

SENATE BILL NO. 220—COMMITTEE ON
COMMERCE, LABOR AND ENERGY

(ON BEHALF OF THE LEGISLATIVE COMMITTEE
ON HEALTH CARE)

MARCH 7, 2013

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Makes various changes relating to certain
professional licensing boards. (BDR 54-502)

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 professional licensing boards; revising provisions relating to the disclosure of certain information by certain licensing boards; requiring the Board of Medical Examiners to adopt regulations governing the possession and administration of botulinum toxin, commonly known as Botox; revising provisions relating to the reporting of certain information by certain licensing boards to law enforcement agencies; requiring, to the extent feasible, certain licensing boards to communicate or cooperate with or provide documents or other information to another licensing board or agency or a law enforcement agency that is investigating a person; providing for the filing of anonymous complaints with certain licensing boards; authorizing members and agents of certain licensing boards to enter certain premises to enforce provisions governing professions regulated by the respective boards; revising provisions relating to schools of cosmetology; providing for the forfeiture of certain personal property used in the commission of the unlicensed practice of certain professions; providing penalties; and providing other matters properly relating thereto.



* S B 2 2 0 R 2 *

Legislative Counsel's Digest:

Existing law establishes various licensing boards to regulate persons who practice medicine, perfusion or respiratory care, homeopathic medicine, dentistry or dental hygiene, nursing, osteopathic medicine, chiropractic, Oriental medicine, podiatry, optometry, audiology, speech pathology, pharmacy, physical therapy, occupational therapy and cosmetology, and persons who practice as dispensing opticians, hearing aid specialists or administrators of facilities for long-term care. (Title 54 of NRS) This bill amends various provisions of NRS to ensure that these professions are similarly regulated.

Sections 2, 7, 13, 18, 25, 30, 35, 43, 49, 62, 69, 76, 86, 91.5 and 106 of this bill authorize a member or any agent of the various licensing boards to: (1) enter any premises in this State where a person who holds a license, certificate or permit issued by that board practices his or her profession pursuant to the license, certificate or permit and inspect the premises to determine whether any violation of existing law governing the profession has occurred; and (2) enter, with the cooperation of the appropriate law enforcement agency, any other premises in this State where there is probable cause to believe that a person is engaging in acts for which the person is required to obtain from the board a license, certificate or permit without having done so to determine whether the person holds the appropriate license, certificate or permit issued by that board.

Sections 9, 15, 21, 31, 37, 42, 51, 64, 71, 78, 88, 91, 97 and 108 of this bill provide for the filing of anonymous complaints concerning certain professions with the appropriate board.

Sections 3, 8, 14, 20.3, 20.7, 22, 26, 29, 36, 41, 47, 63, 70, 77, 85, 93, 99 and 105 of this bill require each of these various licensing boards, unless the board determines that extenuating circumstances exist, to forward to the appropriate law enforcement agency any substantiated information submitted to the board concerning a person who, without the appropriate license, certificate or permit, engages in or offers to engage in activity for which a license, certificate or permit is required in this State. **Sections 5, 10, 16, 23, 27, 32, 38, 44, 48, 60.7, 65, 72, 80, 87, 94, 101 and 108** of this bill require, to the extent feasible, each of the boards to communicate or cooperate with or provide documents or any other information to another licensing board or any other agency that is investigating a person, including a law enforcement agency.

Sections 6, 11, 17, 22, 28, 33, 39, 45, 50, 66, 73, 79, 81-84, 89 and 95 of this bill revise existing criminal penalties for the unlicensed practice of certain professions and authorize various licensing boards to impose administrative fines against, issue citations to, and issue and serve orders to cease and desist on persons who engage in the unlicensed practice of certain professions, or both. **Section 110** of this bill provides for the forfeiture of all personal property used by certain persons to engage in the unlicensed practice of certain professions.

Sections 98 and 107 of this bill require the State Board of Cosmetology and the Board of Examiners for Long-Term Care Administrators, respectively, to refer complaints concerning matters within the jurisdiction of certain other licensing boards to the other licensing boards.

Existing law provides that notwithstanding any other provision requiring disclosure of information to the public pursuant to any proceeding by a state agency, board or commission with the authority to regulate certain occupations or professions, personal medical information or records of a patient are not required to be disclosed under certain circumstances. (NRS 622.310) **Section 1** of this bill extends this protection from disclosure to any personal identifying information of a person alleged to have been injured by any act of another person for which a license, certificate or permit is required to be issued by a licensing board, and specifically requires such information to be kept confidential by the licensing board in whose possession the information is held.



* S B 2 2 0 R 2 *

Section 3.5 of this bill requires the Board of Medical Examiners to adopt regulations governing the possession and administration of botulinum toxin, commonly known as Botox, by a medical assistant or any other person.

Section 60.3 of this bill authorizes the Board of Dispensing Opticians to investigate the actions of any licensee of the Board that may constitute grounds for certain disciplinary actions.

Section 98.5 of this bill requires the State Board of Cosmetology to take such actions as it determines are reasonable to enable schools of cosmetology to receive certain federal money. **Section 100.5** of this bill revises provisions governing the licensing of schools of cosmetology.

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

Section 1. NRS 622.310 is hereby amended to read as follows:
622.310 **1.** If any provision of this title requires a regulatory body to disclose information to the public in any proceeding or as part of any record, such a provision does not apply ~~to~~:

(a) To any personal medical information or records of a patient that are confidential or otherwise protected from disclosure by any other provision of federal or state law.

(b) To any personal identifying information of a person alleged to have been injured by any act of another person for which a license, certificate or permit is required to be issued by a licensing board. Such information must be kept confidential by the licensing board in whose possession the information is held.

2. *As used in this section, "licensing board" has the meaning ascribed to it in section 98 of this act.*

Sec. 1.5. Chapter 630 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *Any member or agent of the Board may:*

1. *Enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices medicine, perfusion or respiratory care and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing medicine, perfusion or respiratory care without the appropriate license issued pursuant to the provisions of this chapter; and*

2. *With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that medicine, perfusion or respiratory care is being practiced without the appropriate license issued pursuant to the provisions of this chapter and inspect it to determine whether any person at the premises is practicing*



1 *medicine, perfusion or respiratory care without the appropriate*
2 *license issued pursuant to the provisions of this chapter.*

3 **Sec. 3.** *Unless the Board determines that extenuating*
4 *circumstances exist, the Board shall forward to the appropriate*
5 *law enforcement agency any substantiated information submitted*
6 *to the Board concerning a person who practices or offers to*
7 *practice medicine, perfusion or respiratory care without the*
8 *appropriate license issued pursuant to the provisions of this*
9 *chapter.*

10 **Sec. 3.5.** NRS 630.138 is hereby amended to read as follows:

11 630.138 The Board ~~may~~ :

12 **1. May** adopt regulations governing the supervision of a
13 medical assistant, including, without limitation, regulations which
14 prescribe limitations on the possession and administration of a
15 dangerous drug by a medical assistant.

16 **2. Shall adopt regulations governing the possession and**
17 **administration of botulinum toxin, commonly known as Botox, by**
18 **a medical assistant or any other person, including, without**
19 **limitation:**

20 **(a) The qualifications and training required for**
21 **administration; and**

22 **(b) The manner and place of administration.**

23 **Sec. 4.** NRS 630.307 is hereby amended to read as follows:

24 630.307 1. Except as otherwise provided in subsection 2, any
25 person may file with the Board a complaint against ~~a physician,~~
26 ~~perfusionist, physician assistant or practitioner of respiratory care]~~
27 **any person who is within the jurisdiction of the Board or any other**
28 **licensing board** on a form provided by the Board. The form may be
29 submitted in writing or electronically. If a complaint is submitted
30 anonymously, the Board may accept the complaint but may refuse to
31 consider the complaint if the lack of the identity of the complainant
32 makes processing the complaint impossible or unfair to the person
33 who is the subject of the complaint. **If the Board determines that**
34 **the person who is the subject of the complaint does not hold a**
35 **license issued by the Board or any other licensing board, the**
36 **Board shall determine whether the person who is the subject of the**
37 **complaint has engaged in the practice of medicine, perfusion or**
38 **respiratory care. If the Board determines that the person:**

39 **(a) Has engaged in the practice of medicine, perfusion or**
40 **respiratory care, the Board may proceed with any investigation of,**
41 **or action or disciplinary proceeding against, the person; or**

42 **(b) Has not engaged in the practice of medicine, perfusion or**
43 **respiratory care, the Board shall refer the complaint to the**
44 **licensing board that the Board determines is appropriate to**
45 **consider the complaint.**



2. Any licensee, medical school or medical facility that becomes aware that a person practicing medicine, perfusion or respiratory care in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action shall file a written complaint with the Board within 30 days after becoming aware of the conduct.

3. Except as otherwise provided in subsection 4, any hospital, clinic or other medical facility licensed in this State, or medical society, shall report to the Board any change in the privileges of a physician, perfusionist, physician assistant or practitioner of respiratory care to practice while the physician, perfusionist, physician assistant or practitioner of respiratory care is under investigation and the outcome of any disciplinary action taken by that facility or society against the physician, perfusionist, physician assistant or practitioner of respiratory care concerning the care of a patient or the competency of the physician, perfusionist, physician assistant or practitioner of respiratory care within 30 days after the change in privileges is made or disciplinary action is taken.

4. A hospital, clinic or other medical facility licensed in this State, or medical society, shall report to the Board within 5 days after a change in the privileges of a physician, perfusionist, physician assistant or practitioner of respiratory care to practice that is based on:

(a) An investigation of the mental, medical or psychological competency of the physician, perfusionist, physician assistant or practitioner of respiratory care; or

(b) Suspected or alleged substance abuse in any form by the physician, perfusionist, physician assistant or practitioner of respiratory care.

5. The Board shall report any failure to comply with subsection 3 or 4 by a hospital, clinic or other medical facility licensed in this State to the Health Division of the Department of Health and Human Services. If, after a hearing, the Health Division determines that any such facility or society failed to comply with the requirements of this subsection, the Division may impose an administrative fine of not more than \$10,000 against the facility or society for each such failure to report. If the administrative fine is not paid when due, the fine must be recovered in a civil action brought by the Attorney General on behalf of the Division.

6. The clerk of every court shall report to the Board any finding, judgment or other determination of the court that a physician, perfusionist, physician assistant or practitioner of respiratory care:

(a) Is mentally ill;

(b) Is mentally incompetent;



(c) Has been convicted of a felony or any law governing controlled substances or dangerous drugs;

(d) Is guilty of abuse or fraud under any state or federal program providing medical assistance; or

(e) Is liable for damages for malpractice or negligence, within 45 days after such a finding, judgment or determination is made.

7. On or before January 15 of each year, the clerk of each court shall submit to the Office of Court Administrator created pursuant to NRS 1.320 a written report compiling the information that the clerk reported during the previous year to the Board regarding physicians pursuant to paragraph (e) of subsection 6.

8. The Board shall retain all complaints filed with the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

9. As used in this section, "licensing board" has the meaning ascribed to it in section 98 of this act.

Sec. 5. NRS 630.336 is hereby amended to read as follows:

630.336 1. Any deliberations conducted or vote taken by the Board or any investigative committee of the Board regarding its ordering of a physician, perfusionist, physician assistant or practitioner of respiratory care to undergo a physical or mental examination or any other examination designated to assist the Board or committee in determining the fitness of a physician, perfusionist, physician assistant or practitioner of respiratory care are not subject to the requirements of NRS 241.020.

2. Except as otherwise provided in subsection 3 or 4, all applications for a license to practice medicine, perfusion or respiratory care, 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, records of such hearings and any order or decision of the Board or panel must be open to the public.

3. Except as otherwise provided in NRS 239.0115, 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 medicine, perfusion or respiratory care; and

(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.



4. Except as otherwise provided in subsection 5 and NRS 239.0115, a complaint filed with the Board pursuant to NRS 630.307, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential.

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

6. ~~{This section does not prevent or prohibit the}~~ *The Board from communicating or cooperating with* shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to any other licensing board or agency or any agency which is investigating a ~~{licensee.}~~ *person*, including a law enforcement agency. Such cooperation may include, without limitation, providing the board or agency with minutes of a closed meeting, transcripts of oral examinations and the results of oral examinations.

