

SENATE BILL NO. 335—SENATOR HARDY

MARCH 22, 2021

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to professional and occupational licensing. (BDR 54-186)

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 professional licensing; creating the Division of Occupational Licensing within the Department of Business and Industry; creating the position of Administrator of the Division; setting forth the powers and duties of the Division and the Administrator; creating the Occupational Licensing Account; requiring each board that regulates a provider of health care to comply with certain requirements relating to the creation, retention and public disclosure of records; requiring 5 percent of the fees received by each such board to be deposited in the Occupational Licensing Account; abolishing certain boards that regulate certain professions and occupations; transferring the powers and duties of such boards to the Division; revising the membership of the Board of Medical Examiners and the State Board of Osteopathic Medicine; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law provides for the regulation of certain occupations and professions
- 2 in this State by various boards and commissions created for that purpose. (Title 54
- 3 of NRS) **Sections 7 and 306** of this bill create the Division of Occupational
- 4 Licensing within the Department of Business and Industry. **Sections 7 and 307** of
- 5 this bill create the position of Administrator of the Division and require the Director
- 6 of the Department to appoint the Administrator. **Section 8** of this bill authorizes the
- 7 Administrator to appoint deputy administrators and other employees as necessary.
- 8 **Section 9** of this bill authorizes the Administrator to appoint any advisory
- 9 boards the Administrator determines are necessary to carry out his or her duties.



Section 9 generally authorizes the Administrator to determine the number of members of such an advisory board and the qualifications of the members. However, if an advisory board is called upon to provide advice to the Administrator or perform any other duties relating to the regulation of a profession or occupation regulated by the Division, **section 9** requires at least one member of the advisory board to hold a license to engage in that profession or occupation.

Section 10 of this bill authorizes the Division to take certain actions with respect to the issuance of licenses to persons engaged in professions or occupations regulated by the Division. **Section 11** of this bill authorizes the Division to take certain actions with respect to disciplinary action against such licensees.

Section 12 of this bill authorizes the Division to conduct a review of any board that regulates an occupation or profession under existing law to determine whether the board should be abolished and its powers and duties transferred to the Division.

Section 13 of this bill authorizes the Division to develop and make recommendations to the Legislature regarding the abolishment of any such board and regarding certain other matters. **Section 14** of this bill creates the Occupational Licensing Account and requires the money in the Account to be expended only for the purposes of carrying out the duties of the Division. **Section 16** of this bill authorizes the Administrator to adopt certain regulations. **Sections 3-6** of this bill define words and terms for the purposes of **sections 2-16** of this bill.

Existing law requires a regulatory body to follow certain procedures in taking disciplinary action against a licensee. (Chapter 622A of NRS) **Section 17** of this bill exempts the Division from such requirements.

Existing law creates the: (1) Nevada Board of Homeopathic Medical Examiners; (2) Board of Dental Examiners of Nevada; (2) State Board of Oriental Medicine; (3) Board of Athletic Trainers; (4) Board of Massage Therapy; and (5) State Barbers' Health and Sanitation Board. (Chapters 630A, 631, 634A, 640B, 640C and 643 of NRS) **Sections 26-144, 154-176, 192-253, 262-301 and 314** of this bill abolish those boards and transfer the powers and duties relating to the regulation of the professions and occupations regulated by those boards to the Division of Occupational Licensing. **Sections 18-21, 305 and 308-310** of this bill make conforming changes to the account for the abolishment of those boards and the transfer of their powers and duties to the Division. **Section 312** of this bill provides that any person who, on December 31, 2021, is a member of a board abolished under the provisions of this bill is deemed to be a member of an advisory board appointed by the Administrator pursuant to **section 9** on January 1, 2022.

Existing law creates various boards to regulate providers of health care. (Chapters 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 641, 641A, 641B and 641C of NRS) **Section 15** of this bill requires the Division to adopt regulations establishing: (1) certain requirements for the creation, retention and public disclosure of records of those boards which have not been abolished pursuant to the provisions of this bill; and (2) penalties for such a board that fails to comply with such requirements. **Sections 22, 145, 147, 152, 177, 179, 181, 183, 185, 188, 190, 254, 256, 258 and 260** of this bill require each such board to comply with: (1) all applicable provisions of existing law governing public records and meetings of public bodies; and (2) any requirements concerning the creation, retention and public disclosure of records of the activities of the board established by regulation of the Division. **Sections 25, 146, 150, 153, 178, 180, 182, 184, 186, 189, 191, 255, 257, 259 and 261** of this bill require 5 percent of the fees received by each such board to be deposited in the Occupational Licensing Account.

Existing law creates the Board of Medical Examiners, consisting of nine members appointed by the Governor. (NRS 630.050) **Sections 23 and 24** of this bill add a member to the Board who is required to be a licensed physician assistant.



Existing law creates the State Board of Osteopathic Medicine, consisting of seven members appointed by the Governor. (NRS 633.181) Sections 148 and 149 of this bill add a member to the Board who is required to be a licensed physician assistant.

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

Section 1. Title 54 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 16, inclusive, of this act.

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

Sec. 3. *“Administrator” means the Administrator of the Division.*

Sec. 4. *“Division” means the Division of Occupational Licensing of the Department of Business and Industry.*

Sec. 5. *“License” means any license, certificate, registration, permit or similar type of authorization issued by the Division.*

Sec. 6. *“Licensee” means a person who holds a license.*

Sec. 7. 1. *The Division of Occupational Licensing is hereby created within the Department of Business and Industry. The Director of the Department of Business and Industry shall appoint an Administrator of the Division who shall administer all activities and services of the Division.*

2. *The Division shall administer and enforce the provisions of this chapter and chapters 630A, 631, 634A, 640B, 640C and 643 of NRS.*

Sec. 8. *The Administrator may appoint deputy administrators, examiners, assistants, clerks, stenographers and other employees necessary to assist the Administrator in carrying out the functions of the Division. These employees shall perform such duties as are assigned to them by the Administrator.*

Sec. 9. 1. *The Administrator may appoint any advisory boards the Administrator determines are necessary to carry out his or her duties.*

2. *Except as otherwise provided in subsection 4, the Administrator may determine the number of members and the qualifications of the members of an advisory board appointed pursuant to this section. The members of an advisory board serve at the pleasure of the Administrator.*

3. *An advisory board appointed pursuant to this section shall:*

(a) *Meet at the times and places specified by the Administrator;*



(b) Provide such advice to the Administrator as he or she requires; and

(c) Perform any other duties as the Administrator may assign.

4. If an advisory board is called upon to provide advice to the Administrator or perform any other duties relating to the regulation of a profession or occupation regulated by the Division, at least one member of the advisory board must hold a license to engage in that profession or occupation.

Sec. 10. 1. In addition to any other powers authorized by specific statute, the Division may, in carrying out its duties relating to the issuance of licenses:

(a) Determine the form and manner in which applications for licenses are submitted;

(b) Accept applications for licenses;

(c) Investigate the experience, reputation and background of applicants;

(d) Conduct inspections or hearings before the issuance of a license;

(e) Conduct examinations of any applicant for a license to determine the responsibility, ability, knowledge, experience or other qualifications of the applicant; and

(f) Upon a determination that an applicant for a license satisfies the applicable requirements for a license, issue to the applicant a license.

