time to time.

19 **Sec. 239.** NRS 656.290 is hereby amended to read as follows:

20 656.290 1. The Board may subpoena and bring before it any
21 person in this State and take testimony orally or by deposition, or
22 both, with the same fees and mileage and in the same manner as
23 prescribed in civil cases in courts of this State.

24 2. Any district court, upon the application of the accused or
25 complainant or of the Board may, by order, require the attendance of
26 witnesses and the production of relevant books and papers before
27 the Board in any hearing relative to the application for or refusal,
28 recall, suspension or revocation of a license or certificate, and the
29 court may compel obedience to its order by proceedings for
30 contempt.

31 3. ~~[The Board shall provide a court reporter to transcribe the~~
32 ~~testimony and preserve a record of all proceedings at the hearing of~~
33 ~~any case wherein a license or certificate is revoked or suspended.~~
34 ~~The notice of hearing, complaint and all other documents in the~~
35 ~~nature of pleadings and written motions filed in the proceedings, the~~
36 ~~transcript of testimony, the report of the Board and its orders~~
37 ~~constitute the record of the proceedings. The Board shall furnish a~~
38 ~~transcript of the record to any person interested in the hearing upon~~
39 ~~payment therefor of the statutory fees for transcription as provided~~
40 ~~in NRS 3.370.~~

41 ~~—4.]~~ At any time after the suspension ~~[or revocation]~~ of any
42 license or certificate, the Board may restore it to the accused without
43 examination upon unanimous vote by the Board.

44 4. *In a manner consistent with the provisions of sections 2 to*
45 *41, inclusive, of this act, after the revocation of any license or*



1 *certificate, the Board may reinstate the license or certificate*
2 *without examination upon unanimous vote by the Board.*

3 **Sec. 240.** NRS 623.280, 623A.310, 623A.320, 623A.330,
4 623A.3535, 633.611, 637.087, 637.165, 637A.295, 637B.285,
5 638.088, 638.146, 638.1476, 638.1479, 640.165, 640.166, 640.167,
6 641.255, 641.275, 641.2755, 641.280, 641.300, 641.310, 641B.420,
7 641B.440, 641C.750, 644.445, 648.034, 648.178 and 654.115 are
8 hereby repealed.

9 **Sec. 241.** (Deleted by amendment.)

10 **Sec. 242.** The provisions of this act do not apply to any
11 disciplinary proceeding commenced before October 1, 2005.

12 **Sec. 243.** 1. This section and sections 1 to 203, inclusive,
13 205 to 234, inclusive, and 236 to 242, inclusive, of this act become
14 effective on October 1, 2005.

15 2. Sections 203 and 234 of this act expire by limitation on the
16 date on which the provisions of 42 U.S.C. § 666 requiring each state
17 to establish procedures under which the state has authority to
18 withhold or suspend, or to restrict the use of professional,
19 occupational and recreational licenses of persons who:

20 (a) Have failed to comply with a subpoena or warrant relating to
21 a proceeding to determine the paternity of a child or to establish or
22 enforce an obligation for the support of a child; or

23 (b) Are in arrears in the payment for the support of one or more
24 children,

25 ➤ are repealed by the Congress of the United States.

26 3. Sections 204 and 235 of this act become effective on the
27 date on which the provisions of 42 U.S.C. § 666 requiring each state
28 to establish procedures under which the state has authority to
29 withhold or suspend, or to restrict the use of professional,
30 occupational and recreational licenses of persons who:

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

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

36 ➤ are repealed by the Congress of the United States.

LEADLINES OF REPEALED SECTIONS

623.280 Revocation of certificate: Notice; report of findings.



623A.310 Hearing: Procedure; rights of defendant; decision of Board.

623A.320 Application for rehearing.

623A.330 Rehearing: Notice; procedure; decision of Board.

623A.3535 Confidentiality of records: Certain records relating to investigation deemed confidential; certain records relating to disciplinary action deemed public records.

633.611 Certain records relating to investigation deemed confidential; certain records relating to disciplinary action deemed public records; dissemination of records to other entities.

637.087 Records: Certain records relating to investigation deemed confidential; certain records relating to disciplinary action deemed public records.

637.165 Disciplinary action by hearing officer or panel: Procedural requirements; powers and duties of officer or panel; appeals.

637A.295 Disciplinary action by hearing officer or panel: Procedural requirements; powers and duties of officer or panel; appeals.

637B.285 Disciplinary action by hearing officer or panel: Procedural requirements; powers and duties of officer or panel; appeals.

638.088 Records: Certain records relating to investigation deemed confidential; certain records relating to disciplinary action deemed public records.

638.146 Right of person charged to hearing; continuation; reopening.

638.1476 Decision of hearing officer or panel final; appeal to Board.

638.1479 Licensee's statement after Board's order; consideration by Board.

640.165 Depositions; taking of evidence in another state.

640.166 Time for decision of Board.

640.167 Disciplinary action by hearing officer or panel: Procedural requirements; powers and duties of officer or panel; appeals.

641.255 Certain records relating to investigation deemed confidential; certain records relating to disciplinary action deemed public records.

641.275 Appointment of hearing officer or panel to conduct hearing or investigation; appeal to Board; action by Board.

641.2755 Rights of person named in complaint; notification of rights.



641.280 Conduct of hearing; rights of person named in complaint; continuance.

641.300 Rehearing: Time for application.

641.310 Rehearing: Notice; procedure; decision.

641B.420 Date of hearing; notice.

641B.440 Rehearing.

641C.750 Deposition of witnesses; taking of evidence in another jurisdiction.

644.445 Disciplinary action by hearing officer or panel: Procedural requirements; powers and duties of officer or panel; appeals.

648.034 Records: Certain records relating to investigation deemed confidential; certain records relating to disciplinary action deemed public records; communication and cooperation with other agencies.

648.178 Disciplinary action by hearing officer or panel: Procedural requirements; powers and duties of officer or panel; appeals.

654.115 Certain records relating to investigation deemed confidential; certain records relating to disciplinary action deemed public records.