Sec. 6. NRS 630.400 is hereby amended to read as follows:

630.400 ~~{A}~~

1. It is unlawful for any person ~~{who.}~~ *to:*

~~{1. Presents}~~

(a) Present to the Board as his or her own the diploma, license or credentials of another;

~~{2. Gives}~~

(b) Give either false or forged evidence of any kind to the Board;

~~{3. Practices}~~

(c) Practice medicine, perfusion or respiratory care under a false or assumed name or falsely ~~{personates}~~ *personate* another licensee;

~~{4.}~~ *(d) Except as otherwise provided by a specific statute, practices practice* medicine, perfusion or respiratory care without being licensed under this chapter;

~~{5. Holds}~~

(e) Hold himself or herself out as a perfusionist or ~~{uses}~~ *use* any other term indicating or implying that he or she is a perfusionist without being licensed by the Board;

~~{6. Holds}~~

(f) Hold himself or herself out as a physician assistant or ~~{uses}~~ *use* any other term indicating or implying that he or she is a physician assistant without being licensed by the Board; or

~~{7. Holds}~~

(g) Hold himself or herself out as a practitioner of respiratory care or ~~{uses}~~ *use* any other term indicating or implying that he or



1 she is a practitioner of respiratory care without being licensed by the
2 Board. ‡



4 *2. A person who violates any provision of subsection 1:*

5 *(a) If no substantial bodily harm results, is guilty of a category*
6 *D felony ; or*

7 *(b) If substantial bodily harm results, is guilty of a category C*
8 *felony,*

9 *↪ and shall be punished as provided in NRS 193.130.*

10 *3. In addition to any other penalty prescribed by law, if the*
11 *Board determines that a person has committed any act described*
12 *in subsection 1, the Board may:*

13 *(a) Issue and serve on the person an order to cease and desist*
14 *until the person obtains from the Board the proper license or*
15 *otherwise demonstrates that he or she is no longer in violation of*
16 *subsection 1. An order to cease and desist must:*

17 *(1) Include a telephone number with which the person may*
18 *contact the Board; and*

19 *(2) Inform the person that the Board may, with the*
20 *cooperation of the appropriate law enforcement agency, enter any*
21 *premises of the person in this State where it is alleged that the*
22 *person has committed any act in violation of subsection 1.*

23 *(b) Issue a citation to the person. A citation issued pursuant to*
24 *this paragraph must be in writing, describe with particularity the*
25 *nature of the violation and inform the person of the provisions of*
26 *this paragraph. Each activity in which the person is engaged*
27 *constitutes a separate offense for which a separate citation may be*
28 *issued. To appeal a citation, the person must submit a written*
29 *request for a hearing to the Board not later than 30 days after the*
30 *date of issuance of the citation.*

31 *(c) Assess against the person an administrative fine of not*
32 *more than \$5,000.*

33 *(d) Impose any combination of the penalties set forth in*
34 *paragraphs (a), (b) and (c).*

35 **Sec. 7.** Chapter 630A of NRS is hereby amended by adding
36 thereto a new section to read as follows:

37 *Any member or agent of the Board may:*

38 *1. Enter any premises in this State where a person who holds*
39 *a license or certificate issued pursuant to the provisions of this*
40 *chapter practices homeopathic medicine and inspect it to*
41 *determine whether a violation of any provision of this chapter has*
42 *occurred, including, without limitation, an inspection to determine*
43 *whether any person at the premises is practicing homeopathic*
44 *medicine without the appropriate license or certificate issued*
45 *pursuant to the provisions of this chapter; and*



* S B 2 2 0 R 2 *

2. *With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that homeopathic medicine is being practiced without the appropriate license or certificate issued pursuant to the provisions of this chapter and inspect it to determine whether any person at the premises is practicing homeopathic medicine without the appropriate license or certificate issued pursuant to the provisions of this chapter.*

Sec. 8. NRS 630A.155 is hereby amended to read as follows:
630A.155 The Board shall:

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

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

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

4. Investigate and, if required, hear and decide in a manner consistent with the provisions of chapter 622A of NRS all complaints made against any homeopathic physician, advanced practitioner of homeopathy, homeopathic assistant or any agent or employee of any of them, or any facility where the primary practice is homeopathic medicine. If a complaint concerns a practice which is within the jurisdiction of another licensing board or any other possible violation of state law, the Board shall refer the complaint to the other licensing board.

5. *Unless the Board determines that extenuating circumstances exist, forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice homeopathic medicine without the appropriate license or certificate issued pursuant to the provisions of this chapter.*

6. Submit an annual report to the Legislature and make recommendations to the Legislature concerning the enactment of legislation relating to alternative and complementary integrative medicine, including, without limitation, homeopathic medicine.

Sec. 9. NRS 630A.390 is hereby amended to read as follows:

630A.390 1. Any person who becomes aware that a person practicing medicine in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action may file a written complaint with the Board. *A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse*



* S B 2 2 0 R 2 *

1 *to consider the complaint if anonymity of the complainant makes*
2 *processing the complaint impossible or unfair to the person who is*
3 *the subject of the complaint.*

4 2. Any medical society or medical facility or facility for the
5 dependent licensed in this State shall report to the Board the
6 initiation and outcome of any disciplinary action against any
7 homeopathic physician concerning the care of a patient or the
8 competency of the physician.

9 3. The clerk of every court shall report to the Board any
10 finding, judgment or other determination of the court that a
11 homeopathic physician:

12 (a) Is mentally ill;

13 (b) Is mentally incompetent;

14 (c) Has been convicted of a felony or any law relating to
15 controlled substances or dangerous drugs;

16 (d) Is guilty of abuse or fraud under any state or federal program
17 providing medical assistance; or

18 (e) Is liable for damages for malpractice or negligence.

19 4. The Board shall retain all complaints filed with the Board
20 pursuant to this section for at least 10 years, including, without
21 limitation, any complaints not acted upon.

22 **Sec. 10.** NRS 630A.555 is hereby amended to read as follows:

23 630A.555 1. Except as otherwise provided in this section and
24 NRS 239.0115, a complaint filed with the Board, all documents and
25 other information filed with the complaint and all documents
26 and other information compiled as a result of an investigation
27 conducted to determine whether to initiate disciplinary action
28 against a person are confidential, unless the person submits a written
29 statement to the Board requesting that such documents and
30 information be made public records.

31 2. The charging documents filed with the Board to initiate
32 disciplinary action pursuant to chapter 622A of NRS and all
33 documents and information considered by the Board when
34 determining whether to impose discipline are public records.

35 3. The ~~provisions of this section do not prohibit the~~ Board
36 ~~from communicating or cooperating~~ *shall, to the extent feasible,*
37 *communicate or cooperate* with or ~~providing~~ *provide* any
38 documents or other information to any other licensing board or any
39 other agency that is investigating a person, including, without
40 limitation, a law enforcement agency.

41 **Sec. 11.** NRS 630A.600 is hereby amended to read as follows:

42 630A.600 1. Except as otherwise provided in NRS 629.091, a
43 person who practices homeopathic medicine without a license or
44 certificate issued pursuant to this chapter is guilty of a category D
45 felony and shall be punished as provided in NRS 193.130.



2. *In addition to any other penalty prescribed by law, if the Board determines that a person is practicing homeopathic medicine without a license or certificate issued pursuant to this chapter, the Board may:*

(a) *Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or certificate or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must:*

(1) *Include a telephone number with which the person may contact the Board; and*

(2) *Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.*

(b) *Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.*

(c) *Assess against the person an administrative fine of not more than \$5,000.*

(d) *Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).*

Sec. 12. Chapter 631 of NRS is hereby amended by adding thereto the provisions set forth as sections 13 and 14 of this act.

Sec. 13. *Any member or agent of the Board may:*

1. *Enter any premises in this State where a person who holds a license or certificate issued pursuant to the provisions of this chapter practices dentistry or dental hygiene and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing dentistry or dental hygiene without the appropriate license or certificate issued pursuant to the provisions of this chapter; and*

2. *With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that dentistry or dental hygiene is being practiced without the appropriate license or certificate issued pursuant to the provisions of this chapter and inspect it to determine whether any person at the premises is practicing dentistry or dental hygiene without the appropriate license or certificate issued pursuant to the provisions of this chapter.*



* S B 2 2 0 R 2 *

1 **Sec. 14.** *Unless the Board determines that extenuating*
2 *circumstances exist, the Board shall forward to the appropriate*
3 *law enforcement agency any substantiated information submitted*
4 *to the Board concerning a person who practices or offers to*
5 *practice dentistry or dental hygiene without the appropriate license*
6 *or certificate issued pursuant to the provisions of this chapter.*

7 **Sec. 15.** NRS 631.360 is hereby amended to read as follows:

8 631.360 1. The Board may, upon its own motion, and shall,
9 upon the verified complaint in writing of any person setting forth
10 facts which, if proven, would constitute grounds for ~~refusal,~~
11 ~~suspension or revocation of a license or certificate under this~~
12 ~~chapter,~~ *initiating disciplinary action,* investigate the actions of
13 any person ~~holding a certificate,~~ *who practices dentistry or dental*
14 *hygiene in this State. A complaint may be filed anonymously. If a*
15 *complaint is filed anonymously, the Board may accept the*
16 *complaint but may refuse to consider the complaint if anonymity*
17 *of the complainant makes processing the complaint impossible or*
18 *unfair to the person who is the subject of the complaint.*

19 2. The Board shall, before ~~refusing to issue, or before~~
20 ~~suspending or revoking any certificate,~~ *initiating disciplinary*
21 *action,* at least 10 days before the date set for the hearing, notify *the*
22 *accused person* in writing ~~the applicant or the holder of the~~
23 ~~certificate~~ of any charges made. The notice may be served by
24 delivery of it personally to the accused person or by mailing it by
25 registered or certified mail to the place of business last specified
26 by the accused person, as registered with the Board.

27 3. At the time and place fixed in the notice, the Board shall
28 proceed to hear the charges. If the Board receives a report pursuant
29 to subsection 5 of NRS 228.420, a hearing must be held within 30
30 days after receiving the report.

31 4. The Board may compel the attendance of witnesses or the
32 production of documents or objects by subpoena. The Board may
33 adopt regulations that set forth a procedure pursuant to which the
34 Executive Director may issue subpoenas on behalf of the Board.
35 Any person who is subpoenaed pursuant to this subsection may
36 request the Board to modify the terms of the subpoena or grant
37 additional time for compliance.

38 5. The Board may obtain a search warrant from a magistrate
39 upon a showing that the warrant is needed for an investigation or
40 hearing being conducted by the Board and that reasonable cause
41 exists to issue the warrant.

42 6. If the Board is not sitting at the time and place fixed in the
43 notice, or at the time and place to which the hearing has been
44 continued, the Board shall continue the hearing for a period not to
45 exceed 30 days.



* S B 2 2 0 R 2 *

7. The Board shall retain all complaints received by the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 16. NRS 631.368 is hereby amended to read as follows:

631.368 1. Except as otherwise provided in this section and NRS 239.0115, any records or information obtained during the course of an investigation by the Board and any record of the investigation are confidential.

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

3. The Board ~~may~~ *shall, to the extent feasible, communicate or cooperate with or* provide any record or information described in subsection 1 to any other licensing board or ~~agency or~~ any *other* agency ~~which~~ *that* is investigating a person, ~~licensed pursuant to this chapter,~~ including a law enforcement agency.

Sec. 17. NRS 631.400 is hereby amended to read as follows:

631.400 1. A person who engages in the illegal practice of dentistry in this State is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. A person who practices or offers to practice dental hygiene in this State without a license, or who, having a license, practices dental hygiene in a manner or place not permitted by the provisions of this chapter:

(a) If it is his or her first or second offense, is guilty of a gross misdemeanor.

(b) If it is his or her third or subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. Unless a greater penalty is provided by specific statute, a person who is licensed to practice dentistry who practices dentistry in a manner or place not permitted by the provisions of this chapter:

(a) If it is his or her first or second offense, is guilty of a gross misdemeanor.

(b) If it is his or her third or subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

4. The Board may assign a person described in subsection 1, 2 or 3 specific duties as a condition of renewing a license.

5. If a person has engaged or is about to engage in any acts or practices which constitute or will constitute an offense against this chapter, the district court of any county, on application of the Board, may issue an injunction or other appropriate order restraining the conduct. Proceedings under this subsection are governed by Rule 65



1 of the Nevada Rules of Civil Procedure, except that no bond or
2 undertaking is required in any action commenced by the Board.

