

**Amendment No. 558**

Assembly Amendment to Assembly Bill No. 328 (BDR 54-157)

**Proposed by:** Assemblyman Daly

**Amendment Box:** Consistent with Amendment No. 536.

**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

MKM/WLK



Date: 4/20/2017

A.B. No. 328—Revises provisions relating to professional licensing boards.  
(BDR 54-157)





ASSEMBLY BILL NO. 328—ASSEMBLYMEN PICKARD, BUSTAMANTE ADAMS; BILBRAY-AXELROD, EDWARDS, KRAMER, MARCHANT, SPRINKLE AND TITUS

MARCH 20, 2017

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to professional licensing boards. (BDR 54-157)

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

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

AN ACT relating to professions; establishing limitations on the employment or retention of attorneys by certain regulatory bodies; requiring attorneys who contract with certain regulatory bodies to act as legal counsel for the regulatory body to carry professional liability insurance that satisfies certain criteria; requiring the Department of Administration to adopt regulations relating to the financial operation and administration of certain regulatory bodies; revising the qualifications for the executive director or executive secretary of certain regulatory bodies; revising the disciplinary process for certain regulatory bodies which administer occupational licensing; providing certain immunity for independent contractors who act as legal counsel for certain regulatory bodies; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law generally imposes certain requirements on regulatory bodies that regulate professions in this State. (Chapter 622 of NRS) **Section 2** of this bill prohibits an attorney from being employed as legal counsel by more than one regulatory body. **Section 2** further requires an attorney who contracts with a regulatory body to act as legal counsel as an independent contractor to carry a policy of professional liability insurance that names the State as an additional insured in the insurance policy. **Section 30** of this bill extends the sovereign immunity of the State to an attorney who contracts with a regulatory body to act as legal counsel. **Section 31** of this bill provides that the amendatory provisions of **section 30** expire by limitation on June 30, 2019. **Section 4** of this bill prohibits a person from being employed as an executive director or executive secretary by more than one regulatory body and requires a person employed by a regulatory body as an executive director or executive secretary to be a resident of this State. **Section 3** of this bill requires the Department of Administration to adopt regulations that establish standards for the financial operation and administration of regulatory bodies. The regulations adopted pursuant to **section 3** must require each regulatory body to provide for an annual audit of the accounts and records of the regulatory body.

Existing law requires regulatory bodies to comply with certain administrative procedures governing the disciplinary process for licensees. (Chapter 622A of NRS) Existing law also provides an exemption for certain regulatory bodies from having to comply with the uniform

disciplinary process. (NRS 622A.120) **Section 8** of this bill removes the exemption for regulatory bodies that issue professional licenses and are not under the direct supervision of a department of the Executive Branch of State Government. **Section 6** of this bill requires the Attorney General or a deputy attorney general to prosecute any contested case before a regulatory body, unless the Attorney General and the deputies of the Attorney General are either disqualified from serving as prosecutor or lack the necessary expertise to prosecute a specific contested case. **Section 7** of this bill prohibits an attorney who is employed as legal counsel to a regulatory body from prosecuting a contested case before the regulatory body at any time while employed or retained by the regulatory body. **Section 7** further provides that this prohibition is in effect until all contested cases that were before the regulatory body while the attorney was employed by the regulatory body have reached a final disposition. **Section 10** of this bill provides immunity from civil liability for persons who contract with regulatory bodies as independent contractors and who participate in the disciplinary process of a regulatory body. **Section 31 of this bill provides that the amendatory provisions of section 10 expire by limitation on June 30, 2019.**

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

**Section 1.** Chapter 622 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

**Sec. 2. 1. Each regulatory body shall contribute to the Fund for Insurance Premiums as required by NRS 331.187.**

**2. If a regulatory body employs an attorney as legal counsel, the attorney may not be employed as legal counsel of another regulatory body.**

**3. If a regulatory body retains an attorney to act as legal counsel for the regulatory body as an independent contractor, the attorney:**

**(a) May contract with more than one regulatory body to act as legal counsel as an independent contractor.**

**(b) Shall obtain or otherwise carry, before acting as legal counsel for a regulatory body, a policy of professional liability insurance which:**