2. The Division may adopt regulations to carry out the provisions of this section, including, without limitation, regulations establishing additional procedures for the issuance of licenses.

Sec. 11. 1. In addition to any other powers authorized by specific statute, the Division may, in carrying out its duties relating to the regulation of licensees:

(a) Receive and review complaints against licensees;

(b) Conduct investigations of licensees to determine compliance with applicable provisions of law;

(c) Inspect at reasonable times and in a reasonable manner the premises and books, papers, records and documents of a licensee;

(d) Conduct hearings and other investigatory or disciplinary proceedings; and

(e) Impose fines and penalties or take other appropriate disciplinary action against licensees for violations of applicable provisions of law.

2. The Division may adopt regulations to carry out the provisions of this section, including, without limitation, regulations which establish procedures for the suspension or



1 *revocation of a license or other disciplinary action to be taken*
2 *against a licensee.*

3 **Sec. 12.** 1. *The Division may conduct a review of the*
4 *activities of any board that regulates a profession or occupation*
5 *pursuant to this title to determine whether the board should be*
6 *abolished and its powers and duties transferred to the Division.*

7 2. *A board subject to review by the Division pursuant to*
8 *subsection 1 shall:*

9 (a) *Cooperate fully with the Division;*

10 (b) *Provide the Division with any information relevant to the*
11 *review that the Division may request; and*

12 (c) *Allow the Division to inspect, review and copy any records,*
13 *reports and other documents relevant to the review as the Division*
14 *deems necessary.*

15 **Sec. 13.** *The Division may develop and make*
16 *recommendations to the Legislature concerning:*

17 1. *The abolishment of any board that regulates a profession*
18 *or occupation pursuant to this title and the transfer of the powers*
19 *and duties of that board to the Division based on a review*
20 *conducted pursuant to section 12 of this act;*

21 2. *Measures to improve and standardize the procedures for*
22 *the issuance of licenses by the Division;*

23 3. *Measures to improve and standardize the procedures used*
24 *by the Division for the imposition of disciplinary action against*
25 *licensees; and*

26 4. *Any other matter concerning the licensure and regulation*
27 *of professions and occupations regulated by the Division.*

28 **Sec. 14.** 1. *The Occupational Licensing Account is hereby*
29 *created in the State General Fund.*

30 2. *The Administrator shall administer the Account. The*
31 *money in the Account must be expended only to carry out the*
32 *duties the Division.*

33 3. *The Administrator may apply for any gift, donation,*
34 *bequest, grant or other source of money for deposit in the*
35 *Account.*

36 4. *The interest and income earned on the money in the*
37 *account, after deducting applicable charges, must be credited to*
38 *the Account.*

39 5. *Claims against the Account must be paid as other claims*
40 *against the State are paid.*

41 6. *Any money remaining in the Account at the end of a fiscal*
42 *year does not revert to the State General Fund, and the balance in*
43 *the Account must be carried forward to the next fiscal year.*

44 **Sec. 15.** 1. *The Division shall adopt regulations:*



(a) Prescribing requirements for the creation, retention and public disclosure of records of the activities of a health care licensing board; and

(b) Providing for penalties for the failure of a health care licensing board to comply with the regulations adopted pursuant to paragraph (a).

2. As used in this section, "health care licensing board" means a board created pursuant to chapter 630, 632, 633, 634, 635, 636, 637, 637B, 639, 640, 640A, 641, 641A, 641B or 641C of NRS.

Sec. 16. *The Division may adopt regulations as necessary to carry out the provisions of this chapter.*

Sec. 17. NRS 622A.120 is hereby amended to read as follows:
622A.120 1. The following regulatory bodies are exempted from the provisions of this chapter:

(a) State Contractors' Board.

(b) Real Estate Commission, Real Estate Administrator and Real Estate Division of the Department of Business and Industry.

(c) Commission of Appraisers of Real Estate.

(d) Commissioner of Mortgage Lending and Division of Mortgage Lending of the Department of Business and Industry.

(e) Commissioner of Financial Institutions and Division of Financial Institutions of the Department of Business and Industry.

(f) State Board of Health and Division of Public and Behavioral Health of the Department of Health and Human Services.

(g) Division of Occupational Licensing of the Department of Business and Industry.

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. 18. NRS 629.053 is hereby amended to read as follows:

629.053 1. The State Board of Health , *the Division of Occupational Licensing of the Department of Business and Industry* and each board created pursuant to chapter 630, ~~630A, 631,~~ 632, 633, 634, ~~634A,~~ 635, 636, 637, 637B, 640, 640A, ~~640B, 640C,~~ 641, 641A, 641B or 641C of NRS shall post on its website on the Internet, if any, a statement which discloses that:

(a) Pursuant to the provisions of subsection 7 of NRS 629.051:

(1) The health care records of a person who is less than 23 years of age may not be destroyed; and

(2) The health care records of a person who has attained the age of 23 years may be destroyed for those records which have been retained for at least 5 years or for any longer period provided by federal law; and



(b) Except as otherwise provided in subsection 7 of NRS 629.051 and unless a longer period is provided by federal law, the health care records of a patient who is 23 years of age or older may be destroyed after 5 years pursuant to subsection 1 of NRS 629.051.

2. The State Board of Health shall adopt regulations prescribing the contents of the statements required pursuant to this section.

Sec. 19. NRS 629.079 is hereby amended to read as follows:

629.079 1. If a health care licensing board determines that a complaint received by the health care licensing board concerns a matter within the jurisdiction of another health care licensing board, the health care licensing board which received the complaint shall:

(a) Except as otherwise provided in paragraph (b), refer the complaint to the other health care licensing board within 5 days after making the determination; and

(b) If the health care licensing board also determines that the complaint concerns an emergency situation, immediately refer the complaint to the other health care licensing board.

2. If a health care licensing board determines that a complaint received by the health care licensing board concerns a public health emergency or other health event that is an immediate threat to the health and safety of the public in a health care facility or the office of a provider of health care, the health care licensing board shall immediately notify the appropriate health authority for the purposes of NRS 439.970.

3. A health care licensing board may refer a complaint pursuant to subsection 1 or provide notification pursuant to subsection 2 orally, electronically or in writing.

4. The provisions of subsections 1 and 2 apply to any complaint received by a health care licensing board, including, without limitation:

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

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

5. The provisions of this section do not prevent a health care licensing board from acting upon a complaint which concerns a matter within the jurisdiction of the health care licensing board regardless of whether the health care licensing board refers the complaint pursuant to subsection 1 or provides notification based upon the complaint pursuant to subsection 2.



6. A health care licensing board or an officer or employee of the health care licensing 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 of this section.

7. As used in this section:

(a) “Health care facility” means any facility licensed pursuant to chapter 449 of NRS.

(b) “Health care licensing board” means:

(1) A board created pursuant to chapter 630, ~~630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B or 641C~~ of NRS.

(2) The Division of Public and Behavioral Health of the Department of Health and Human Services.

(3) The Division of Occupational Licensing of Department of Business of Industry.