3 *6. In addition to any other penalty prescribed by law, if the*
4 *Board determines that a person has committed any act described*
5 *in subsection 1, 2 or 3, the Board may:*

6 *(a) Issue and serve on the person an order to cease and desist*
7 *until the person obtains from the Board the proper license or*
8 *certificate or otherwise demonstrates that he or she is no longer in*
9 *violation of subsection 1, 2 or 3. An order to cease and desist*
10 *must:*

11 *(1) Include a telephone number with which the person may*
12 *contact the Board; and*

13 *(2) Inform the person that the Board may, with the*
14 *cooperation of the appropriate law enforcement agency, enter any*
15 *premises of the person in this State where it is alleged that the*
16 *person has committed any act in violation of subsection 1, 2 or 3.*

17 *(b) Issue a citation to the person. A citation issued pursuant to*
18 *this paragraph must be in writing, describe with particularity the*
19 *nature of the violation and inform the person of the provisions of*
20 *this paragraph. Each activity in which the person is engaged*
21 *constitutes a separate offense for which a separate citation may be*
22 *issued. To appeal a citation, the person must submit a written*
23 *request for a hearing to the Board not later than 30 days after the*
24 *date of issuance of the citation.*

25 *(c) Assess against the person an administrative fine of not*
26 *more than \$5,000.*

27 *(d) Impose any combination of the penalties set forth in*
28 *paragraphs (a), (b) and (c).*

29 **Sec. 18.** Chapter 632 of NRS is hereby amended by adding
30 thereto a new section to read as follows:

31 *Any member or agent of the Board may:*

32 *1. Enter any premises in this State where a person who holds*
33 *a license or certificate issued pursuant to the provisions of this*
34 *chapter practices nursing or as a nursing assistant or medication*
35 *aide - certified and inspect it to determine whether a violation of*
36 *any provision of this chapter has occurred, including, without*
37 *limitation, an inspection to determine whether any person at the*
38 *premises is practicing nursing or as a nursing assistant or*
39 *medication aide - certified without the appropriate license or*
40 *certificate issued pursuant to the provisions of this chapter; and*

41 *2. With the cooperation of the appropriate law enforcement*
42 *agency, enter any other premises in this State where there is*
43 *probable cause to believe that nursing is being practiced without*
44 *the appropriate license or certificate issued pursuant to the*
45 *provisions of this chapter and inspect it to determine whether any*



person at the premises is practicing nursing or as a nursing assistant or medication aide - certified without the appropriate license or certificate issued pursuant to the provisions of this chapter.

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 20.3. NRS 632.285 is hereby amended to read as follows:

632.285 1. Any person, except a nursing assistant trainee, who practices or offers to practice as a nursing assistant in this State shall submit evidence that he or she is qualified so to practice and must be certified as provided in this chapter.

2. It is unlawful for any person:

(a) To practice or to offer to practice as a nursing assistant in this State or to use any title, abbreviation, sign, card or device to indicate that he or she is practicing as a nursing assistant in this State unless the person has been certified pursuant to the provisions of this chapter.

(b) Except as otherwise provided in NRS 629.091, who does not hold a certificate authorizing the person to practice as a nursing assistant issued pursuant to the provisions of this chapter to perform or offer to perform basic nursing services in this State, unless the person is a nursing assistant trainee.

(c) To be employed as a nursing assistant trainee for more than 4 months.

3. The Executive Director of the Board may, on behalf of the Board, issue an order to cease and desist to any person who practices or offers to practice as a nursing assistant without a certificate issued pursuant to the provisions of this chapter.

4. ~~{The}~~ *Unless the Executive Director of the Board determines that extenuating circumstances exist, the* Executive Director ~~{of the Board}~~ shall forward to the appropriate law enforcement agency any information submitted to the Board concerning a person who practices or offers to practice as a nursing assistant without a certificate issued pursuant to the provisions of this chapter.

Sec. 20.7. NRS 632.291 is hereby amended to read as follows:

632.291 1. Any person who practices or offers to practice as a medication aide - certified in this State shall submit evidence that he or she is qualified to practice and must be certified to practice as a medication aide - certified as provided in this chapter.

2. It is unlawful for any person to practice or to offer to practice as a medication aide - certified in this State or to use any title, abbreviation, sign, card or device to indicate that the person is practicing as a medication aide - certified in this State unless the



1 person is certified as a medication aide - certified pursuant to the
2 provisions of this chapter.

3 3. The Executive Director of the Board may, on behalf of the
4 Board, issue an order to cease and desist to any person who
5 practices or offers to practice as a medication aide - certified without
6 a certificate to practice as a medication aide - certified issued
7 pursuant to the provisions of this chapter.

8 4. ~~{The}~~ *Unless the Executive Director of the Board*
9 *determines that extenuating circumstances exist, the* Executive
10 Director ~~{of the Board}~~ shall forward to the appropriate law
11 enforcement agency any information submitted to the Board
12 concerning a person who practices or offers to practice as a
13 medication aide - certified without a certificate to practice as a
14 medication aide - certified issued pursuant to the provisions of this
15 chapter.

16 **Sec. 21.** NRS 632.310 is hereby amended to read as follows:

17 632.310 1. The Board may, upon its own motion, and shall,
18 upon the verified complaint in writing of any person, if the
19 complaint alone or together with evidence, documentary or
20 otherwise, presented in connection therewith, is sufficient to require
21 an investigation, investigate the actions of any licensee or holder of
22 a certificate or any person who assumes to act as a licensee or holder
23 of a certificate within the State of Nevada. *A complaint may be filed*
24 *anonymously. If a complaint is filed anonymously, the Board may*
25 *accept the complaint but may refuse to consider the complaint if*
26 *anonymity of the complainant makes processing the complaint*
27 *impossible or unfair to the person who is the subject of the*
28 *complaint.*

29 2. The Executive Director of the Board may, upon receipt of
30 information from a governmental agency, conduct an investigation
31 to determine whether the information is sufficient to require an
32 investigation for referral to the Board for its consideration.

33 3. If a written verified complaint filed with the Board does not
34 include the complete name of the licensee, nursing assistant or
35 medication aide - certified against whom the complaint is filed, and
36 the Board is unable to identify the licensee, nursing assistant or
37 medication aide - certified, the Board shall request that the employer
38 of the licensee, nursing assistant or medication aide - certified
39 provide to the Board the complete name of the licensee, nursing
40 assistant or medication aide - certified. The employer shall provide
41 the name to the Board within 3 business days after the request is
42 made.

43 4. The employer of a licensee, nursing assistant or medication
44 aide - certified shall provide to the Board, upon its request, the
45 record of the work assignments of any licensee, nursing assistant or



1 medication aide - certified whose actions are under investigation by
2 the Board.

3 5. The Board shall retain all complaints received by the Board
4 pursuant to this section for at least 10 years, including, without
5 limitation, any complaints not acted upon.

6 **Sec. 22.** NRS 632.315 is hereby amended to read as follows:

7 632.315 1. For the purposes of safeguarding life and health
8 and maintaining high professional standards among nurses in this
9 State, any person who practices or offers to practice nursing in this
10 State shall submit evidence that he or she is qualified to practice and
11 must be licensed as provided in this chapter.

12 2. ~~{Any}~~ *It is unlawful for any person {who} :*

13 (a) ~~{Practices}~~ *To practice* or ~~{offers}~~ *offer* to practice nursing in
14 this State or ~~{uses}~~ *use* any title, abbreviation, sign, card or device to
15 indicate that he or she is practicing nursing in this State unless that
16 person has been licensed pursuant to the provisions of this chapter;
17 or

18 (b) ~~{Does}~~ *Who does* not hold a valid and subsisting license to
19 practice nursing issued pursuant to the provisions of this chapter
20 ~~{who practices}~~ *to practice* or ~~{offers}~~ *offer* to practice in this State
21 as a registered nurse, licensed practical nurse, graduate nurse,
22 trained nurse, certified nurse or under any other title or designation
23 suggesting that the person possesses qualifications and skill in the
24 field of nursing. ~~{~~

25 ~~*is guilty of a misdemeanor.*}~~

26 3. *A person who violates any provision of subsection 2:*

27 (a) *If no substantial bodily harm results, is guilty of a category*
28 *D felony; or*

29 (b) *If substantial bodily harm results, is guilty of a category C*
30 *felony,*

31 ~~*and shall be punished as provided in NRS 193.130.*~~

32 4. The Executive Director of the Board may, on behalf of the
33 Board, issue an order to cease and desist to any person who
34 practices or offers to practice nursing without a license issued
35 pursuant to the provisions of this chapter.

36 ~~{4.—The}~~

37 5. *Unless the Executive Director of the Board determines that*
38 *extenuating circumstances exist, the* Executive Director ~~{of the~~
39 ~~Board}~~ shall forward to the appropriate law enforcement agency any
40 information submitted to the Board concerning a person who
41 practices or offers to practice nursing without a license issued
42 pursuant to the provisions of this chapter.

43 **Sec. 23.** NRS 632.405 is hereby amended to read as follows:

44 632.405 1. Except as otherwise provided in this section and
45 NRS 239.0115, any records or information obtained during the



1 course of an investigation by the Board and any record of the
2 investigation are confidential.

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

7 3. ~~{This section does not prevent or prohibit the}~~ *The* Board
8 ~~{from communicating or cooperating with}~~ *shall, to the extent*
9 *feasible, communicate or cooperate with or provide any*
10 *documents or other information to* another licensing board or any
11 agency that is investigating a ~~{licensee.}~~ *person*, including a law
12 enforcement agency.

13 **Sec. 24.** Chapter 633 of NRS is hereby amended by adding
14 thereto the provisions set forth as sections 25 and 26 of this act.

15 **Sec. 25.** *Any member or agent of the Board may:*

16 1. *Enter any premises in this State where a person who holds*
17 *a license issued pursuant to the provisions of this chapter practices*
18 *osteopathic medicine or as a physician assistant and inspect it to*
19 *determine whether a violation of any provision of this chapter has*
20 *occurred, including, without limitation, an inspection to determine*
21 *whether any person at the premises is practicing osteopathic*
22 *medicine or as a physician assistant without the appropriate*
23 *license issued pursuant to the provisions of this chapter; and*

24 2. *With the cooperation of the appropriate law enforcement*
25 *agency, enter any other premises in this State where there is*
26 *probable cause to believe that osteopathic medicine is being*
27 *practiced without the appropriate license issued pursuant to the*
28 *provisions of this chapter and inspect it to determine whether any*
29 *person at the premises is practicing osteopathic medicine or as a*
30 *physician assistant without the appropriate license issued*
31 *pursuant to the provisions of this chapter.*

32 **Sec. 26.** *Unless the Board determines that extenuating*
33 *circumstances exist, the Board shall forward to the appropriate*
34 *law enforcement agency any substantiated information submitted*
35 *to the Board concerning a person who practices or offers to*
36 *practice osteopathic medicine or as a physician assistant without*
37 *the appropriate license issued pursuant to the provisions of this*
38 *chapter.*

39 **Sec. 27.** NRS 633.301 is hereby amended to read as follows:

40 633.301 1. The Board shall keep a record of its proceedings
41 relating to licensing and disciplinary actions. Except as otherwise
42 provided in this section, the record must be open to public
43 inspection at all reasonable times and contain the name, known
44 place of business and residence, and the date and number of the



1 license of every osteopathic physician and every physician assistant
2 licensed under this chapter.

3 2. Except as otherwise provided in this section and NRS
4 239.0115, a complaint filed with the Board, all documents and other
5 information filed with the complaint and all documents and other
6 information compiled as a result of an investigation conducted to
7 determine whether to initiate disciplinary action against a person are
8 confidential, unless the person submits a written statement to the
9 Board requesting that such documents and information be made
10 public records.

11 3. The charging documents filed with the Board to initiate
12 disciplinary action pursuant to chapter 622A of NRS and all other
13 documents and information considered by the Board when
14 determining whether to impose discipline are public records.

15 4. The ~~{provisions of this section do not prohibit the}~~ Board
16 ~~{from communicating or cooperating}~~ *shall, to the extent feasible,*
17 *communicate or cooperate* with or ~~{providing}~~ *provide* any
18 documents or other information to any other licensing board or any
19 other agency that is investigating a person, including, without
20 limitation, a law enforcement agency.

21 **Sec. 28.** NRS 633.741 is hereby amended to read as follows:

22 633.741 ~~{A}~~

23 1. *It is unlawful for any person* ~~{who:~~

24 ~~—{to:~~

25 (a) Except as otherwise provided in NRS 629.091, ~~{practices:~~

26 ~~—(a){ practice:~~

27 (1) Osteopathic medicine without a valid license to practice
28 osteopathic medicine under this chapter;

29 ~~{(b)}~~ (2) As a physician assistant without a valid license under
30 this chapter; or

31 ~~{(c)}~~ (3) Beyond the limitations ordered upon his or her practice
32 by the Board or the court;

33 ~~{2. —Presents}~~

34 (b) *Present* as his or her own the diploma, license or credentials
35 of another;

36 ~~{3. —Gives}~~

37 (c) *Give* either false or forged evidence of any kind to the Board
38 or any of its members in connection with an application for a
39 license;

40 ~~{4. —Files}~~

41 (d) *File* for record the license issued to another, falsely claiming
42 himself or herself to be the person named in the license, or falsely
43 claiming himself or herself to be the person entitled to the license;

44 ~~{5. —Practices}~~



* S B 2 2 0 R 2 *

(e) *Practice* osteopathic medicine or ~~practices~~ *practice* as a physician assistant under a false or assumed name or falsely ~~personates~~ *personate* another licensee of a like or different name;

~~6. Holds~~

(f) *Hold* himself or herself out as a physician assistant or ~~who uses~~ *use* any other term indicating or implying that he or she is a physician assistant, unless the person has been licensed by the Board as provided in this chapter; or

~~7. Supervises~~

(g) *Supervise* a person as a physician assistant before such person is licensed as provided in this chapter. ~~†~~

~~†~~
2. A person who violates any provision of subsection 1:

(a) *If no substantial bodily harm results,* is guilty of a category D felony ; or

(b) *If substantial bodily harm results, is guilty of a category C felony,*

↪ and shall be punished as provided in NRS 193.130.

3. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, the Board may:

(a) *Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must:*

(1) *Include a telephone number with which the person may contact the Board; and*

(2) *Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.*

(b) *Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.*

(c) *Assess against the person an administrative fine of not more than \$5,000.*

(d) *Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).*



* S B 2 2 0 R 2 *

1 **Sec. 29.** Chapter 634 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *Unless the Board determines that extenuating circumstances*
4 *exist, the Board shall forward to the appropriate law enforcement*
5 *agency any substantiated information submitted to the Board*
6 *concerning a person who practices or offers to practice*
7 *chiropractic or as a chiropractor's assistant without the*
8 *appropriate license or certificate issued pursuant to the provisions*
9 *of this chapter.*

10 **Sec. 30.** NRS 634.043 is hereby amended to read as follows:

11 634.043 1. The Board shall appoint an Executive Director
12 who serves at the pleasure of the Board and is entitled to receive
13 such compensation as may be fixed by the Board.

14 2. The Board may:

15 (a) Maintain offices in as many localities in the State as it finds
16 necessary to carry out the provisions of this chapter.

17 (b) Employ attorneys, investigators and other professional
18 consultants and clerical personnel necessary to the discharge of its
19 duties.

20 ~~[(e) Enter]~~

21 3. *The Board or any agent of the Board may:*

22 (a) *Enter any premises in this State where a person who holds*
23 *a license or certificate issued pursuant to the provisions of this*
24 *chapter practices chiropractic or as a chiropractor's assistant and*
25 *inspect it to determine whether a violation of any provision of this*
26 *chapter has occurred, including, without limitation, an inspection*
27 *to determine whether any person at the premises is practicing*
28 *chiropractic or as a chiropractor's assistant without the*
29 *appropriate license or certificate issued pursuant to the provisions*
30 *of this chapter; and*

31 (b) *With the cooperation of the appropriate law enforcement*
32 *agency, enter ~~and inspect~~ any ~~chiropractic office~~ other premises*
33 *in this State where there is probable cause to believe that*
34 *chiropractic is being practiced ~~in order to enforce the provisions of~~*
35 *this chapter.* ~~without the appropriate license or certificate issued~~
36 ~~pursuant to the provisions of this chapter and inspect it to~~
37 ~~determine whether any person at the premises is practicing~~
38 ~~chiropractic or as a chiropractor's assistant without the~~
39 ~~appropriate license or certificate issued pursuant to the provisions~~
40 ~~of this chapter.~~

41 **Sec. 31.** NRS 634.160 is hereby amended to read as follows:

42 634.160 1. The Board or any of its members who become
43 aware that any one or a combination of the grounds for initiating
44 disciplinary action may exist as to a person practicing chiropractic
45 in this State shall, and any other person who is so aware may, file a



1 written complaint specifying the relevant facts with the Executive
2 Director of the Board. *A complaint may be filed anonymously. If a
3 complaint is filed anonymously, the Board may accept the
4 complaint but may refuse to consider the complaint if anonymity
5 of the complainant makes processing the complaint impossible or
6 unfair to the person who is the subject of the complaint.*

7 2. The Board shall retain all complaints filed with the
8 Executive Director pursuant to this section for at least 10 years,
9 including, without limitation, any complaints not acted upon.

10 **Sec. 32.** NRS 634.214 is hereby amended to read as follows:

11 634.214 1. Except as otherwise provided in this section and
12 NRS 239.0115, a complaint filed with the Board, all documents and
13 other information filed with the complaint and all documents
14 and other information compiled as a result of the investigation
15 conducted to determine whether to initiate disciplinary action are
16 confidential and may be disclosed in whole or in part only as
17 necessary in the course of administering this chapter or to a
18 licensing board or agency or any other governmental agency,
19 including, without limitation, a law enforcement agency, that is
20 investigating a person who is licensed *or who performs any act for
21 which a license or certificate is required* pursuant to the provisions
22 of this chapter.

23 2. *The Board shall, to the extent feasible, communicate or
24 cooperate with or provide any documents or other information to
25 any other licensing board or any other agency that is investigating
26 a person, including, without limitation, a law enforcement agency.*

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

31 **Sec. 33.** NRS 634.227 is hereby amended to read as follows:

32 634.227 1. A person who:

33 (a) Presents to the Board as his or her own the diploma, license
34 or credentials of another;

35 (b) Gives false or forged evidence of any kind to the Board; or

36 (c) Practices chiropractic under a false or assumed name or
37 falsely personates another licensee,

38 ➤ is guilty of a misdemeanor.

39 2. Except as otherwise provided in NRS 634.105 and
40 634.1375, a person who does not hold a license issued pursuant to
41 this chapter and:

42 (a) Practices chiropractic in this State;

43 (b) Holds himself or herself out as a chiropractor;



(c) Uses any combination, variation or abbreviation of the terms “chiropractor,” “chiropractic” or “chiropractic physician” as a professional or commercial representation; or

(d) Uses any means which directly or indirectly conveys to another person the impression that he or she is qualified or licensed to practice chiropractic,

is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 2, the Board may:

(a) Issue and serve to the person an order to cease and desist until the person obtains from the Board the proper license or certificate or otherwise demonstrates that he or she is no longer in violation of subsection 2. An order to cease and desist must:

(1) Include a telephone number with which the person may contact the Board; and

(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 2.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than \$5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 34. Chapter 634A of NRS is hereby amended by adding thereto the provisions set forth as sections 35 and 36 of this act.

Sec. 35. *Any member or agent of the Board may:*

1. Enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices Oriental medicine and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing Oriental medicine without a license issued pursuant to the provisions of this chapter; and

2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is



* S B 2 2 0 R 2 *

1 *probable cause to believe that Oriental medicine is being practiced*
2 *without a license issued pursuant to the provisions of this chapter*
3 *and inspect it to determine whether any person at the premises is*
4 *practicing Oriental medicine without a license issued pursuant to*
5 *the provisions of this chapter.*

6 **Sec. 36.** *Unless the Board determines that extenuating*
7 *circumstances exist, the Board shall forward to the appropriate*
8 *law enforcement agency any substantiated information submitted*
9 *to the Board concerning a person who practices or offers to*
10 *practice Oriental medicine without a license issued pursuant to the*
11 *provisions of this chapter.*

12 **Sec. 37.** NRS 634A.085 is hereby amended to read as follows:

13 634A.085 1. If a written complaint regarding a ~~doctor or~~
14 *person who practices* Oriental medicine is filed with the Board, the
15 Board shall review the complaint. *A complaint may be filed*
16 *anonymously. If a complaint is filed anonymously, the Board may*
17 *accept the complaint but may refuse to consider the complaint if*
18 *anonymity of the complainant makes processing the complaint*
19 *impossible or unfair to the person who is the subject of the*
20 *complaint.* If, from the complaint or from other records, it appears
21 that the complaint is not frivolous, the Board may:

22 (a) Retain the Attorney General to investigate the complaint; and

23 (b) If the Board retains the Attorney General, transmit the
24 original complaint and any facts or information obtained from the
25 review to the Attorney General.

26 2. If the Board retains the Attorney General, the Attorney
27 General shall conduct an investigation of the complaint transmitted
28 to the Attorney General to determine whether it warrants
29 proceedings for the modification, suspension or revocation of the
30 license. If the Attorney General determines that further proceedings
31 are warranted, the Attorney General shall report the results of the
32 investigation and any recommendation to the Board.

33 3. The Board shall promptly make a determination with respect
34 to each complaint reported to it by the Attorney General. The Board
35 shall:

36 (a) Dismiss the complaint; or

37 (b) Proceed with appropriate disciplinary action.

38 4. The Board shall retain all complaints received by the Board
39 pursuant to this section for at least 10 years, including, without
40 limitation, any complaints not acted upon.

41 5. If the Board retains the Attorney General, the Attorney
42 General may, in accordance with the provisions of NRS 228.113,
43 charge the Board for all services relating to the investigation of a
44 complaint pursuant to subsection 2.



* S B 2 2 0 R 2 *

1 **Sec. 38.** NRS 634A.185 is hereby amended to read as follows:

2 634A.185 1. Except as otherwise provided in this section and
3 NRS 239.0115, a complaint filed with the Board, all documents and
4 other information filed with the complaint and all documents
5 and other information compiled as a result of an investigation
6 conducted to determine whether to initiate disciplinary action
7 against a person are confidential, unless the person submits a written
8 statement to the Board requesting that such documents and
9 information be made public records.

10 2. The charging documents filed with the Board to initiate
11 disciplinary action pursuant to chapter 622A of NRS and all
12 documents and information considered by the Board when
13 determining whether to impose discipline are public records.

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

16 4. The ~~provisions of this section do not prohibit the~~ Board
17 ~~from communicating or cooperating~~ shall, to the extent feasible,
18 communicate or cooperate with or ~~providing~~ provide any
19 documents or other information to any other licensing board or any
20 other agency that is investigating a person, including, without
21 limitation, a law enforcement agency.

22 **Sec. 39.** NRS 634A.230 is hereby amended to read as follows:

23 634A.230 1. Any person who represents himself or herself as
24 a practitioner of Oriental medicine, or any branch thereof, or who
25 engages in the practice of Oriental medicine, or any branch thereof,
26 in this State without holding a valid license issued by the Board is
27 guilty of a gross misdemeanor.

28 2. *In addition to any other penalty prescribed by law, if the*
29 *Board determines that a person has committed any act described*
30 *in subsection 1, the Board may:*

31 (a) *Issue and serve on the person an order to cease and desist*
32 *until the person obtains from the Board the proper license or*
33 *otherwise demonstrates that he or she is no longer in violation of*
34 *subsection 1. An order to cease and desist must:*

35 (1) *Include a telephone number with which the person may*
36 *contact the Board; and*

37 (2) *Inform the person that the Board may, with the*
38 *cooperation of the appropriate law enforcement agency, enter any*
39 *premises of the person in this State where it is alleged that the*
40 *person has committed any act in violation of subsection 1.*

41 (b) *Issue a citation to the person. A citation issued pursuant to*
42 *this paragraph must be in writing, describe with particularity the*
43 *nature of the violation and inform the person of the provisions of*
44 *this paragraph. Each activity in which the person is engaged*
45 *constitutes a separate offense for which a separate citation may be*



* S B 2 2 0 R 2 *

1 *issued. To appeal a citation, the person must submit a written*
2 *request for a hearing to the Board not later than 30 days after the*
3 *date of issuance of the citation.*

4 *(c) Assess against the person an administrative fine as*
5 *provided in NRS 634A.250.*

6 *(d) Impose any combination of the penalties set forth in*
7 *paragraphs (a), (b) and (c).*

8 **Sec. 40.** Chapter 635 of NRS is hereby amended by adding
9 thereto the provisions set forth as sections 41 and 42 of this act.

10 **Sec. 41.** *Unless the Board determines that extenuating*
11 *circumstances exist, the Board shall forward to the appropriate*
12 *law enforcement agency any substantiated information submitted*
13 *to the Board concerning a person who practices or offers to*
14 *practice podiatry or as a podiatry hygienist without the appropriate*
15 *license issued pursuant to the provisions of this chapter.*

16 **Sec. 42.** *Any person who becomes aware that a person*
17 *practicing podiatry or practicing as a podiatry hygienist in this*
18 *State has, is or is about to become engaged in conduct which*
19 *constitutes grounds for initiating disciplinary action may file a*
20 *complaint with the Board. A complaint may be filed anonymously.*
21 *If a complaint is filed anonymously, the Board may accept the*
22 *complaint but may refuse to consider the complaint if anonymity*
23 *of the complainant makes processing the complaint impossible or*
24 *unfair to the person who is the subject of the complaint.*

25 **Sec. 43.** NRS 635.035 is hereby amended to read as follows:

26 635.035 1. The Board may:

27 ~~1-1~~ (a) Maintain offices in as many localities in the State as it
28 finds necessary to carry out the provisions of this chapter.

29 ~~1-2~~ (b) Employ attorneys, investigators and other professional
30 consultants and clerical personnel necessary to the discharge of its
31 duties.

32 2. The Board or any agent of the Board may:

33 (a) *Enter any premises in this State where a person who holds*
34 *a license issued pursuant to the provisions of this chapter practices*
35 *podiatry or as a podiatry hygienist and inspect it to determine*
36 *whether a violation of any provision of this chapter has occurred,*
37 *including, without limitation, an inspection to determine whether*
38 *any person at the premises is practicing podiatry or as a podiatry*
39 *hygienist without the appropriate license issued pursuant to the*
40 *provisions of this chapter; and*

41 (b) *With the cooperation of the appropriate law enforcement*
42 *agency, enter any other premises in this State where there is*
43 *probable cause to believe that podiatry is being practiced without*
44 *the appropriate license issued pursuant to the provisions of this*
45 *chapter and inspect it to determine whether any person is*



practicing podiatry or as a podiatry hygienist without the appropriate license issued pursuant to the provisions of this chapter.