**(1) Insures the attorney against any liability arising from acting as legal counsel for the regulatory body; and**

**(2) Names this State as an additional insured in the insurance policy.**

**Sec. 3. 1. The Department of Administration shall adopt regulations establishing standards for the financial operation and administration of regulatory bodies. The regulations must include, without limitation, provisions which:**

**(a) Require each regulatory body to provide for an annual audit of the accounts and records of the regulatory body conducted by an independent certified public accountant; and**

**(b) Establish the minimum level of professional liability insurance that an attorney who contracts with a regulatory body to act as legal counsel must carry pursuant to subsection 2 of section 2 of this act.**

**2. A regulatory body which is subject to the requirement to provide for an annual audit pursuant to paragraph (b) of subsection 1 and which has annual total expenditures of \$200,000 or less in a fiscal year may petition the Department of Administration to pay for the costs of such audit.**

**Sec. 4.** NRS 622.220 is hereby amended to read as follows:

**622.220** If a regulatory body employs a person as an executive director or executive secretary or in a position with powers and duties similar to those of an executive director or executive secretary, the person:

1 1. Must possess a level of education or experience, or a combination of both,  
2 to qualify the person to perform the administrative and managerial tasks required of  
3 the position;

4 *2. Must be a resident of this State;*

5 *3. Must not be employed by another regulatory body as an executive*  
6 *director or executive secretary or in a position with powers and duties similar to*  
7 *those of an executive director or executive secretary; and*

8 ~~12-1~~ 4. Must not be the immediate relative of:

9 (a) A member or employee of the regulatory body; or

10 (b) A licensee of the regulatory body.

11 **Sec. 5.** Chapter 622A of NRS is hereby amended by adding thereto the  
12 provisions set forth as sections 6 and 7 of this act.

13 **Sec. 6.** *1. Except as otherwise provided in subsection 2, the Attorney*  
14 *General or a deputy attorney general shall prosecute for a regulatory body a*  
15 *contested case that is brought pursuant to this chapter.*

16 *2. If the Attorney General and the deputies of the Attorney General are*  
17 *disqualified to serve as prosecutor, or the Attorney General determines that he or*  
18 *she and the deputies of the Attorney General do not have the necessary expertise*  
19 *to prosecute a contested case for the regulatory body, the regulatory body may*  
20 *employ or retain an attorney to prosecute the contested case pursuant to this*  
21 *chapter.*

22 *3. If the Attorney General or a deputy attorney general prosecutes a*  
23 *contested case for a regulatory body, the Attorney General or the deputy attorney*  
24 *general who prosecuted the contested case may not also act as legal counsel for*  
25 *the regulatory body when the regulatory body considers or makes decisions*  
26 *concerning the contested case.*

27 **Sec. 7.** *1. If a regulatory body employs or retains an attorney to serve as*  
28 *legal counsel for and advise the regulatory body on any and all matters, the*  
29 *attorney shall not prosecute a contested case pursuant to this chapter before the*  
30 *regulatory body at any time while employed or retained by the regulatory body.*

31 *2. The prohibition set forth in subsection 1 remains in effect until the*  
32 *attorney is no longer employed or retained as legal counsel for the regulatory*  
33 *body and all contested cases prosecuted pursuant to this chapter while the*  
34 *attorney served as legal counsel to the regulatory body have reached a final*  
35 *disposition.*

36 **Sec. 8.** NRS 622A.120 is hereby amended to read as follows:

37 622A.120 1. The following regulatory bodies are exempted from the  
38 provisions of this chapter:

39 (a) ~~{State Contractors' Board.~~

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

41 ~~— (c) Nevada State Board of Accountancy.~~

42 ~~— (d) Board of Medical Examiners.~~

43 ~~— (e) Board of Dental Examiners of Nevada.~~

44 ~~— (f) State Board of Nursing.~~

45 ~~— (g) Chiropractic Physicians' Board of Nevada.~~

46 ~~— (h) Nevada State Board of Optometry.~~

47 ~~— (i) State Board of Pharmacy.~~

48 ~~— (j) Board of Examiners for Marriage and Family Therapists and Clinical~~  
49 ~~Professional Counselors.~~

50 ~~— (k) Real Estate Commission, Real Estate Administrator and Real Estate~~  
51 ~~Division of the Department of Business and Industry.~~

52 ~~{(l)}~~ (b) Commission of Appraisers of Real Estate.