Sec. 20. NRS 629.086 is hereby amended to read as follows:

629.086 1. A person shall not inject dermal or soft tissue fillers:

(a) Unless the person is:

(1) A physician or physician assistant licensed pursuant to chapter 630 of NRS;

(2) A dentist who has successfully completed the training prescribed by the ~~{Board of Dental Examiners of Nevada}~~ *Division of Occupational Licensing of the Department of Business and Industry* pursuant to NRS 631.391;

(3) A registered nurse or advanced practice registered nurse;

(4) A physician or physician assistant licensed pursuant to chapter 633 of NRS; or

(5) A podiatric physician who has successfully completed the training prescribed by the State Board of Podiatry pursuant to NRS 635.086.

(b) Outside his or her scope of practice.

(c) At a location other than a medical facility or the office of a physician or physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, advanced practice registered nurse or podiatric physician.

2. A person who is authorized by subsection 1 to inject dermal or soft tissue fillers shall not delegate such injection to a person who is prohibited by subsection 1 from injecting dermal or soft tissue fillers.

3. A person who violates any provision of this section is guilty of a misdemeanor.

4. As used in this section, “dermal or soft tissue filler” means a material that is injected into the skin to fill in wrinkles or into the soft tissue to alter the contour of the soft tissue.



Sec. 21. NRS 629.097 is hereby amended to read as follows:

629.097 1. If the Governor must appoint to a board a person who is a member of a profession being regulated by that board, the Governor shall solicit nominees from one or more applicable professional associations in this State.

2. To the extent practicable, such an applicable professional association shall provide nominees who represent the geographic diversity of this State.

3. The Governor may appoint any qualified person to a board, without regard to whether the person is nominated pursuant to this section.

4. As used in this section, "board" refers to a board created pursuant to chapter 630, ~~630A, 631,~~ 632, 633, 634, ~~634A,~~ 635, 636, 637, 637B, 639, 640, 640A, ~~640B, 640C,~~ 641, 641A, 641B or 641C of NRS.

Sec. 22. Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:

The Board shall comply with:

1. The applicable provisions of chapters 239 and 241 of NRS; and

2. Any requirements concerning the creation, retention and public disclosure of records of the activities of the Board established by regulation of the Division of Occupational Licensing of the Department of Business and Industry pursuant to section 15 of this act.

Sec. 23. NRS 630.050 is hereby amended to read as follows:

630.050 1. The Board of Medical Examiners consists of ~~nine~~ 10 members appointed by the Governor.

2. No person may be appointed as a member of the Board to serve for more than two consecutive full terms, but a person may be reappointed after the lapse of 4 years.

Sec. 24. NRS 630.060 is hereby amended to read as follows:

630.060 1. Six members of the Board must be persons who are licensed to practice medicine in this State, are actually engaged in the practice of medicine in this State and have resided and practiced medicine in this State for at least 5 years preceding their respective appointments.

2. One member of the Board must be a person who is licensed to practice as a physician assistant, is actually engaged in practice as a physician assistant in this State and has resided and practiced as a physician assistant in this State for at least 5 years preceding his or her appointment.

3. One member of the Board must be a person who has resided in this State for at least 5 years and who represents the interests of persons or agencies that regularly provide health care to patients



1 who are indigent, uninsured or unable to afford health care. This
2 member must not be licensed under the provisions of this chapter.

3 ~~13.1~~ 4. The remaining two members of the Board must be
4 persons who have resided in this State for at least 5 years and who:

5 (a) Are not licensed in any state to practice any healing art;

6 (b) Are not the spouse or the parent or child, by blood, marriage
7 or adoption, of a person licensed in any state to practice any healing
8 art;

9 (c) Are not actively engaged in the administration of any facility
10 for the dependent as defined in chapter 449 of NRS, medical facility
11 or medical school; and

12 (d) Do not have a pecuniary interest in any matter pertaining to
13 the healing arts, except as a patient or potential patient.

14 ~~14.1~~ 5. The members of the Board must be selected without
15 regard to their individual political beliefs.

16 **Sec. 25.** NRS 630.110 is hereby amended to read as follows:

17 630.110 1. Out of the money coming into the possession of
18 the Board, each member and advisory member of the Board is
19 entitled to receive:

20 (a) A salary of not more than \$150 per day, as fixed by the
21 Board, while engaged in the business of the Board; and

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

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

30 3. Expenses of the Board and the expenses and salaries of its
31 members and employees must be paid from the fees received by the
32 Board pursuant to the provisions of this chapter, and no part of the
33 salaries or expenses of the Board may be paid out of the State
34 General Fund or from the penalties imposed by the Board pursuant
35 to this chapter.

36 4. ~~14.1~~ *Except as otherwise provided in subsection 5, all*
37 money received by the Board from:

38 (a) Fees must be deposited in financial institutions in this State
39 that are federally insured or insured by a private insurer pursuant to
40 NRS 672.755, invested in treasury bills or notes of the United
41 States, deposited in institutions in this State whose business is the
42 making of investments, or invested as authorized by NRS 355.140.

43 (b) Penalties must be deposited with the State Treasurer for
44 credit to the State General Fund.



5. *Five percent of the fees received by the Board pursuant to the provisions of this chapter must be deposited with the State Treasurer for credit to the Occupational Licensing Account created by section 14 of this act.*

Sec. 26. Chapter 630A of NRS is hereby amended by adding thereto a new section to read as follows:

“Division” means the Division of Occupational Licensing of the Department of Business and Industry.

Sec. 27. NRS 630A.010 is hereby amended to read as follows:

630A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 630A.015 to 630A.075, inclusive, *and section 26 of this act*, have the meanings ascribed to them in those sections.

Sec. 28. NRS 630A.015 is hereby amended to read as follows:

630A.015 “Advanced practitioner of homeopathy” means a person who has:

1. Complied with all of the requirements set forth in this chapter and the regulations adopted by the ~~{Board}~~ *Division* for advanced practitioners of homeopathy; and

2. Received from the ~~{Board}~~ *Division* a certificate as an advanced practitioner of homeopathy.

Sec. 29. NRS 630A.035 is hereby amended to read as follows:

630A.035 “Homeopathic assistant” means a person who is a graduate of an academic program approved by the ~~{Board}~~ *Division* or who, by general education, practical training and experience determined to be satisfactory by the ~~{Board,}~~ *Division*, is qualified to perform homeopathic services under the supervision of a supervising homeopathic physician and who has been issued a certificate as a homeopathic assistant by the ~~{Board,}~~ *Division*.

Sec. 30. NRS 630A.050 is hereby amended to read as follows:

630A.050 “Homeopathic physician” means a person who has:

1. Complied with all of the requirements set forth in this chapter and the regulations adopted by the ~~{Board}~~ *Division* for the practice of homeopathic medicine; and

2. Received from the ~~{Board}~~ *Division* a license to practice homeopathic medicine.

Sec. 31. NRS 630A.155 is hereby amended to read as follows:

630A.155 The ~~{Board}~~ *Division* 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



1 regulation the methods to be used to check the background of such
2 applicants.

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

4 4. Investigate and, if required, hear and decide ~~{in a manner~~
5 ~~consistent with the provisions of chapter 622A of NRS}~~ all
6 complaints made against any homeopathic physician, advanced
7 practitioner of homeopathy, homeopathic assistant or any agent or
8 employee of any of them, or any facility where the primary practice
9 is homeopathic medicine. If a complaint concerns a practice which
10 is within the jurisdiction of another ~~{licensing}~~ agency, board or
11 ~~commission that regulates an occupation or profession pursuant~~
12 ~~to this title or~~ any other possible violation of state law, the ~~{Board}~~
13 ~~Division~~ shall refer the complaint to the other ~~{licensing}~~ agency,
14 board ~~{}~~ or commission.