Sec. 44. NRS 635.158 is hereby amended to read as follows:

635.158 1. Except as otherwise provided in this section and NRS 239.0115, 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 charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS 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~~ *shall, to the extent feasible, communicate or cooperate* with or ~~providing~~ *provide* 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.

5. The Board shall retain all complaints filed with the Board for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 45. NRS 635.167 is hereby amended to read as follows:

635.167 1. Any person who:

~~1-1~~ (a) Presents to the Board as his or her own the diploma, license or credentials of another;

~~1-2~~ (b) Gives either false or forged evidence of any kind to the Board;

~~1-3~~ (c) Practices podiatry under a false or assumed name or falsely personates another licensee;

~~1-4~~ (d) Except as otherwise provided by specific statute, practices podiatry without being licensed under this chapter; or

~~1-5~~ (e) Uses the title "D.P.M.," "Podiatrist," "Podiatric Physician," "Podiatric Physician-Surgeon" or "Physician-Surgeon D.P.M." when not licensed by the Board pursuant to this chapter, unless otherwise authorized by a specific statute,

↪ is guilty of a gross misdemeanor.

2. *In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, the Board may:*



* S B 2 2 0 R 2 *

1 (a) *Issue and serve on the person an order to cease and desist*
2 *until the person obtains from the Board the proper license or*
3 *otherwise demonstrates that he or she is no longer in violation of*
4 *subsection 1. An order to cease and desist must:*

5 (1) *Include a telephone number with which the person may*
6 *contact the Board; and*

7 (2) *Inform the person that the Board may, with the*
8 *cooperation of the appropriate law enforcement agency, enter any*
9 *premises of the person in this State where it is alleged that the*
10 *person has committed any act in violation of subsection 1.*

11 (b) *Issue a citation to the person. A citation issued pursuant to*
12 *this paragraph must be in writing, describe with particularity the*
13 *nature of the violation and inform the person of the provisions of*
14 *this paragraph. Each activity in which the person is engaged*
15 *constitutes a separate offense for which a separate citation may be*
16 *issued. To appeal a citation, the person must submit a written*
17 *request for a hearing to the Board not later than 30 days after the*
18 *date of issuance of the citation.*

19 (c) *Assess against the person an administrative fine as*
20 *provided in paragraph (d) of subsection 1 of NRS 635.130.*

21 (d) *Impose any combination of the penalties set forth in*
22 *paragraphs (a), (b) and (c).*

23 Sec. 46. Chapter 636 of NRS is hereby amended by adding
24 thereto the provisions set forth as sections 47, 48 and 49 of this act.

25 Sec. 47. *Unless the Board determines that extenuating*
26 *circumstances exist, the Board shall forward to the appropriate*
27 *law enforcement agency any substantiated information submitted*
28 *to the Board concerning a person who practices or offers to*
29 *practice optometry without a license issued pursuant to the*
30 *provisions of this chapter.*

31 Sec. 48. *The Board shall, to the extent feasible, communicate*
32 *or cooperate with or provide any documents or other information*
33 *to any other licensing board or any other agency that is*
34 *investigating a person, including a law enforcement agency.*

35 Sec. 49. *A member or any agent of the Board may:*

36 1. *Enter any premises in this State where a person who holds*
37 *a license issued pursuant to the provisions of this chapter practices*
38 *optometry and inspect it to determine whether a violation of any*
39 *provision of this chapter has occurred, including, without*
40 *limitation, an inspection to determine whether any person at the*
41 *premises is practicing optometry without a license issued pursuant*
42 *to the provisions of this chapter; and*

43 2. *With the cooperation of the appropriate law enforcement*
44 *agency, enter any other premises in this State where there is*
45 *probable cause to believe that optometry is being practiced without*



* S B 2 2 0 R 2 *

a license issued pursuant to the provisions of this chapter and inspect it to determine whether any person is practicing optometry without a license issued pursuant to the provisions of this chapter.

Sec. 50. NRS 636.145 is hereby amended to read as follows:

636.145 ~~Not~~

1. A person shall **not** engage in the practice of optometry in this State unless:

~~1-1~~ **(a)** The person has obtained a license pursuant to the provisions of this chapter; and

~~1-2~~ **(b)** Except for the year in which such license was issued, the person holds a current renewal card for the license.

2. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must:

(1) Include a telephone number with which the person may contact the Board; and

(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine as provided in NRS 636.420.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 51. NRS 636.310 is hereby amended to read as follows:

636.310 A complaint must be made in writing . ~~and signed and verified by the person making it.~~ The original complaint and two copies must be filed with the Executive Director. *A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.*



1 **Sec. 52.** NRS 636.325 is hereby amended to read as follows:
2 636.325 1. Upon conclusion of the hearing, or waiver thereof
3 by the ~~licensee~~ *person* against whom the charge is filed, the Board
4 shall make and announce its decision. If the Board determines that
5 the allegations included in the charge are true, it may take any one
6 or more of the following actions:

7 (a) Publicly reprimand the licensee;
8 (b) Place the licensee on probation for a specified or unspecified
9 period;

10 (c) Suspend the licensee from practice for a specified or
11 unspecified period;

12 (d) Revoke the licensee's license; or

13 (e) Impose an administrative fine pursuant to the provisions of
14 NRS 636.420.

15 ➔ The Board may, in connection with a reprimand, probation or
16 suspension, impose such other terms or conditions as it deems
17 necessary.

18 2. If the Board determines that the allegations included in the
19 charge are false or do not warrant disciplinary action, it shall
20 dismiss the charge.

21 3. The Board shall not ~~privately~~ *issue a private* reprimand . ~~to~~
22 ~~licensee.~~

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

25 **Sec. 53.** (Deleted by amendment.)

26 **Sec. 54.** (Deleted by amendment.)

27 **Sec. 55.** (Deleted by amendment.)

28 **Sec. 56.** (Deleted by amendment.)

29 **Sec. 57.** (Deleted by amendment.)

30 **Sec. 58.** (Deleted by amendment.)

31 **Sec. 59.** (Deleted by amendment.)

32 **Sec. 60.** (Deleted by amendment.)

33 **Sec. 60.3.** Chapter 637 of NRS is hereby amended by adding
34 thereto a new section to read as follows:

35 1. *To the extent that money is available for that purpose, the*
36 *Board may, upon its own motion, investigate the actions of any*
37 *person who holds a license issued pursuant to this chapter that*
38 *may constitute grounds for refusal to issue such a license, or the*
39 *suspension or revocation of the license.*

40 2. *The Board may accept gifts, grants and donations of*
41 *money from any source to carry out the provisions of this section.*

42 **Sec. 60.7.** NRS 637.085 is hereby amended to read as follows:

43 637.085 1. Except as otherwise provided in this section, all
44 applications for licensure, financial records of the Board and records



* S B 2 2 0 R 2 *

1 of hearings and any order or decision of the Board or a panel must
2 be open to the public.

3 2. Except as otherwise provided in this section and NRS
4 239.0115, the following may be kept confidential:

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

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

9 (c) Any communication between:

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

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

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

16 3. Except as otherwise provided in this section and NRS
17 239.0115, a complaint filed with the Board, all documents and other
18 information filed with the complaint and all documents and other
19 information compiled as a result of an investigation conducted to
20 determine whether to initiate disciplinary action against a person are
21 confidential, unless the person submits a written statement to the
22 Board requesting that such documents and information be made
23 public records.

24 4. The charging documents filed with the Board to initiate
25 disciplinary action pursuant to chapter 622A of NRS and all
26 documents and information considered by the Board when
27 determining whether to impose discipline are public records.

28 5. The ~~provisions of this section do not prohibit the~~ Board
29 ~~from communicating or cooperating~~ shall, to the extent feasible,
30 *communicate or cooperate* with or ~~providing~~ *provide* any
31 documents or other information to any other licensing board or any
32 other agency that is investigating a person, including, without
33 limitation, a law enforcement agency.

34 **Sec. 61.** Chapter 637A of NRS is hereby amended by adding
35 thereto the provisions set forth as sections 62 and 63 of this act.

36 **Sec. 62.** *A member or any agent of the Board may:*

37 *1. Enter any premises in this State where a person who holds*
38 *a license issued pursuant to the provisions of this chapter engages*
39 *in the business of a hearing aid specialist or an apprentice to a*
40 *hearing aid specialist and inspect it to determine whether a*
41 *violation of any provision of this chapter has occurred, including,*
42 *without limitation, an inspection to determine whether any person*
43 *at the premises is engaged in the business of a hearing aid*
44 *specialist or an apprentice to a hearing aid specialist without the*



1 appropriate license issued pursuant to the provisions of this
2 chapter; and

3 2. With the cooperation of the appropriate law enforcement
4 agency, enter any other premises in this State where there is
5 probable cause to believe that a person engages in the business of
6 a hearing aid specialist or an apprentice to a hearing aid specialist
7 without the appropriate license issued pursuant to the provisions
8 of this chapter and inspect it to determine whether any person is
9 engaged in the business of a hearing aid specialist or an
10 apprentice to a hearing aid specialist without the appropriate
11 license issued pursuant to the provisions of this chapter.

12 **Sec. 63.** Unless the Board determines that extenuating
13 circumstances exist, the Board shall forward to the appropriate
14 law enforcement agency any substantiated information submitted
15 to the Board concerning a person who engages in the business of
16 a hearing aid specialist or an apprentice to a hearing aid specialist
17 without the appropriate license issued pursuant to the provisions
18 of this chapter.

19 **Sec. 64.** NRS 637A.260 is hereby amended to read as follows:

20 637A.260 1. The Board, any of its members or any other
21 person who believes that a licensee or other person has violated a
22 provision of this chapter may file a complaint specifying the
23 relevant facts with the Board. The Board may amend any such
24 complaint to include additional allegations if it becomes aware of
25 any additional information concerning a further violation of the
26 provisions of this chapter.

27 2. A complaint made against any licensee charging one or more
28 of the causes for which his or her license may be revoked or
29 suspended must be made with such particularity as to enable the
30 licensee to prepare a defense thereto.

31 3. The complaint must be made in writing and ~~may be signed~~
32 ~~and verified by~~ *filed anonymously. If a complaint is filed*
33 *anonymously, the Board may accept the complaint but may refuse*
34 *to consider the complaint if anonymity of the complainant makes*
35 *processing the complaint impossible or unfair to the person*
36 ~~making it.~~ *who is the subject of the complaint.*

37 4. The Board, on its own motion, may investigate the activities
38 of an applicant for or a holder of a license issued pursuant to this
39 chapter at any time.

40 5. The Board shall retain all complaints filed with the Board
41 pursuant to this section for at least 10 years, including, without
42 limitation, any complaints not acted upon.

43 **Sec. 65.** NRS 637A.315 is hereby amended to read as follows:

44 637A.315 1. Except as otherwise provided in this section and
45 NRS 239.0115, a complaint filed with the Board, all documents and



* S B 2 2 0 R 2 *

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

7 2. The charging documents filed with the Board to initiate
8 disciplinary action pursuant to chapter 622A of NRS and all
9 documents and information considered by the Board when
10 determining whether to impose discipline are public records.

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

17 **Sec. 66.** NRS 637A.352 is hereby amended to read as follows:

18 637A.352 *1.* A person shall not engage in the business of a
19 hearing aid specialist unless the person:

20 ~~1-1~~ *(a)* Holds a license issued by the Board; or

21 ~~1-2~~ *(b)* Is exempted from the provisions of this chapter by
22 NRS 637A.025.

23 *2. In addition to any other penalty prescribed by law, if the*
24 *Board determines that a person has committed any act described*
25 *in subsection 1, the Board may:*

26 *(a) Issue and serve on the person an order to cease and desist*
27 *until the person obtains from the Board the proper license or*
28 *otherwise demonstrates that he or she is no longer in violation of*
29 *subsection 1. An order to cease and desist must:*

30 *(1) Include a telephone number with which the person may*
31 *contact the Board; and*

32 *(2) Inform the person that the Board may, with the*
33 *cooperation of the appropriate law enforcement agency, enter any*
34 *premises of the person in this State where it is alleged that the*
35 *person has committed any act in violation of subsection 1.*

36 *(b) Issue a citation to the person. A citation issued pursuant to*
37 *this paragraph must be in writing, describe with particularity the*
38 *nature of the violation and inform the person of the provisions of*
39 *this paragraph. Each activity in which the person is engaged*
40 *constitutes a separate offense for which a separate citation may be*
41 *issued. To appeal a citation, the person must submit a written*
42 *request for a hearing to the Board not later than 30 days after the*
43 *date of issuance of the citation.*

44 *(c) Assess against the person an administrative fine of not*
45 *more than \$5,000.*



* S B 2 2 0 R 2 *

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 67. (Deleted by amendment.)