~~(m)~~ (c) Commissioner of Mortgage Lending and Division of Mortgage Lending of the Department of Business and Industry.

~~(n)~~ (d) Commissioner of Financial Institutions and Division of Financial Institutions of the Department of Business and Industry.

~~(o) Private Investigator's Licensing Board.~~

~~(p)~~ (e) State Board of Health and Division of Public and Behavioral Health of the Department of Health and Human Services.

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

**Sec. 9.** NRS 622A.130 is hereby amended to read as follows:

622A.130 1. The provisions of this chapter must be interpreted so as to effectuate their general purpose to make uniform among the regulatory bodies that are subject to the provisions of this chapter the procedures used to prosecute contested cases and take administrative action against a person who violates any law or regulation governing occupational licensing.

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

*3. The provisions of this chapter do not prohibit a regulatory body from adopting procedures used to prosecute contested cases that:*

*(a) Impose stricter requirements on the regulatory body relating to such prosecution;*

*(b) Provide greater protections for licensees; or*

*(c) Provide greater protections for the public.*

**Sec. 10.** NRS 622A.150 is hereby amended to read as follows:

622A.150 1. A person who provides a governmental entity, officer or employee with any information relating to a contested case is immune from any civil liability for providing that information if the person acted in good faith and without malicious intent.

2. A governmental entity, officer, ~~or~~ employee *or independent contractor* is immune from any civil liability for:

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

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

**Sec. 11.** NRS 623.133 is hereby amended to read as follows:

623.133 1. The Attorney General is hereby designated as the legal adviser of the Board.

2. ~~[Nothing]~~ *Subject to the provisions of sections 6 and 7 of this act, nothing* in this section shall be construed so as to prevent the Board from employing legal counsel as provided elsewhere in this chapter.

**Sec. 12.** NRS 623A.160 is hereby amended to read as follows:

623A.160 The Attorney General is the legal adviser of the Board, but the Board may employ legal counsel ~~+~~ *subject to the provisions of sections 6 and 7 of this act.*

**Sec. 13.** NRS 628.410 is hereby amended to read as follows:

628.410 1. The Board may initiate proceedings under this chapter:

- (a) On its own motion;
- (b) On the complaint of any person; or
- (c) On a complaint made by a board of accountancy of another state.

2. A written notice of the hearing must be served on the respondent not less than 30 days before the date of the hearing, either personally or by mailing a copy thereof by registered or certified mail to the address of the respondent last known to the Board.

3. If, after having been served with the notice of hearing, the respondent fails to appear at the hearing and defend, the Board may proceed to hear evidence against the respondent and may enter such order as is justified by the evidence. The order is final unless the respondent petitions for a review thereof. Within 30 days after the date of any order, upon a showing of good cause for failing to appear and defend, the Board may reopen the proceedings and may permit the respondent to submit evidence in his or her behalf.

4. At any hearing, a respondent may be represented before the Board by counsel or by a certified public accountant or registered public accountant of this State in good standing. The respondent is entitled, on application to the Board, to the issuance of subpoenas to compel the attendance of witnesses on his or her behalf.

5. The Board, or any member thereof, may issue subpoenas to compel the attendance of witnesses and the production of documents. In case of disobedience to a subpoena, the Board may invoke the aid of any court of this State in requiring the attendance and testimony of witnesses and the production of documentary evidence.

6. A hearing may be conducted by:

(a) The Board, less any member or members who have been disqualified, without the appointment of persons to hear the case in place of the disqualified members; or

(b) A member of the Board appointed by the Board as a hearing officer, with the remaining members of the Board, less any member or members who have been disqualified, to review the record, make a final decision and issue the order, unless the Board, after disqualifications, consists of less than three members to hear or review the case, in which circumstance the Governor must appoint one or more qualified persons so that the panel which hears or reviews the case consists of at least three persons.