15 5. Unless the ~~{Board}~~ Division determines that extenuating
16 circumstances exist, forward to the appropriate law enforcement
17 agency any substantiated information submitted to the ~~{Board}~~
18 Division concerning a person who practices or offers to practice
19 homeopathic medicine without the appropriate license or certificate
20 issued pursuant to the provisions of this chapter.

21 **Sec. 32.** NRS 630A.160 is hereby amended to read as follows:

22 630A.160 1. ~~{Out of the money coming into the possession~~
23 ~~of the Board, each member of the Board is entitled to receive:~~

24 —(a) A salary of not more than \$150 per day, as fixed by the
25 Board, while engaged in the business of the Board; and

26 —(b) A per diem allowance and travel expenses at a rate fixed by
27 the Board, while engaged in the business of the Board. The rate
28 must not exceed the rate provided for state officers and employees
29 generally.

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

34 —3. Expenses of the Board and the expenses and salaries of the
35 members and employees of the Board must be paid from the fees
36 received by the Board pursuant to the provisions of this chapter.
37 Except as otherwise provided in subsection 6, no part of the salaries
38 or expenses of the members of the Board may be paid out of the
39 State General Fund.

40 —4. All money received by the ~~{Board}~~ Division pursuant to
41 this chapter must be deposited ~~{in financial institutions in this State~~
42 ~~that are federally insured or insured by a private insurer approved~~
43 ~~pursuant to NRS 672.755.~~



1 —5. In a manner consistent with the provisions of chapter 622A
2 of NRS, the Board} with the State Treasurer for credit to the
3 Occupational Licensing Account created by section 14 of this act.

4 2. The Division may delegate to a hearing officer or panel its
5 authority to take any disciplinary action pursuant to this chapter,
6 impose and collect administrative fines, court costs and attorney's
7 fees therefor and deposit the money therefrom ~~in financial~~
8 ~~institutions in this State that are federally insured or insured by a~~
9 ~~private insurer approved pursuant to NRS 672.755.~~

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

19 Sec. 33. NRS 630A.190 is hereby amended to read as follows:

20 630A.190 The ~~{Board}~~ Division may {:

21 —1. Maintain offices in as many localities in the State as it finds
22 necessary to carry out the provisions of this chapter.

23 —2. Employ} employ attorneys, investigators, hearing officers,
24 experts, administrators, consultants and clerical personnel necessary
25 to the discharge of its duties {;} under this chapter.

26 Sec. 34. NRS 630A.200 is hereby amended to read as follows:

27 630A.200 The ~~{Board}~~ Division may adopt such regulations as
28 are necessary or desirable to enable it to carry out the provisions of
29 this chapter.

30 Sec. 35. NRS 630A.210 is hereby amended to read as follows:

31 630A.210 1. ~~{In a manner consistent with the provisions of~~
32 ~~chapter 622A of NRS, the Board}~~ The Division may hold hearings
33 and conduct investigations relating to its duties under this chapter
34 and take evidence on any matter under inquiry before the ~~{Board.}~~
35 Division. The ~~{Secretary Treasurer of the Board or, in the Secretary~~
36 ~~Treasurer's absence, any member of the Board}~~ Division may
37 administer oaths to any witness appearing before the ~~{Board.}~~
38 Division. The ~~{Secretary Treasurer or President of the Board}~~
39 Division may issue subpoenas to compel the attendance of witnesses
40 and the production of books, medical records, X-ray photographs
41 and other papers. ~~{The Secretary Treasurer, President or other~~
42 ~~officer of the Board shall sign the subpoena on behalf of the Board.}~~

43 2. If any person fails to comply with a subpoena issued by the
44 ~~{Board, the Secretary Treasurer or President of the Board}~~ Division,



1 **the Division** may petition the district court for an order of the court
2 compelling compliance with the subpoena.

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

9 4. If it appears to the court that the subpoena was regularly
10 issued by the ~~{Board,}~~ **Division**, the court shall enter an order
11 compelling compliance with the subpoena, and upon failure to obey
12 the order the person must be dealt with as for contempt of court.

13 **Sec. 36.** NRS 630A.225 is hereby amended to read as follows:

14 630A.225 1. The ~~{Board,}~~ **Division** shall not issue a license to
15 practice homeopathic medicine or a certificate to practice as an
16 advanced practitioner of homeopathy or as a homeopathic assistant
17 to an applicant who has been licensed or certified to practice any
18 type of medicine in another jurisdiction and whose license or
19 certificate was revoked for gross medical negligence by that
20 jurisdiction.

21 2. The ~~{Board,}~~ **Division** may revoke the license or certificate of
22 any person who has been licensed or certified to practice any type of
23 medicine in another jurisdiction and whose license or certificate was
24 revoked for gross medical negligence by that jurisdiction.

25 3. The revocation of a license or certificate to practice any type
26 of medicine in another jurisdiction on grounds other than grounds
27 which would constitute gross medical negligence constitutes
28 grounds for initiating disciplinary action or denying the issuance of
29 a license or certificate.

30 4. If a license or certificate to practice any type of medicine
31 issued to an applicant in another jurisdiction has been revoked or
32 surrendered, the applicant must provide proof satisfactory to the
33 ~~{Board,}~~ **Division** that the applicant is rehabilitated with respect to
34 the conduct that was the basis for the revocation or surrender of the
35 license or certificate when submitting an application for a license or
36 certificate to the ~~{Board,}~~ **Division**.

37 5. The ~~{Board,}~~ **Division** shall vacate an order to deny a license
38 or certificate if the denial is based on a conviction of:

39 (a) A felony for a violation or offense described in paragraph
40 (a), (b) or (d) of subsection 2 of NRS 630A.340; or

41 (b) An offense involving moral turpitude,
42 ➔ and the conviction is reversed on appeal. An applicant may
43 resubmit an application for a license or certificate after a court
44 enters an order reversing the conviction.



6. If the ~~{Board,}~~ **Division** finds that an applicant has committed an act or engaged in conduct that constitutes grounds for initiating disciplinary action or denying the issuance of a license or certificate as set forth in NRS 630A.340 to 630A.380, inclusive, the ~~{Board,}~~ **Division** shall investigate whether the act or conduct has been corrected or the matter has otherwise been resolved. If the matter has not been resolved to the satisfaction of the ~~{Board,}~~ **Division**, the ~~{Board,}~~ **Division**, before issuing a license or certificate, shall determine to its satisfaction whether or not mitigating circumstances exist which prevent the resolution of the matter.

7. For the purposes of this section, the ~~{Board,}~~ **Division** shall adopt by regulation a definition of gross medical negligence.

Sec. 37. NRS 630A.230 is hereby amended to read as follows:

630A.230 1. Every person desiring to practice homeopathic medicine as a homeopathic physician must, before beginning to practice, procure from the ~~{Board,}~~ **Division** a license authorizing such practice.