Sec. 68. Chapter 637B of NRS is hereby amended by adding thereto the provisions set forth as sections 69 and 70 of this act.

Sec. 69. *A member or any agent of the Board may:*

1. Enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices audiology or speech pathology and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing audiology or speech pathology without the appropriate license issued pursuant to the provisions of this chapter; and

2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that a person practices audiology or speech pathology without the appropriate license issued pursuant to the provisions of this chapter and inspect it to determine whether any person is practicing audiology or speech pathology without the appropriate license issued pursuant to the provisions of this chapter.

Sec. 70. *Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice audiology or speech pathology without the appropriate license issued pursuant to the provisions of this chapter.*

Sec. 71. NRS 637B.260 is hereby amended to read as follows:

637B.260 1. A complaint may be made against any applicant for a license or any licensee charging one or more of the grounds for disciplinary action with such particularity as to enable the defendant to prepare a defense.

2. The complaint must be in writing and ~~may be signed and verified by~~ *filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person making it.* ~~who is the subject of the complaint.~~

3. The Board shall retain all complaints made pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 72. NRS 637B.288 is hereby amended to read as follows:

637B.288 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and



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

7 2. The charging documents filed with the Board to initiate
8 disciplinary action pursuant to chapter 622A of NRS and all
9 documents and information considered by the Board when
10 determining whether to impose discipline are public records.

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

17 **Sec. 73.** NRS 637B.290 is hereby amended to read as follows:

18 637B.290 *1. A person shall not engage in the practice of*
19 *audiology or speech pathology in this State without holding a valid*
20 *license* ~~to do so as provided in~~ *issued pursuant to the provisions*
21 *of this chapter.*

22 *2. In addition to any other penalty prescribed by law, if the*
23 *Board determines that a person has engaged in the practice of*
24 *audiology or speech pathology in this State without holding a valid*
25 *license issued pursuant to the provisions of this chapter, the Board*
26 *may:*

27 *(a) Issue and serve on the person an order to cease and desist*
28 *until the person obtains from the Board the proper license or*
29 *otherwise demonstrates that he or she is no longer in violation of*
30 *subsection 1. An order to cease and desist must:*

31 *(1) Include a telephone number with which the person may*
32 *contact the Board; and*

33 *(2) Inform the person that the Board may, with the*
34 *cooperation of the appropriate law enforcement agency, enter any*
35 *premises of the person in this State where it is alleged that the*
36 *person has committed any act in violation of subsection 1.*

37 *(b) Issue a citation to the person. A citation issued pursuant to*
38 *this paragraph must be in writing, describe with particularity the*
39 *nature of the violation and inform the person of the provisions of*
40 *this paragraph. Each activity in which the person is engaged*
41 *constitutes a separate offense for which a separate citation may be*
42 *issued. To appeal a citation, the person must submit a written*
43 *request for a hearing to the Board not later than 30 days after the*
44 *date of issuance of the citation.*



* S B 2 2 0 R 2 *

1 (c) *Assess against the person an administrative fine of not*
2 *more than \$5,000.*

3 (d) *Impose any combination of the penalties set forth in*
4 *paragraphs (a), (b) and (c).*

5 Sec. 74. (Deleted by amendment.)

6 Sec. 75. Chapter 639 of NRS is hereby amended by adding
7 thereto the provisions set forth as sections 76 to 79, inclusive, of this
8 act.

9 Sec. 76. *A member or any agent of the Board may:*

10 1. *Enter any premises in this State where a person who holds*
11 *a license, certificate or permit issued pursuant to the provisions of*
12 *this chapter practices pharmacy and inspect it to determine*
13 *whether a violation of any provision of this chapter has occurred,*
14 *including, without limitation, an inspection to determine whether*
15 *any person at the premises is practicing pharmacy without the*
16 *appropriate license, certificate or permit issued pursuant to the*
17 *provisions of this chapter; and*

18 2. *With the cooperation of the appropriate law enforcement*
19 *agency, enter any other premises in this State where there is*
20 *probable cause to believe that a person practices pharmacy*
21 *without the appropriate license, certificate or permit issued*
22 *pursuant to the provisions of this chapter and inspect it to*
23 *determine whether any person is practicing pharmacy without the*
24 *appropriate license, certificate or permit issued pursuant to the*
25 *provisions of this chapter.*

26 Sec. 77. *Unless the Board determines that extenuating*
27 *circumstances exist, the Board shall forward to the appropriate*
28 *law enforcement agency any substantiated information submitted*
29 *to the Board concerning a person who practices or offers to*
30 *practice pharmacy without the appropriate license, certificate or*
31 *permit issued pursuant to the provisions of this chapter.*

32 Sec. 78. *Any person who becomes aware that a person*
33 *practicing pharmacy in this State has, is or is about to become*
34 *engaged in conduct which constitutes grounds for initiating*
35 *disciplinary action may file a complaint with the Board. A*
36 *complaint may be filed anonymously. If a complaint is filed*
37 *anonymously, the Board may accept the complaint but may refuse*
38 *to consider the complaint if anonymity of the complainant makes*
39 *processing the complaint impossible or unfair to the person who is*
40 *the subject of the complaint.*

41 Sec. 79. *In addition to any other penalty prescribed by law, if*
42 *the Board determines that a person has violated subsection 1 of*
43 *NRS 639.100, subsection 1 of NRS 639.2813 or NRS 639.284 or*
44 *639.285, the Board may:*



1 ***1. Issue and serve on the person an order to cease and desist***
2 ***until the person obtains from the Board the proper license,***
3 ***certificate or permit or otherwise demonstrates that he or she is no***
4 ***longer in violation of subsection 1 of NRS 639.100, subsection 1 of***
5 ***NRS 639.2813 or NRS 639.284 or 639.285. An order to cease and***
6 ***desist must:***

7 ***(a) Include a telephone number with which the person may***
8 ***contact the Board; and***

9 ***(b) Inform the person that the Board may, with the***
10 ***cooperation of the appropriate law enforcement agency, enter any***
11 ***premises of the person in this State where it is alleged that the***
12 ***person has committed any act in violation of this section.***

13 ***2. Issue a citation to the person. A citation issued pursuant to***
14 ***this subsection must be in writing, describe with particularity the***
15 ***nature of the violation and inform the person of the provisions of***
16 ***this subsection. Each activity in which the person is engaged***
17 ***constitutes a separate offense for which a separate citation may be***
18 ***issued. To appeal a citation, the person must submit a written***
19 ***request for a hearing to the Board not later than 30 days after the***
20 ***date of issuance of the citation.***

21 ***3. Assess against the person an administrative fine of not***
22 ***more than \$5,000.***

23 ***4. Impose any combination of the penalties set forth in***
24 ***subsections 1, 2 and 3.***

25 **Sec. 80.** NRS 639.070 is hereby amended to read as follows:
26 639.070 1. The Board may:

27 (a) Adopt such regulations, not inconsistent with the laws of this
28 State, as are necessary for the protection of the public, appertaining
29 to the practice of pharmacy and the lawful performance of its duties.

30 (b) Adopt regulations requiring that prices charged by retail
31 pharmacies for drugs and medicines which are obtained by
32 prescription be posted in the pharmacies and be given on the
33 telephone to persons requesting such information.

34 (c) Adopt regulations, not inconsistent with the laws of this
35 State, authorizing the Executive Secretary of the Board to issue
36 certificates, licenses and permits required by this chapter and
37 chapters 453 and 454 of NRS.

38 (d) Adopt regulations governing the dispensing of poisons,
39 drugs, chemicals and medicines.

40 (e) Regulate the practice of pharmacy.

41 (f) Regulate the sale and dispensing of poisons, drugs, chemicals
42 and medicines.

43 (g) Regulate the means of recordkeeping and storage, handling,
44 sanitation and security of drugs, poisons, medicines, chemicals and
45 devices, including, but not limited to, requirements relating to:



(1) Pharmacies, institutional pharmacies and pharmacies in correctional institutions;

(2) Drugs stored in hospitals; and

(3) Drugs stored for the purpose of wholesale distribution.

(h) Examine and register, upon application, pharmacists and other persons who dispense or distribute medications whom it deems qualified.

(i) Charge and collect necessary and reasonable fees for the expedited processing of a request or for any other incidental service the Board provides, other than those specifically set forth in this chapter.

(j) Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

(k) Employ an attorney, inspectors, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties.

(l) Enforce the provisions of NRS 453.011 to 453.552, inclusive, and enforce the provisions of this chapter and chapter 454 of NRS.

(m) Adopt regulations concerning the information required to be submitted in connection with an application for any license, certificate or permit required by this chapter or chapter 453 or 454 of NRS.

(n) Adopt regulations concerning the education, experience and background of a person who is employed by the holder of a license or permit issued pursuant to this chapter and who has access to drugs and devices.

(o) Adopt regulations concerning the use of computerized mechanical equipment for the filling of prescriptions.

(p) Participate in and expend money for programs that enhance the practice of pharmacy.

2. *The Board shall, to the extent feasible, communicate or cooperate with or provide 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.*

3. This section does not authorize the Board to prohibit open-market competition in the advertising and sale of prescription drugs and pharmaceutical services.

Sec. 81. NRS 639.100 is hereby amended to read as follows:

639.100 1. Except as otherwise provided in this chapter, it is unlawful for any person to manufacture, engage in wholesale distribution, compound, sell or dispense, or permit to be manufactured, distributed at wholesale, compounded, sold or dispensed, any drug, poison, medicine or chemical, or to dispense or compound, or permit to be dispensed or compounded, any prescription of a practitioner, unless the person:



* S B 2 2 0 R 2 *

(a) Is a prescribing practitioner, a person licensed to engage in wholesale distribution, a technologist in radiology or nuclear medicine under the supervision of the prescribing practitioner, a registered pharmacist, or a registered nurse certified in oncology under the supervision of the prescribing practitioner; and

(b) Complies with the regulations adopted by the Board.

2. A person who violates any provision of subsection 1:

(a) If no substantial bodily harm results, is guilty of a category D felony; or

(b) If substantial bodily harm results, is guilty of a category C felony,

↪ and shall be punished as provided in NRS 193.130.

~~12-1~~ **3.** Sales representatives, manufacturers or wholesalers selling only in wholesale lots and not to the general public and compounders or sellers of medical gases need not be registered pharmacists. A person shall not act as a manufacturer or wholesaler unless the person has obtained a license from the Board.

~~13-1~~ **4.** Any nonprofit cooperative organization or any manufacturer or wholesaler who furnishes, sells, offers to sell or delivers a controlled substance which is intended, designed and labeled "For Veterinary Use Only" is subject to the provisions of this chapter, and shall not furnish, sell or offer to sell such a substance until the organization, manufacturer or wholesaler has obtained a license from the Board.

~~14-1~~ **5.** Each application for such a license must be made on a form furnished by the Board and an application must not be considered by the Board until all the information required thereon has been completed. Upon approval of the application by the Board and the payment of the required fee, the Board shall issue a license to the applicant. Each license must be issued to a specific person for a specific location.

Sec. 82. NRS 639.2813 is hereby amended to read as follows:

639.2813 1. Except as provided in NRS 453.331 and 454.311, it is unlawful for any person falsely to represent himself or herself as a practitioner entitled to write prescriptions in this state, or the agent of such a person, for the purpose of transmitting to a pharmacist an order for a prescription. **A person who violates the provisions of this subsection:**

(a) If no substantial bodily harm results, is guilty of a category D felony; or

(b) If substantial bodily harm results, is guilty of a category C felony,

↪ and shall be punished as provided in NRS 193.130.

2. It is unlawful for the agent of a practitioner entitled to write prescriptions in this state willfully to transmit to a pharmacist an



1 order for a prescription if the agent is not authorized by the
2 practitioner to transmit such order.

3 **Sec. 83.** NRS 639.284 is hereby amended to read as follows:

4 639.284 Except as otherwise provided in NRS 639.23277, any
5 person who:

6 1. Being the licensed proprietor of a pharmacy, fails to place a
7 registered pharmacist in charge of such pharmacy, or permits the
8 compounding or dispensing of drugs or prescriptions, or the selling
9 of drugs, poisons or devices, the sale of which is restricted by the
10 provisions of this chapter, by any person other than a registered
11 pharmacist or an intern pharmacist, is guilty of a misdemeanor.