7. A stenographic record of the hearing must be kept and a transcript thereof filed with the Board.

8. At all hearings, the Attorney General or a deputy designated by the Attorney General or such other legal counsel as may be employed shall appear and represent the Board **subject to the provisions of sections 6 and 7 of this act.**

9. The decision of the Board must be by majority vote thereof.

**Sec. 14.** NRS 630.346 is hereby amended to read as follows:

630.346 In any disciplinary hearing:

1. The Board, a panel of the members of the Board and a hearing officer are not bound by formal rules of evidence, **except that evidence must be taken and considered in the hearing pursuant to NRS 233B.123**, and a witness must not be barred from testifying solely because the witness was or is incompetent.

2. A finding of the Board must be supported by a preponderance of the evidence.

3. Proof of actual injury need not be established.

4. A certified copy of the record of a court or a licensing agency showing a conviction or plea of nolo contendere or the suspension, revocation, limitation,

1 modification, denial or surrender of a license to practice medicine, perfusion or  
2 respiratory care is conclusive evidence of its occurrence.

3 **Sec. 15.** NRS 630.352 is hereby amended to read as follows:

4 630.352 1. Any member of the Board, other than a member of an  
5 investigative committee of the Board who participated in any determination  
6 regarding a formal complaint in the matter or any member serving on a panel of the  
7 Board at the hearing of the matter, may participate in an adjudication to obtain the  
8 final order of the Board. At the adjudication, the Board shall consider any findings  
9 of fact and conclusions of law submitted after the hearing and shall allow:

10 (a) Counsel for the Board to present a disciplinary recommendation and  
11 argument in support of the disciplinary recommendation ~~†~~ *subject to the*  
12 *provisions of sections 6 and 7 of this act;*

13 (b) The respondent or counsel of the respondent to present a disciplinary  
14 recommendation and argument in support of the disciplinary recommendation; and

15 (c) The complainant in the matter to make a statement to the Board regarding  
16 the disciplinary recommendations by the parties and to address the effect of the  
17 respondent's conduct upon the complainant or the patient involved, if other than the  
18 complainant.

19 ➤ The Board may limit the time within which the parties and the complainant may  
20 make their arguments and statements.

21 2. At the conclusion of the presentations of the parties and the complainant,  
22 the Board shall deliberate and may by a majority vote impose discipline based upon  
23 the findings of fact and conclusions of law and the presentations of the parties and  
24 the complainant.

25 3. If, in the findings of fact and conclusions of law, the Board, hearing officer  
26 or panel of the Board determines that no violation has occurred, the Board shall  
27 dismiss the charges, in writing, and notify the respondent that the charges have  
28 been dismissed.

29 4. Except as otherwise provided in subsection 5, if the Board finds that a  
30 violation has occurred, it shall by order take one or more of the following actions:

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

33 (b) Administer a written public reprimand to the person;

34 (c) Limit the person's practice or exclude one or more specified branches of  
35 medicine from his or her practice;

36 (d) Suspend the person's license for a specified period or until further order of  
37 the Board;

38 (e) Revoke the person's license;

39 (f) Require the person to participate in a program to correct alcohol or drug  
40 dependence or any other impairment;

41 (g) Require supervision of the person's practice;

42 (h) Impose a fine not to exceed \$5,000 for each violation;

43 (i) Require the person to perform community service without compensation;

44 (j) Require the person to take a physical or mental examination or an  
45 examination testing his or her competence; and

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

47 5. If the Board finds that the respondent has violated the provisions of NRS  
48 439B.425, the Board shall suspend the respondent's license for a specified period or  
49 until further order of the Board.

50 6. The Board shall not administer a private reprimand if the Board finds that a  
51 violation has occurred.

52 7. Within 30 days after the hearing before the Board, the Board shall issue a  
53 final order, certified by the Secretary-Treasurer of the Board, that imposes



discipline and incorporates the findings of fact and conclusions of law obtained from the hearing. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

**Sec. 16.** NRS 631.190 is hereby amended to read as follows:

631.190 In addition to the powers and duties provided in this chapter, the Board shall:

1. Adopt rules and regulations necessary to carry out the provisions of this chapter.

2. Appoint such committees, examiners, officers, employees, agents, attorneys, investigators and other professional consultants and define their duties and incur such expense as it may deem proper or necessary to carry out the provisions of this chapter, the expense to be paid as provided in this chapter. ~~Notwithstanding the provisions of this subsection, the Attorney General in his or her sole discretion may, but is not required to, serve as legal counsel for the Board at any time and in any and all matters.~~

3. Fix the time and place for and conduct examinations for the granting of licenses to practice dentistry and dental hygiene.