2. Except as otherwise provided in NRS 630A.225, a license may be issued to any person who:

(a) Is of good moral character;

(b) Has received the degree of doctor of medicine or doctor of osteopathic medicine, or its equivalent as provided in paragraph (a) of subsection 1 of NRS 630A.240;

(c) Is licensed in good standing to practice allopathic or osteopathic medicine in any state or country, the District of Columbia or a territory or possession of the United States;

(d) Has completed a program of not less than 3 years of postgraduate training in allopathic or osteopathic medicine approved by the ~~{Board,}~~ **Division**;

(e) Has passed all oral or written examinations required by the ~~{Board,}~~ **Division** or this chapter; and

(f) Meets any additional requirements established by the ~~{Board,}~~ **Division**, including, without limitation, requirements established by regulations adopted by the ~~{Board,}~~ **Division**.

Sec. 38. NRS 630A.240 is hereby amended to read as follows:

630A.240 1. An applicant for a license to practice homeopathic medicine as a homeopathic physician who is a graduate of a medical school located in the United States, Canada or the United Kingdom shall submit to the ~~{Board, through its Secretary-Treasurer,}~~ **Division** proof that the applicant has:

(a) Received the degree of doctor of medicine from a medical school which at the time of his or her graduation was accredited by the Liaison Committee on Medical Education or the Committee for the Accreditation of Canadian Medical Schools, the degree of Bachelor of Medicine and Bachelor of Surgery or its equivalent



1 from a medical school which at the time of his or her graduation was
2 determined by the General Medical Council of the United Kingdom
3 to be entitled to award primary medical qualifications, or the degree
4 of doctor of osteopathic medicine from an osteopathic school which
5 at the time of his or her graduation was accredited by the Bureau of
6 Professional Education of the American Osteopathic Association;

7 (b) Completed a program of not less than 3 years of
8 postgraduate training in allopathic or osteopathic medicine approved
9 by the ~~{Board:}~~ **Division**; and

10 (c) Completed not less than 600 hours of postgraduate training
11 in homeopathy, 300 hours of which are completed in this State
12 under the supervision of a homeopathic physician or through such
13 other program as is deemed equivalent by the ~~{Board:}~~ **Division**.

14 2. In addition to the proofs required by subsection 1, the
15 ~~{Board:}~~ **Division** may take such further evidence and require such
16 other documents or proof of qualification as in its discretion may be
17 deemed proper.

18 3. If it appears that the applicant is not of good moral character
19 or reputation or that any credential submitted is false, the applicant
20 may be rejected.

21 **Sec. 39.** NRS 630A.241 is hereby amended to read as follows:

22 630A.241 In addition to any other requirements set forth in this
23 chapter, each applicant for a license or certificate, including, without
24 limitation, a reciprocal, limited, temporary, special or restricted
25 license, must submit to the ~~{Board:}~~ **Division**:

26 1. A complete set of fingerprints; and

27 2. Written permission authorizing the ~~{Board:}~~ **Division** to
28 forward the fingerprints submitted pursuant to subsection 1 to the
29 Central Repository for Nevada Records of Criminal History for
30 submission to the Federal Bureau of Investigation for its report.

31 **Sec. 40.** NRS 630A.246 is hereby amended to read as follows:

32 630A.246 1. In addition to any other requirements set forth in
33 this chapter:

34 (a) An applicant for the issuance of a license to practice
35 homeopathic medicine, a certificate as an advanced practitioner of
36 homeopathy or a certificate as a homeopathic assistant shall include
37 the social security number of the applicant in the application
38 submitted to the ~~{Board:}~~ **Division**.

39 (b) An applicant for the issuance or renewal of a license to
40 practice homeopathic medicine, a certificate as an advanced
41 practitioner of homeopathy or a certificate as a homeopathic
42 assistant shall submit to the ~~{Board:}~~ **Division of Occupational**
43 **Licensing** the statement prescribed by the Division of Welfare and
44 Supportive Services of the Department of Health and Human



Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The ~~{Board,}~~ *Division of Occupational Licensing* shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license or certificate; or

(b) A separate form prescribed by the ~~{Board,}~~ *Division*.

3. A license to practice homeopathic medicine, a certificate as an advanced practitioner of homeopathy or a certificate as a homeopathic assistant may not be issued or renewed by the ~~{Board,}~~ *Division* if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the ~~{Board,}~~ *Division* shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 41. NRS 630A.250 is hereby amended to read as follows:

630A.250 1. If required by the ~~{Board,}~~ *Division*, an applicant for a license to practice homeopathic medicine shall appear personally and pass an oral examination.

2. The ~~{Board,}~~ *Division* may employ specialists and other consultants or examining services in conducting any examination required by the ~~{Board,}~~ *Division*.

Sec. 42. NRS 630A.260 is hereby amended to read as follows:

630A.260 1. If an applicant fails in a first examination, the applicant may be reexamined after not less than 6 months.

2. If the applicant fails in a second examination, he or she may not be reexamined within less than 1 year after the date of the second examination. Before taking a third examination, the applicant shall furnish proof satisfactory to the ~~{Board,}~~ *Division* of 1 year of additional training in homeopathy after the second examination.

3. If an applicant fails three consecutive examinations, he or she must show the ~~{Board,}~~ *Division* by clear and convincing



evidence that extraordinary circumstances justify permitting the applicant to be reexamined again.

Sec. 43. NRS 630A.270 is hereby amended to read as follows:

630A.270 1. An applicant for a license to practice homeopathic medicine who is a graduate of a foreign medical school shall submit to the ~~{Board through its Secretary-Treasurer}~~ **Division** proof that the applicant:

(a) Has received the degree of doctor of medicine or its equivalent, as determined by the Board, from a foreign medical school recognized by the Educational Commission for Foreign Medical Graduates;

(b) Has completed 3 years of postgraduate training satisfactory to the ~~{Board,}~~ **Division;**

(c) Has completed an additional 6 months of postgraduate training in homeopathic medicine;

(d) Has received the standard certificate of the Educational Commission for Foreign Medical Graduates; and

(e) Has passed all parts of the Federation Licensing Examination, or has received a written statement from the Educational Commission for Foreign Medical Graduates that the applicant has passed the examination given by the Commission.

2. In addition to the proofs required by subsection 1, the ~~{Board}~~ **Division** may take such further evidence and require such further proof of the professional and moral qualifications of the applicant as in its discretion may be deemed proper.

3. If the applicant is a diplomate of an approved specialty board recognized by ~~{this Board,}~~ **the Division**, the requirements of paragraphs (b) and (c) of subsection 1 may be waived by the ~~{Board,}~~ **Division.**

4. Before issuance of a license to practice homeopathic medicine, the applicant who presents the proof required by subsection 1 shall appear personally before the ~~{Board}~~ **Division** and satisfactorily pass a written or oral examination, or both, as to his or her qualifications to practice homeopathic medicine.

Sec. 44. NRS 630A.280 is hereby amended to read as follows:

630A.280 The ~~{Board}~~ **Division** may, in its discretion, license an applicant who holds a valid license or certificate issued to the applicant by the homeopathic medical examining board of the District of Columbia or of any state or territory of the United States, if:

1. The legal requirements of the homeopathic medical examining board were, at the time of issuing the license or certificate, in no degree or particular less than those of this State at the time when the license or certificate was issued.

2. The applicant is of good moral character and reputation.



3. The applicant passes an oral examination, where required by the ~~{Board}~~ Division.

4. The applicant furnishes to the ~~{Board}~~ Division such other proof of qualifications, professional or moral, as the ~~{Board}~~ Division may require.