12 2. Is not a registered pharmacist and who takes charge of or
13 acts as manager of any pharmacy, compounds or dispenses any
14 prescription, or sells any drug, poison or device, the sale of which is
15 restricted by the provisions of this chapter ~~†~~:

16 (a) *If no substantial bodily harm results*, is guilty of a
17 ~~†misdemeanor.†~~ *category D felony; or*

18 (b) *If substantial bodily harm results, is guilty of a category C*
19 *felony,*

20 *↪ and shall be punished as provided in NRS 193.130.*

21 **Sec. 84.** NRS 639.285 is hereby amended to read as follows:

22 639.285 Any person not licensed by the Board, who sells,
23 displays or offers for sale any drug, device or poison, the sale of
24 which is restricted to prescription only or by a registered pharmacist
25 or under his or her direct and immediate supervision ~~†~~:

26 1. *If no substantial bodily harm results*, is guilty of a
27 ~~†misdemeanor.†~~ *category D felony; or*

28 2. *If substantial bodily harm results, is guilty of a category C*
29 *felony,*

30 *↪ and shall be punished as provided in NRS 193.130.*

31 **Sec. 85.** Chapter 640 of NRS is hereby amended by adding
32 thereto a new section to read as follows:

33 *Unless the Board determines that extenuating circumstances*
34 *exist, the Board shall forward to the appropriate law enforcement*
35 *agency any substantiated information submitted to the Board*
36 *concerning a person who practices or offers to practice physical*
37 *therapy or as a physical therapist's assistant without the*
38 *appropriate license issued pursuant to the provisions of this*
39 *chapter.*

40 **Sec. 86.** NRS 640.050 is hereby amended to read as follows:

41 640.050 1. The Board shall examine and license qualified
42 physical therapists and qualified physical therapist's assistants.

43 2. The Board may adopt reasonable regulations to carry this
44 chapter into effect, including, but not limited to, regulations
45 concerning the:



- 1 (a) Issuance and display of licenses.
- 2 (b) Supervision of physical therapist's assistants and physical
- 3 therapist's technicians.
- 4 (c) Treatments and other regulated procedures which may be
- 5 performed by physical therapist's technicians.
- 6 3. The Board shall keep a record of its proceedings and a
- 7 register of all persons licensed under the provisions of this chapter.
- 8 The register must show:
- 9 (a) The name of every living licensee.
- 10 (b) The last known place of business and residence of each
- 11 licensee.
- 12 (c) The date and number of each license issued as a physical
- 13 therapist or physical therapist's assistant.
- 14 4. During September of every year in which renewal of a
- 15 license is required, the Board shall compile a list of licensed
- 16 physical therapists authorized to practice physical therapy
- 17 and physical therapist's assistants licensed to assist in the practice of
- 18 physical therapy in this State. Any interested person in the State
- 19 may obtain a copy of the list upon application to the Board and the
- 20 payment of such amount as may be fixed by the Board, which
- 21 amount must not exceed the cost of the list so furnished.
- 22 5. The Board may:
- 23 (a) Maintain offices in as many localities in the State as it finds
- 24 necessary to carry out the provisions of this chapter.
- 25 (b) Employ attorneys, investigators and other professional
- 26 consultants and clerical personnel necessary to the discharge of its
- 27 duties.
- 28 (c) Adopt a seal of which a court may take judicial notice.
- 29 6. Any member or agent of the Board may :
- 30 (a) *Enter any premises in this State where a person who holds*
- 31 *a license issued pursuant to the provisions of this chapter practices*
- 32 *physical therapy or as a physical therapist's assistant and inspect*
- 33 *it to determine whether a violation of any provision of this chapter*
- 34 *has occurred, including, without limitation, an inspection to*
- 35 *determine whether any person at the premises is practicing*
- 36 *physical therapy or as a physical therapist's assistant without the*
- 37 *appropriate license issued pursuant to the provisions of this*
- 38 *chapter; and*
- 39 (b) *With the cooperation of the appropriate law enforcement*
- 40 *agency, enter ~~an office, clinic or hospital~~ any other premises in*
- 41 *this State where there is probable cause to believe that physical*
- 42 *therapy is being practiced without the appropriate license issued*
- 43 *pursuant to the provisions of this chapter and inspect it to*
- 44 *determine ~~if the~~ whether any person at the premises is practicing*
- 45 *physical ~~therapists are licensed~~ therapy or as a physical*



* S B 2 2 0 R 2 *

therapist's assistant without the appropriate license issued pursuant to the provisions of this chapter.

7. Any member of the Board may administer an oath to a person testifying in a matter that relates to the duties of the Board.

Sec. 87. NRS 640.075 is hereby amended to read as follows:

640.075 1. Except as otherwise provided in this section and NRS 239.0115, 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 charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS 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~~ *shall, to the extent feasible, communicate or cooperate* with or ~~providing~~ *provide* 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.

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

Sec. 88. NRS 640.161 is hereby amended to read as follows:

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

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

3. The complaint must be in writing and *may be* ~~signed and verified by the person filing it.~~ *filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.* The original complaint and two copies must be filed with the Board.

4. The Board shall review each complaint. If a complaint shows a substantial violation of a provision of this chapter or the



1 Board's regulations, the Board shall proceed with a hearing on the
2 complaint pursuant to the provisions of chapter 622A of NRS.

3 5. The Board shall retain all complaints filed with the Board
4 pursuant to this section for at least 10 years, including, without
5 limitation, any complaints not acted upon.

6 **Sec. 89.** NRS 640.169 is hereby amended to read as follows:

7 640.169 1. Except as otherwise provided in NRS 629.091
8 and 640.120, it is unlawful for any person to practice physical
9 therapy in this State unless the person holds a license or a temporary
10 license issued pursuant to this chapter. *A person who violates the*
11 *provisions of this subsection is guilty of a gross misdemeanor.*

12 2. In addition to any criminal penalty that may be imposed for
13 a violation of subsection 1, the Board, after notice and hearing, may
14 ~~issue~~ :

15 (a) *Issue* an order against any person who has violated
16 subsection 1 imposing ~~a civil~~ *an administrative* penalty of not
17 more than \$5,000 for each violation. Any ~~civil~~ *administrative*
18 penalty collected pursuant to this ~~subsection~~ *paragraph* must be
19 deposited in the State General Fund.

20 (b) *Issue and serve on the person an order to cease and desist*
21 *until the person obtains from the Board the proper license or*
22 *otherwise demonstrates that he or she is no longer in violation of*
23 *subsection 1. An order to cease and desist must:*

24 (1) *Include a telephone number with which the person may*
25 *contact the Board; and*

26 (2) *Inform the person that the Board may, with the*
27 *cooperation of the appropriate law enforcement agency, enter any*
28 *premises of the person in this State where it is alleged that the*
29 *person has committed any act in violation of subsection 1.*

30 (c) *Issue a citation to the person. A citation issued pursuant to*
31 *this paragraph must be in writing, describe with particularity the*
32 *nature of the violation and inform the person of the provisions of*
33 *this paragraph. Each activity in which the person is engaged*
34 *constitutes a separate offense for which a separate citation may be*
35 *issued. To appeal a citation, the person must submit a written*
36 *request for a hearing to the Board not later than 30 days after the*
37 *date of issuance of the citation.*

38 (d) *Impose any combination of the penalties set forth in*
39 *paragraphs (a) to (d), inclusive.*

40 **Sec. 90.** Chapter 640A of NRS is hereby amended by adding
41 thereto the provisions set forth as sections 91, 91.5 and 92 of this
42 act.

43 **Sec. 91.** *Any person who becomes aware that a person*
44 *practicing occupational therapy or as an occupational therapy*
45 *assistant in this State has, is or is about to become engaged in*



1 *conduct which constitutes grounds for initiating disciplinary*
2 *action pursuant to NRS 640A.200 may file a complaint with the*
3 *Board. A complaint may be filed anonymously. If a complaint is*
4 *filed anonymously, the Board may accept the complaint but may*
5 *refuse to consider the complaint if anonymity of the complainant*
6 *makes processing the complaint impossible or unfair to the person*
7 *who is the subject of the complaint.*

8 **Sec. 91.5.** *A member or any agent of the Board may:*

9 *1. Enter any premises in this State where a person who holds*
10 *a license issued pursuant to the provisions of this chapter practices*
11 *occupational therapy or as an occupational therapy assistant and*
12 *inspect it to determine whether a violation of any provision of this*
13 *chapter has occurred, including, without limitation, an inspection*
14 *to determine whether any person at the premises is practicing*
15 *occupational therapy or as an occupational therapy assistant*
16 *without the appropriate license issued pursuant to the provisions*
17 *of this chapter; and*

18 *2. With the cooperation of the appropriate law enforcement*
19 *agency, enter any other premises in this State where there is*
20 *probable cause to believe that a person practices occupational*
21 *therapy or as an occupational therapy assistant without the*
22 *appropriate license issued pursuant to the provisions of this*
23 *chapter and inspect it to determine whether any person is*
24 *practicing occupational therapy or as an occupational therapy*
25 *assistant without the appropriate license issued pursuant to the*
26 *provisions of this chapter.*

27 **Sec. 92.** *Whenever any person has engaged in or is about to*
28 *engage in any conduct which constitutes a violation of the*
29 *provisions of this chapter, the district court of any county, on*
30 *application of the Board, may issue an injunction or any other*
31 *order restraining such conduct. Proceedings under this section*
32 *must be governed by Rule 65 of the Nevada Rules of Civil*
33 *Procedure, except that no bond or undertaking is required in any*
34 *action commenced by the Board.*

35 **Sec. 93.** *NRS 640A.110 is hereby amended to read as follows:*
36 *640A.110 The Board shall:*

37 *1. Enforce the provisions of this chapter;*

38 *2. Unless the Board determines that extenuating*
39 *circumstances exist, forward to the appropriate law enforcement*
40 *agency any substantiated information submitted to the Board*
41 *concerning a person who practices or offers to practice*
42 *occupational therapy or as an occupational therapy assistant*
43 *without the appropriate license issued pursuant to the provisions*
44 *of this chapter;*

45 *3. Maintain a record of its proceedings;*



~~3-1~~ 4. Evaluate the qualifications of an applicant for a license as an occupational therapist or occupational therapy assistant and, upon payment of the appropriate fee, issue the appropriate license to a qualified applicant;

~~4-1~~ 5. Adopt regulations establishing standards of practice for persons licensed pursuant to this chapter and any other regulations necessary to carry out the provisions of this chapter; and

~~5-1~~ 6. Require a person licensed pursuant to this chapter to submit to the Board such documentation or perform such practical demonstrations as the Board deems necessary to determine whether the licensee has acquired the skills necessary to perform physical therapeutic modalities.

Sec. 94. NRS 640A.220 is hereby amended to read as follows:

640A.220 1. Except as otherwise provided in this section and NRS 239.0115, 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 charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS 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~~ *shall, to the extent feasible, communicate or cooperate* with or ~~providing~~ *provide* 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.

4. The Board shall retain all complaints filed with the Board for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 95. NRS 640A.230 is hereby amended to read as follows:

640A.230 1. Except as otherwise provided in NRS 629.091, a person shall not practice occupational therapy, or represent that he or she is authorized to practice occupational therapy, in this state unless he or she holds a current license issued pursuant to this chapter. *A person who violates the provisions of this subsection is guilty of a gross misdemeanor.*

2. A licensed occupational therapist shall directly supervise the work of any person who assists him or her as an aide or technician.

~~3-1~~ A person who violates ~~any provision~~ *the provisions* of this ~~section~~ *subsection* is guilty of a misdemeanor.



* S B 2 2 0 R 2 *

1 3. *In addition to any other penalty prescribed by law, if the*
2 *Board determines that a person has violated the provisions of*
3 *subsection 1, the Board may:*

4 (a) *Issue and serve on the person an order to cease and desist*
5 *until the person obtains from the Board the proper license or*
6 *otherwise demonstrates that he or she is no longer in violation of*
7 *subsection 1. An order to cease and desist must:*

8 (1) *Include a telephone number with which the person may*
9 *contact the Board; and*

10 (2) *Inform the person that the Board may, with the*
11 *cooperation of the appropriate law enforcement agency, enter any*
12 *premises of the person in this State where it is alleged that the*
13 *person has committed any act in violation of subsection 1.*

14 (b) *Issue a citation to the person. A citation issued pursuant to*
15 *this paragraph must be in writing, describe with particularity the*
16 *nature of the violation and inform the person of the provisions of*
17 *this paragraph. Each activity in which the person is engaged*
18 *constitutes a separate offense for which a separate citation may be*
19 *issued. To appeal a citation, the person must submit a written*
20 *request for a hearing to the Board not later than 30 days after the*
21 *date of issuance of the citation.*

22 (c) *Assess against the person an administrative fine of not*
23 *more than \$5,000.*

24 (d) *Impose any combination of the penalties set forth in*
25 *paragraphs (a), (b) and (c).*

26 **Sec. 96.** Chapter 644 of NRS is hereby amended by adding
27 thereto the provisions set forth as sections 97, 98 and 98.5 of this
28 act.