4. Examine applicants for licenses to practice dentistry and dental hygiene.

5. Collect and apply fees as provided in this chapter.

6. Keep a register of all dentists and dental hygienists licensed in this State, together with their addresses, license numbers and renewal certificate numbers.

7. Have and use a common seal.

8. Keep such records as may be necessary to report the acts and proceedings of the Board. Except as otherwise provided in NRS 631.368, the records must be open to public inspection.

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

10. Have discretion to examine work authorizations in dental offices or dental laboratories.

**Sec. 17.** NRS 636.090 is hereby amended to read as follows:

636.090 1. The Board may employ:

(a) Agents and inspectors to secure evidence of, and report on, violations of this chapter.

(b) Attorneys, investigators and other professional consultants and clerical personnel necessary to administer this chapter.

2. The Attorney General may act as counsel for the Board ~~subject to the provisions of section 6 of this act.~~

**Sec. 18.** NRS 636.330 is hereby amended to read as follows:

636.330 If the Board makes a decision which is adverse to the licensee, the licensee may apply for a rehearing within ~~10~~ 15 days after the Board announces its decision. The Board shall grant or deny the application within a reasonable time thereafter.

**Sec. 19.** NRS 636.340 is hereby amended to read as follows:

636.340 Unless a license is suspended pursuant to NRS 425.540, on or after the expiration of ~~6 months~~ 1 year following the revocation or suspension of a license, an application may be made for the restoration of the license and the Board may, in the exercise of reasonable discretion, restore the license absolutely or upon specified conditions.

**Sec. 20.** NRS 639.252 is hereby amended to read as follows:

639.252 1. If the respondent wishes to contest or appeal the decision of the Board, the order or any part thereof, the respondent may, not later than ~~10~~ 15 days after the time the order becomes effective, apply in writing to the Board for a

rehearing. The application must set forth with particularity the part or parts of the decision or order to which the respondent objects and the basis of the objection.

2. The Executive Secretary of the Board shall, within 10 days after receipt of a written application for rehearing, notify the respondent and the respondent's attorney of record in writing, by registered or certified mail, of his or her action, either granting or denying the application. If the application is granted, the notice must contain the date, time and place of the rehearing. The rehearing must be held at the next regularly scheduled meeting of the Board. Granting of the application by the Executive Secretary does not serve as an automatic stay of execution of the order pending conclusion of the rehearing.

**Sec. 21.** NRS 640C.190 is hereby amended to read as follows:

640C.190 *Subject to the provisions of sections 6 and 7 of this act:*

1. The Attorney General and his or her deputies are hereby designated as the attorneys for the Board.

2. The provisions of this section do not prevent the Board from employing or retaining other attorneys as it may deem necessary to carry out the provisions of this chapter.

**Sec. 22.** NRS 641A.370 is hereby amended to read as follows:

641A.370 If the Board revokes or suspends a license for a fixed time, the licensee may apply for a rehearing within ~~10~~ 15 days after the date of the suspension or revocation and the Board may grant the application upon the terms and conditions it deems appropriate within 30 days after the application.

**Sec. 23.** NRS 645A.193 is hereby amended to read as follows:

645A.193 1. The Attorney General shall act as the attorney for the Division in all actions and proceedings brought against or by the Division pursuant to any of the provisions of this chapter.

2. *Notwithstanding the provision of paragraph (c) of subsection 1 of NRS 622A.120, representation of the Division pursuant to subsection 1 shall be conducted in a manner consistent with the provisions of sections 6 and 7 of this act.*

**Sec. 24.** NRS 645A.235 is hereby amended to read as follows:

645A.235 1. A person who engages in an activity for which a license as an escrow agent or escrow agency is required pursuant to this chapter, without regard to whether such a person is licensed pursuant to this chapter, may be required by the Commissioner to pay restitution to any person who has suffered an economic loss as a result of a violation of the provisions of this chapter or any regulation adopted pursuant thereto.

2. Notwithstanding the provision of paragraph ~~(m)~~ (c) of subsection 1 of NRS 622A.120, payment of restitution pursuant to subsection 1 shall be done in a manner consistent with the provisions of chapter 622A of NRS.