Sec. 45. NRS 630A.290 is hereby amended to read as follows:

630A.290 1. The ~~{Board}~~ Division may deny an application for a license to practice homeopathic medicine or a certificate to practice as an advanced practitioner of homeopathy or as a homeopathic assistant for any violation of the provisions of this chapter or the regulations adopted by the ~~{Board}~~ Division.

2. The ~~{Board}~~ Division shall notify an applicant of any deficiency which prevents any further action on the application or results in the denial of the application. The applicant may respond in writing to the ~~{Board}~~ Division concerning any deficiency and, if the applicant does so, the ~~{Board}~~ Division shall respond in writing to the contentions of the applicant.

3. An unsuccessful applicant may appeal to the district court to review the action of the ~~{Board}~~ Division within 30 days after the date of the rejection of the application by the ~~{Board}~~ Division. Upon appeal the applicant has the burden to show that the action of the ~~{Board}~~ Division is erroneous or unlawful.

4. The ~~{Board}~~ Division shall maintain records pertaining to applicants to whom licenses and certificates have been issued or denied. The records must be open to the public and must contain:

(a) The name of each applicant.

(b) For an applicant for a license to practice homeopathic medicine, the name of the school granting the diploma and the date of the diploma.

(c) The date of issuance or denial of the license or certificate.

(d) The business address of the applicant.

Sec. 46. NRS 630A.293 is hereby amended to read as follows:

630A.293 1. The ~~{Board}~~ Division may grant a certificate as an advanced practitioner of homeopathy to a person who has completed an educational program:

(a) Consisting of not less than 400 hours of training, 200 hours of which are completed in this State under the supervision of a homeopathic physician or such other program as is deemed equivalent by the ~~{Board}~~ Division.

(b) Designed to prepare the person to:

(1) Perform designated acts of medical diagnosis;

(2) Prescribe therapeutic or corrective measures; and

(3) Prescribe substances used in homeopathic medicine.

2. An advanced practitioner of homeopathy may:

(a) Engage in selected medical diagnosis and treatment; and



(b) Prescribe substances which are contained in the Homeopathic Pharmacopeia of the United States,

↳ pursuant to a protocol approved by a supervising homeopathic physician. A protocol must not include, and an advanced practitioner of homeopathy shall not engage in, any diagnosis, treatment or other conduct which he or she is not qualified to perform.

3. As used in this section, "protocol" means a written agreement between a homeopathic physician and an advanced practitioner of homeopathy which sets forth matters including the:

(a) Patients which the advanced practitioner of homeopathy may serve;

(b) Specific substances used in homeopathic medicine which the advanced practitioner of homeopathy may prescribe; and

(c) Conditions under which the advanced practitioner of homeopathy must directly refer the patient to the homeopathic physician.

Sec. 47. NRS 630A.295 is hereby amended to read as follows:

630A.295 The ~~{Board}~~ Division shall adopt regulations:

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

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

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

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

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

6. Delineating the grounds respecting disciplinary actions against advanced practitioners of homeopathy.

Sec. 48. NRS 630A.297 is hereby amended to read as follows:

630A.297 1. The ~~{Board}~~ Division may issue a certificate as a homeopathic assistant to an applicant who is qualified under the regulations of the ~~{Board}~~ Division and who has completed an educational program:

(a) Consisting of not less than 200 hours of training, 100 hours of which are completed in this State under the supervision of a homeopathic physician or such other program as is deemed equivalent by the ~~{Board}~~ Division.

(b) Designed to prepare the applicant to perform homeopathic services under the supervision of a supervising homeopathic physician.

2. The application for the certificate must be cosigned by the supervising homeopathic physician, and the certificate is valid only



so long as that supervising homeopathic physician employs and supervises the homeopathic assistant.

3. A homeopathic assistant may perform such homeopathic services as he or she is authorized to perform under the terms of the certificate issued to the homeopathic assistant by the ~~{Board,}~~ **Division**, if the services are performed under the supervision and control of the supervising homeopathic physician.

4. A supervising homeopathic physician shall not cosign for, employ or supervise more than seven homeopathic assistants at the same time.

Sec. 49. NRS 630A.299 is hereby amended to read as follows:

630A.299 The ~~{Board}~~ **Division** shall adopt regulations regarding the certification of a homeopathic assistant, including, but not limited to:

1. The educational and other qualifications of applicants.
2. The required academic program for applicants.
3. The procedures for applications for and the issuance of certificates.

4. The tests or examinations of applicants by the ~~{Board,}~~ **Division**.

5. The medical services which a homeopathic assistant may perform, except that a homeopathic assistant may not perform those specific functions and duties delegated or restricted by law to persons licensed as dentists, chiropractors, podiatric physicians, optometrists or hearing aid specialists under chapter 631, 634, 635, 636 or 637B, respectively, of NRS or persons licensed to engage in radiation therapy or radiologic imaging pursuant to chapter 653 of NRS.

6. The duration, renewal and termination of certificates.

7. The grounds respecting disciplinary actions against homeopathic assistants.

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

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

Sec. 50. NRS 630A.310 is hereby amended to read as follows:

630A.310 1. Except as otherwise provided in NRS 630A.225, the ~~{Board}~~ **Division** may:

(a) Issue a temporary license, to be effective not more than 6 months after issuance, to any homeopathic physician who is eligible for a permanent license in this State and who also is of good moral character and reputation. The purpose of the temporary license is to enable an eligible homeopathic physician to serve as a substitute for some other homeopathic physician who is licensed to practice homeopathic medicine in this State and who is absent from his or



her practice for reasons deemed sufficient by the ~~{Board}~~ **Division**.
A temporary license issued under the provisions of this paragraph is
not renewable.

(b) Issue a special license to a licensed homeopathic physician
of another state to come into Nevada to care for or assist in the
treatment of his or her own patients in association with a physician
licensed in this State. A special license issued under the provisions
of this paragraph is limited to the care of a specific patient.

(c) Issue a restricted license for a specified period if the ~~{Board}~~
Division determines the applicant needs supervision or restriction.

2. A person who is licensed pursuant to paragraph (a), (b) or
(c) of subsection 1 shall be deemed to have given consent to the
revocation of the license at any time by the ~~{Board}~~ **Division** for any
of the grounds provided in NRS 630A.225 or 630A.340 to
630A.380, inclusive.

Sec. 51. NRS 630A.320 is hereby amended to read as follows:
630A.320 1. Except as otherwise provided in NRS
630A.225, the ~~{Board}~~ **Division** may issue to a qualified applicant a
limited license to practice homeopathic medicine as a resident
homeopathic physician in a postgraduate program of clinical
training if:

(a) The applicant is a graduate of an accredited medical school
in the United States or Canada or is a graduate of a foreign medical
school recognized by the Educational Commission for Foreign
Medical Graduates and has completed 1 year of supervised clinical
training approved by the ~~{Board}~~ **Division**.

(b) The ~~{Board}~~ **Division** approves the program of clinical
training, and the medical school or other institution sponsoring the
program provides the ~~{Board}~~ **Division** with written confirmation
that the applicant has been appointed to a position in the program.

2. In addition to the requirements of subsection 1, an applicant
who is a graduate of a foreign medical school must have received
the standard certificate of the Educational Commission for Foreign
Medical Graduates.