29 **Sec. 97.** *Any person who becomes aware that a person*
30 *practicing cosmetology in this State has, is or is about to become*
31 *engaged in conduct which constitutes grounds for initiating*
32 *disciplinary action pursuant to NRS 644.430 may file a written*
33 *complaint with the Board. A complaint may be filed anonymously.*
34 *If a complaint is filed anonymously, the Board may accept the*
35 *complaint but may refuse to consider the complaint if anonymity*
36 *of the complainant makes processing the complaint impossible or*
37 *unfair to the person who is the subject of the complaint.*

38 **Sec. 98. 1.** *If the Board determines that a complaint filed*
39 *with the Board concerns a matter within the jurisdiction of*
40 *another licensing board, the Board shall refer the complaint to the*
41 *other licensing board within 5 days after making the*
42 *determination.*

43 **2.** *The Board may refer a complaint pursuant to subsection 1*
44 *orally, electronically or in writing.*



* S B 2 2 0 R 2 *

1 3. *The provisions of subsection 1 apply to any complaint filed*
2 *with the Board, including, without limitation:*

3 (a) *A complaint which concerns a person who or entity which*
4 *is licensed, certified or otherwise regulated by the Board or by*
5 *another licensing board; and*

6 (b) *A complaint which concerns a person who or entity which*
7 *is licensed, certified or otherwise regulated solely by another*
8 *licensing board.*

9 4. *The provisions of this section do not prevent the Board*
10 *from acting upon a complaint which concerns a matter within the*
11 *jurisdiction of the Board regardless of whether the Board refers*
12 *the complaint pursuant to subsection 1.*

13 5. *The Board or an officer or employee of the Board is*
14 *immune from any civil liability for any decision or action taken in*
15 *good faith and without malicious intent in carrying out the*
16 *provisions of this section.*

17 6. *As used in this section, "licensing board" means a board*
18 *created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A,*
19 *635, 636, 637, 637A, 637B, 639, 640, 640A, 640B, 640C, 640D,*
20 *640E, 641, 641A, 641B, 641C, 643, 644 or 654 of NRS.*

21 **Sec. 98.5.** *The Board shall take such action as it determines*
22 *is reasonable to enable schools of cosmetology to receive money*
23 *from the Federal Government for student financial assistance to*
24 *the greatest extent practicable under federal law.*

25 **Sec. 99.** NRS 644.090 is hereby amended to read as follows:

26 644.090 The Board shall:

27 1. Hold examinations to determine the qualifications of all
28 applicants for a license, except as otherwise provided in this chapter,
29 whose applications have been submitted to it in proper form.

30 2. Issue licenses to such applicants as may be entitled thereto.

31 3. License establishments for hair braiding, cosmetological
32 establishments and schools of cosmetology.

33 4. Report to the proper prosecuting ~~officers all violations~~
34 *officer or law enforcement agency each violation* of this chapter
35 coming within its knowledge.

36 5. Inspect schools of cosmetology, establishments for hair
37 braiding and cosmetological establishments to ensure compliance
38 with the statutory requirements and adopted regulations of the
39 Board. This authority extends to any member of the Board or its
40 authorized employees.

41 **Sec. 100.** (Deleted by amendment.)

42 **Sec. 100.5.** NRS 644.380 is hereby amended to read as
43 follows:

44 644.380 1. Any person desiring to conduct a school of
45 cosmetology in which any one or any combination of the



1 occupations of cosmetology are taught must apply to the Board for a
2 license, through the owner, manager or person in charge, upon
3 forms prepared and furnished by the Board. Each application must
4 contain proof of the particular requisites for a license provided for in
5 this chapter, and must be verified by the oath of the maker. The
6 forms must be accompanied by:

- 7 (a) A detailed floor plan of the proposed school;
- 8 (b) The name, address and number of the license of the manager
9 or person in charge and of each instructor;
- 10 (c) Evidence of financial ability to provide the facilities and
11 equipment required by regulations of the Board and to maintain the
12 operation of the proposed school for 1 year;
- 13 (d) Proof that the proposed school will commence operation
14 with an enrollment of not less than 25 bona fide students;
- 15 (e) The annual fee for a license;
- 16 (f) A copy of the contract for the enrollment of a student in a
17 program at the school of cosmetology; and
- 18 (g) The name and address of the person designated to accept
19 service of process.

20 2. Upon receipt by the Board of the application, the Board
21 shall, before issuing a license, determine whether the proposed
22 school:

- 23 (a) Is suitably located.
- 24 (b) Contains at least 5,000 square feet of floor space and
25 adequate equipment.
- 26 (c) Has a contract for the enrollment of a student in a program at
27 the school of cosmetology that is approved by the Board.
- 28 (d) *Admits as regular students only persons who have received*
29 *a certificate of graduation from high school, or the recognized*
30 *equivalent of such a certificate, or who are beyond the age of*
31 *compulsory school attendance.*
- 32 (e) Meets all requirements established by regulations of the
33 Board.

34 3. The annual fee for a license for a school of cosmetology is
35 not less than \$500 and not more than \$800.

36 4. *If the proposed school meets all requirements established*
37 *by this chapter and the regulations adopted pursuant thereto, the*
38 *Board shall issue a license to the proposed school. The license*
39 *must contain:*

- 40 (a) *The name of the proposed school;*
- 41 (b) *A statement that the proposed school is authorized to*
42 *operate educational programs beyond secondary education; and*
43 (c) *Such other information as the Board considers necessary.*



1 **5.** If the ownership of the school changes or the school moves
2 to a new location, the school may not be operated until a new
3 license is issued by the Board.

4 ~~5-1~~ **6.** After a license has been issued for the operation of a
5 school of cosmetology, the licensee must obtain the approval of the
6 Board before making any changes in the physical structure of the
7 school.

8 **Sec. 101.** NRS 644.446 is hereby amended to read as follows:

9 644.446 1. Except as otherwise provided in this section and
10 NRS 239.0115, a complaint filed with the Board, all documents and
11 other information filed with the complaint and all documents
12 and other information compiled as a result of an investigation
13 conducted to determine whether to initiate disciplinary action
14 against a person are confidential, unless the person submits a written
15 statement to the Board requesting that such documents and
16 information be made public records.

17 2. The charging document filed with the Board to initiate
18 disciplinary action pursuant to chapter 622A of NRS and all
19 documents and information considered by the Board when
20 determining whether to impose discipline are public records.

21 3. The ~~provisions of this section do not prohibit the~~ Board
22 ~~from communicating or cooperating~~ *shall, to the extent feasible,*
23 *communicate or cooperate* with or ~~providing~~ *provide* any
24 documents or other information to any other licensing board or any
25 other agency that is investigating a person, including, without
26 limitation, a law enforcement agency.

27 **Sec. 102.** (Deleted by amendment.)

28 **Sec. 103.** Chapter 654 of NRS is hereby amended by adding
29 thereto the provisions set forth as sections 104 to 107, inclusive, of
30 this act.

31 **Sec. 104.** *Whenever any person has engaged or is about*
32 *engage in any conduct which constitutes a violation of the*
33 *provisions of this chapter, the district court of any county, on*
34 *application of the Board, may issue an injunction or any other*
35 *order restraining such conduct. Proceedings under this section*
36 *must be governed by Rule 65 of the Nevada Rules of Civil*
37 *Procedure, except that no bond or undertaking is required in any*
38 *action commenced by the Board.*

39 **Sec. 105.** *Unless the Board determines that extenuating*
40 *circumstances exist, the Board shall forward to the appropriate*
41 *law enforcement agency any substantiated information submitted*
42 *to the Board concerning a person who acts in the capacity of a*
43 *nursing facility administrator or an administrator of a residential*
44 *facility for groups without the appropriate license issued pursuant*
45 *to the provisions of this chapter.*



* S B 2 2 0 R 2 *

Sec. 106. *A member or any agent of the Board may:*

1. Enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter acts in the capacity of a nursing facility administrator or an administrator of a residential facility for groups and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is acting in the capacity of a nursing facility administrator or an administrator of a residential facility for groups without the appropriate license issued pursuant to the provisions of this chapter; and

2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that a person acts in the capacity of a nursing facility administrator or an administrator of a residential facility for groups without the appropriate license issued pursuant to the provisions of this chapter and inspect it to determine whether any person is acting in the capacity of a nursing facility administrator or an administrator of a residential facility for groups without the appropriate license issued pursuant to the provisions of this chapter.

Sec. 107. *1. If the Board determines that a complaint filed with the Board concerns a matter within the jurisdiction of another licensing board, the Board shall refer the complaint to the other licensing board within 5 days after making the determination.*

2. The Board may refer a complaint pursuant to subsection 1 orally, electronically or in writing.

3. The provisions of subsection 1 apply to any complaint filed with the Board, including, without limitation:

(a) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated by the Board or by another licensing board; and

(b) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated solely by another licensing board.

4. The provisions of this section do not prevent the Board from acting upon a complaint which concerns a matter within the jurisdiction of the Board regardless of whether the Board refers the complaint pursuant to subsection 1.

5. The Board or an officer or employee of the Board is immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions in this section.



* S B 2 2 0 R 2 *

6. *As used in this section, "licensing board" means a board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637A, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C, 643, 644 or 654 of NRS.*

Sec. 108. NRS 654.110 is hereby amended to read as follows:

654.110 1. In a manner consistent with the provisions of chapter 622A of NRS, 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~~ *Except as otherwise provided in this paragraph, the* Board shall initiate an investigation of any charge or complaint filed with the Board within 30 days after receiving the charge or complaint. *A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the 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, with a view to the improvement of the standards imposed for the licensing of administrators and of procedures and methods for the enforcement of the standards.

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

2. Except as otherwise provided in this section, all records kept by the Board, not otherwise privileged or confidential, are public records.

3. Except as otherwise provided in this section and NRS 239.0115, 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 chapter 622A of NRS and all other 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~~ *shall, to the extent feasible, communicate or cooperate* with or ~~providing~~ *provide* 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. 109. (Deleted by amendment.)

Sec. 110. NRS 179.121 is hereby amended to read as follows:

179.121 1. All personal property, including, without limitation, any tool, substance, weapon, machine, computer, money or security, which is used as an instrumentality in any of the following crimes is subject to forfeiture:

(a) The commission of or attempted commission of the crime of murder, robbery, kidnapping, burglary, invasion of the home, grand larceny or theft if it is punishable as a felony;

(b) The commission of or attempted commission of any felony with the intent to commit, cause, aid, further or conceal an act of terrorism;

(c) A violation of NRS 202.445 or 202.446;



(d) The commission of any crime by a criminal gang, as defined in NRS 213.1263; or

(e) A violation of NRS 200.463 to 200.468, inclusive, 201.300 to 201.340, inclusive, 202.265, 202.287, 205.473 to 205.513, inclusive, 205.610 to 205.810, inclusive, 370.380, 370.382, 370.395, 370.405, ~~465.070~~ 465.070 to 465.085, inclusive ~~465.085~~, **630.400, 630A.600, 631.400, 632.285, 632.291, 632.315, 633.741, 634.227, 634A.230, 635.167, 636.145, 637.090, 637A.352, 637B.290, 639.100, 639.2813, 640.169, 640A.230, 644.190 or 654.200.**

2. Except as otherwise provided for conveyances forfeitable pursuant to NRS 453.301 or 501.3857, all conveyances, including aircraft, vehicles or vessels, which are used or intended for use during the commission of a felony or a violation of NRS 202.287, 202.300 or 465.070 to 465.085, inclusive, are subject to forfeiture except that:

(a) A conveyance used by any person as a common carrier in the transaction of business as a common carrier is not subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to the felony or violation;

(b) A conveyance is not subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the owner's knowledge, consent or willful blindness;

(c) A conveyance is not subject to forfeiture for a violation of NRS 202.300 if the firearm used in the violation of that section was not loaded at the time of the violation; and

(d) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the felony. If a conveyance is forfeited, the appropriate law enforcement agency may pay the existing balance and retain the conveyance for official use.

3. For the purposes of this section, a firearm is loaded if:

(a) There is a cartridge in the chamber of the firearm;

(b) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver; or

(c) There is a cartridge in the magazine and the magazine is in the firearm or there is a cartridge in the chamber, if the firearm is a semiautomatic firearm.

4. As used in this section, "act of terrorism" has the meaning ascribed to it in NRS 202.4415.

Sec. 111. 1. Any person who is admitted to a school of cosmetology on or before the effective date of section 100.5 of this



* S B 2 2 0 R 2 *

1 act shall be deemed to be admitted in compliance with the
2 amendatory provisions of section 100.5 of this act.

3 2. The State Board of Cosmetology shall, as soon as
4 practicable after the effective date of section 100.5 of this act and at
5 no cost to the school of cosmetology, issue to each school of
6 cosmetology that meets the requirements of NRS 644.380, as
7 amended by section 100.5 of this act a license that complies with the
8 amendatory provisions of that section.

9 **Sec. 112.** 1. This section and sections 98.5, 100.5 and 111 of
10 this act become effective upon passage and approval.

11 2. Sections 1 to 98, inclusive, 99, 100 and 101 to 110,
12 inclusive, of this act become effective on October 1, 2013.