**Sec. 25.** NRS 645B.955 is hereby amended to read as follows:

645B.955 1. A person who engages in an activity for which a license as a mortgage broker or mortgage agent is required pursuant to this chapter, without regard to whether such a person is licensed pursuant to this chapter, may be required by the Commissioner to pay restitution to any person who has suffered an economic loss as a result of a violation of the provisions of this chapter or any regulation adopted pursuant thereto.

2. Notwithstanding the provision of paragraph ~~(m)~~ (c) of subsection 1 of NRS 622A.120, payment of restitution pursuant to subsection 1 shall be done in a manner consistent with the provisions of chapter 622A of NRS.

**Sec. 26.** NRS 645C.250 is hereby amended to read as follows:

645C.250 1. The Attorney General shall render to the Division opinions upon questions of law relating to the construction or interpretation of this chapter,

or arising in the administration thereof, submitted to the Attorney General by the Division or the Commission.

2. The Attorney General shall act as the attorney for the Division in all actions and proceedings brought against or by the Division pursuant to any of the provisions of this chapter ~~+~~ *subject to the provisions of sections 6 and 7 of this act.*

**Sec. 27.** NRS 645D.150 is hereby amended to read as follows:

645D.150 1. The Attorney General shall render to the Division opinions upon questions of law relating to the construction or interpretation of this chapter, or arising in the administration thereof, submitted to the Attorney General by the Division.

2. The Attorney General shall act as the attorney for the Division in all actions and proceedings brought against or by the Division pursuant to any of the provisions of this chapter ~~+~~ *subject to the provisions of sections 6 and 7 of this act.*

**Sec. 28.** NRS 645E.955 is hereby amended to read as follows:

645E.955 1. A person who engages in an activity for which a license as a mortgage banker is required pursuant to this chapter, without regard to whether such a person is licensed pursuant to this chapter, may be required by the Commissioner to pay restitution to any person who has suffered an economic loss as a result of a violation of the provisions of this chapter or any regulation adopted pursuant thereto.

2. Notwithstanding the provision of paragraph ~~(m)~~ *(c)* of subsection 1 of NRS 622A.120, payment of restitution pursuant to subsection 1 shall be done in a manner consistent with the provisions of chapter 622A of NRS.

**Sec. 29.** NRS 645H.370 is hereby amended to read as follows:

645H.370 1. The Attorney General shall render to the Division opinions upon questions of law relating to the construction or interpretation of this chapter, or arising in the administration thereof, submitted to the Attorney General by the Division.

2. The Attorney General shall act as the attorney for the Division in all actions and proceedings brought against or by the Division pursuant to any of the provisions of this chapter ~~+~~ *subject to the provisions of sections 6 and 7 of this act.*

**Sec. 30.** NRS 41.0307 is hereby amended to read as follows:

41.0307 As used in NRS 41.0305 to 41.039, inclusive:

1. "Employee" includes an employee of a:

(a) Part-time or full-time board, commission or similar body of the State or a political subdivision of the State which is created by law.

(b) Charter school.

(c) University school for profoundly gifted pupils described in chapter 388C of NRS.

2. "Employment" includes any services performed by an immune contractor.

3. "Immune contractor" means any natural person, professional corporation or professional association which:

(a) Is an independent contractor with the State pursuant to NRS 333.700; and

(b) Contracts to provide medical services for the Department of Corrections ~~+~~ *or contracts to act as legal counsel to a regulatory body in accordance with the provisions of subsection 2 of section 2 of this act.*

As used in this subsection, "professional corporation" and "professional association" have the meanings ascribed to them in NRS 89.020.

4. "Public officer" or "officer" includes:

1 (a) A member of a part-time or full-time board, commission or similar body of  
2 the State or a political subdivision of the State which is created by law.

3 (b) A public defender and any deputy or assistant attorney of a public defender  
4 or an attorney appointed to defend a person for a limited duration with limited  
5 jurisdiction.

6 (c) A district attorney and any deputy or assistant district attorney or an  
7 attorney appointed to prosecute a person for a limited duration with limited  
8 jurisdiction.

9 **Sec. 31. 1.** This act becomes effective on July 1, 2017.

10 **2. Sections 10 and 30 of this act expire by limitation on June 30, 2019.**