3. The ~~{Board}~~ **Division** may issue this limited license for not
more than 1 year, but may renew the license.

4. The holder of this limited license may practice homeopathic
medicine only in connection with his or her duties as a resident
physician and shall not engage in the private practice of
homeopathic medicine.

5. A limited license granted under this section may be revoked
by the ~~{Board}~~ **Division** at any time for any of the grounds set forth
in NRS 630A.225 or 630A.340 to 630A.380, inclusive.



1 **Sec. 52.** NRS 630A.325 is hereby amended to read as follows:
2 630A.325 1. To renew a license or certificate, other than a
3 temporary, special or limited license, issued pursuant to this chapter,
4 each person must, on or before January 1 of each year:

- 5 (a) Apply to the ~~{Board}~~ **Division** for renewal;
6 (b) Pay the annual fee for renewal set by the ~~{Board;}~~ **Division**;
7 (c) Submit evidence to the ~~{Board}~~ **Division** of completion of
8 the requirements for continuing education; and
9 (d) Submit all information required to complete the renewal.

10 2. The ~~{Board}~~ **Division** shall, as a prerequisite for the renewal
11 or restoration of a license or certificate, other than a temporary,
12 special or limited license, require each holder of a license or
13 certificate to comply with the requirements for continuing education
14 adopted by the ~~{Board;}~~ **Division**.

15 3. Any holder who fails to pay the annual fee for renewal and
16 submit all information required to complete the renewal after they
17 become due must be given a period of 60 days in which to pay the
18 fee and submit all required information and, failing to do so,
19 automatically forfeits the right to practice homeopathic medicine or
20 to practice as an advanced practitioner of homeopathy or as a
21 homeopathic assistant, as applicable, and his or her license to
22 practice homeopathic medicine or certificate to practice as an
23 advanced practitioner of homeopathy or as a homeopathic assistant
24 in this State is automatically suspended. The holder may, within 2
25 years after the date his or her license or certificate is suspended,
26 apply for the restoration of the license or certificate.

27 4. The ~~{Board}~~ **Division** shall notify any holder whose license
28 or certificate is automatically suspended pursuant to subsection 3
29 and send a copy of the notice to the Drug Enforcement
30 Administration of the United States Department of Justice or its
31 successor agency.

32 **Sec. 53.** NRS 630A.330 is hereby amended to read as follows:
33 630A.330 1. Except as otherwise provided in subsection 6,
34 each applicant for a license to practice homeopathic medicine must:

- 35 (a) Pay a fee of \$800; and
36 (b) Pay the cost of obtaining such further evidence and proof of
37 qualifications as the ~~{Board}~~ **Division** may require pursuant to
38 subsection 2 of NRS 630A.240.

39 2. Each applicant for a certificate as an advanced practitioner
40 of homeopathy must:

- 41 (a) Pay a fee of \$500; and
42 (b) Pay the cost of obtaining such further evidence and proof of
43 qualifications as the ~~{Board}~~ **Division** may require pursuant to
44 NRS 630A.295.



3. Each applicant for a certificate as a homeopathic assistant must pay a fee of \$300.

4. Each applicant for a license or certificate who fails an examination and who is permitted to be reexamined must pay a fee not to exceed \$600 for each reexamination.

5. If an applicant for a license or certificate does not appear for examination, for any reason deemed sufficient by the ~~{Board,}~~ **Division**, the ~~{Board,}~~ **Division** may, upon request, refund a portion of the application fee not to exceed 50 percent of the fee. There must be no refund of the application fee if an applicant appears for examination.

6. Each applicant for a license issued under the provisions of NRS 630A.310 or 630A.320 must pay a fee not to exceed \$400, as determined by the ~~{Board,}~~ **Division**, and must pay a fee of \$250 for each renewal of the license.

7. The fee for the renewal of a license or certificate, as determined by the ~~{Board,}~~ **Division**, must be collected for the year in which a physician, advanced practitioner of homeopathy or homeopathic assistant is licensed or certified and must not exceed:

(a) For a physician, \$2,000 per year.

(b) For an advanced practitioner of homeopathy, \$1,500 per year.

(c) For a homeopathic assistant, \$1,000 per year.

8. The fee for the restoration of a suspended license or certificate is twice the amount of the fee for the renewal of a license or certificate at the time of the restoration of the license or certificate.

Sec. 54. NRS 630A.360 is hereby amended to read as follows:

630A.360 The following acts, among others, constitute grounds for initiating disciplinary action or denying the issuance of a license:

1. Directly or indirectly receiving from any person any fee, commission, rebate or other form of compensation which tends or is intended to influence the physician's objective evaluation or treatment of a patient.

2. Dividing a fee between homeopathic physicians, unless the patient is informed of the division of fees and the division is made in proportion to the services personally performed and the responsibility assumed by each homeopathic physician.

3. Charging for visits to the homeopathic physician's office which did not occur or for services which were not rendered or documented in the records of the patient.

4. Employing, directly or indirectly, any suspended or unlicensed person in the practice of homeopathic medicine, or the aiding, abetting or assisting of any unlicensed person to practice



homeopathic medicine contrary to the provisions of this chapter or the regulations adopted by the ~~{Board.}~~ **Division.**

5. Advertising the services of an unlicensed person in the practice of homeopathic medicine.

6. Delegating responsibility for the care of a patient to a person whom the homeopathic physician knows, or has reason to know, is not qualified to undertake that responsibility.

7. Failing to disclose to a patient any financial or other conflict of interest affecting the care of the patient.

Sec. 55. NRS 630A.370 is hereby amended to read as follows:
630A.370 The following acts, among others, constitute grounds for initiating disciplinary action or denying the issuance of a license or certificate:

1. Inability to practice homeopathic medicine or to practice as an advanced practitioner of homeopathy or as a homeopathic assistant, as applicable, with reasonable skill and safety because of an illness, a mental or physical condition or an alcohol or other substance use disorder.

2. Engaging in any:

(a) Professional conduct which is intended to deceive or which the ~~{Board.}~~ **Division** by regulation has determined is unethical.

(b) Medical practice harmful to the public or any conduct detrimental to the public health, safety or morals which does not constitute gross or repeated malpractice or professional incompetence.

3. Administering, dispensing or prescribing any controlled substance, except as authorized by law.

4. Performing, assisting or advising an unlawful abortion or in the injection of any liquid substance into the human body to cause an abortion.

5. Practicing or offering to practice beyond the scope permitted by law, or performing services which the homeopathic physician, advanced practitioner of homeopathy or homeopathic assistant knows or has reason to know he or she is not competent to perform.

6. Performing any procedure without first obtaining the informed consent of the patient or the patient's family or prescribing any therapy which by the current standards of the practice of homeopathic medicine is experimental.

7. Continued failure to exercise the skill or diligence or use the methods ordinarily exercised under the same circumstances by homeopathic physicians, advanced practitioners of homeopathy and homeopathic assistants in good standing who practice homeopathy and electrodiagnosis, as applicable.

8. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:



- 1 (a) The license of the facility is suspended or revoked; or
- 2 (b) An act or omission occurs which results in the suspension or
- 3 revocation of the license pursuant to NRS 449.160.

4 ➤ This subsection applies to an owner or other principal responsible
5 for the operation of the facility.

6 **Sec. 56.** NRS 630A.380 is hereby amended to read as follows:

7 630A.380 The following acts, among others, constitute
8 grounds for initiating disciplinary action or denying the issuance of
9 a license or certificate:

10 1. Willful disclosure of a communication privileged under a
11 statute or court order.

12 2. Willful failure to comply with any provision of this chapter,
13 regulation, subpoena or order of the ~~{Board}~~ **Division** or with any
14 court order relating to this chapter.

15 3. Willful failure to perform any statutory or other legal
16 obligation imposed upon a licensed homeopathic physician, a
17 certified advanced practitioner of homeopathy or a certified
18 homeopathic assistant, as applicable.

19 **Sec. 57.** NRS 630A.390 is hereby amended to read as follows:

20 630A.390 1. Any person who becomes aware that a person
21 practicing medicine or practicing as an advanced practitioner of
22 homeopathy or as a homeopathic assistant in this State has, is or is
23 about to become engaged in conduct which constitutes grounds for
24 initiating disciplinary action may file a written complaint with the
25 ~~{Board}~~ **Division**. A complaint may be filed anonymously. If a
26 complaint is filed anonymously, the ~~{Board}~~ **Division** may accept
27 the complaint but may refuse to consider the complaint if anonymity
28 of the complainant makes processing the complaint impossible or
29 unfair to the person who is the subject of the complaint.

30 2. Any medical society or medical facility or facility for the
31 dependent licensed in this State shall report to the ~~{Board}~~ **Division**
32 the initiation and outcome of any disciplinary action against any
33 homeopathic physician, advanced practitioner of homeopathy or
34 homeopathic assistant concerning the care of a patient or the
35 competency of the homeopathic physician, advanced practitioner of
36 homeopathy or homeopathic assistant.

37 3. The clerk of every court shall report to the ~~{Board}~~ **Division**
38 any finding, judgment or other determination of the court that a
39 homeopathic physician, advanced practitioner of homeopathy or
40 homeopathic assistant:

41 (a) Is mentally ill;

42 (b) Is mentally incompetent;

43 (c) Has been convicted of a felony or any law relating to
44 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.

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

Sec. 58. NRS 630A.400 is hereby amended to read as follows:

630A.400 1. The ~~{Board or a committee of its members designated by the Board}~~ **Division** shall review every complaint filed with the ~~{Board}~~ **Division** and conduct an investigation to determine whether there is a reasonable basis for compelling a homeopathic physician to take a mental or physical examination or an examination of his or her competence to practice homeopathic medicine.

2. ~~{If a committee is designated, it must be composed of at least three members of the Board, at least one of whom is a licensed homeopathic physician.}~~

~~—3.}~~ If, from the complaint or from other official records, it appears that the complaint is not frivolous and the complaint charges gross or repeated malpractice, the ~~{Board}~~ **Division** may:

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

(b) If the ~~{Board}~~ **Division** retains the Attorney General, transmit the original complaint, along with further facts or information derived from its own review, to the Attorney General.

~~{4.—Following an investigation, the committee shall present its evaluation and recommendations to the Board. The Board shall review the committee's findings to determine whether to take any further action, but a member of the Board who participated in the investigation may not participate in this review or in any subsequent hearing or action taken by the Board.}~~

Sec. 59. NRS 630A.410 is hereby amended to read as follows:

630A.410 1. If the ~~{Board}~~ **Division** retains the Attorney General pursuant to NRS 630A.400, the Attorney General shall conduct an investigation of the complaint transmitted to the Attorney General to determine whether it warrants proceedings for modification, suspension or revocation of license. If the Attorney General determines that such further proceedings are warranted, the Attorney General shall report the results of the investigation together with a recommendation to the ~~{Board}~~ **Division** in a manner which does not violate the right of the person charged in the complaint to due process in any later hearing before the ~~{Board.}~~ **Division**.

2. The ~~{Board}~~ **Division** shall promptly make a determination with respect to each complaint reported to it by the Attorney



General as to what action shall be pursued. The ~~{Board}~~ **Division** shall:

- (a) Dismiss the complaint; or
- (b) Proceed with appropriate disciplinary action.

3. If the ~~{Board}~~ **Division** retains the Attorney General pursuant to NRS 630A.400, the Attorney General may, in accordance with the provisions of NRS 228.113, charge the ~~{Board}~~ **Division** for all services relating to the investigation of a complaint.

Sec. 60. NRS 630A.420 is hereby amended to read as follows:

~~630A.420~~ 1. If the ~~{Board or its investigative committee}~~ **Division** has reason to believe that the conduct of any homeopathic physician has raised a reasonable question as to his or her competence to practice medicine with reasonable skill and safety to patients, it may order the homeopathic physician to undergo:

- (a) A mental or physical examination; or
- (b) An examination of his or her competence to practice homeopathic medicine,
 - ↳ by physicians or others designated by the ~~{Board}~~ **Division** to assist the ~~{Board}~~ **Division** in determining the fitness of the homeopathic physician to practice homeopathic medicine.

2. For the purposes of this section:

(a) Every homeopathic physician who applies for a license or is licensed under this chapter shall be deemed to have given consent to submit to a mental or physical examination or an examination of his or her competence to practice homeopathic medicine when directed to do so in writing by the ~~{Board or an investigative committee of the Board}~~ **Division**.

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

3. Except in extraordinary circumstances, as determined by the ~~{Board}~~ **Division**, the failure of a homeopathic physician licensed under this chapter to submit to an examination when directed as provided in this section constitutes an admission of the charges against the homeopathic physician.

Sec. 61. NRS 630A.430 is hereby amended to read as follows:

630A.430 If the ~~{Board}~~ **Division** has reason to believe that the conduct of any homeopathic physician has raised a reasonable question as to his or her competence to practice homeopathic medicine with reasonable skill and safety to patients, the ~~{Board}~~ **Division** may order an examination of the homeopathic physician to determine his or her fitness to practice homeopathic medicine. When such action is taken, the reasons for the action must be documented and must be available to the homeopathic physician being examined.



Sec. 62. NRS 630A.440 is hereby amended to read as follows:
630A.440 ~~{Notwithstanding the provisions of chapter 622A of NRS, if}~~ **If** the ~~{Board}~~ **Division** issues an order summarily suspending the license of a homeopathic physician pending proceedings for disciplinary action and requires the homeopathic physician to submit to a mental or physical examination or an examination of his or her competence to practice homeopathic medicine, the examination must be conducted and the results obtained not later than 60 days after the ~~{Board}~~ **Division** issues its order.

Sec. 63. NRS 630A.450 is hereby amended to read as follows:
630A.450 ~~{Notwithstanding the provisions of chapter 622A of NRS, if}~~ **If** the ~~{Board}~~ **Division** issues an order summarily suspending the license of a homeopathic physician pending proceedings for disciplinary action, including, without limitation, a summary suspension pursuant to NRS 233B.127, the court shall not stay that order.

Sec. 64. NRS 630A.480 is hereby amended to read as follows:
630A.480 ~~{Notwithstanding the provisions of chapter 622A of NRS, if}~~ **If** the ~~{Board}~~ **Division** receives a report pursuant to subsection 5 of NRS 228.420, a disciplinary proceeding regarding the report must be commenced within 30 days after the ~~{Board}~~ **Division** receives the report.

Sec. 65. NRS 630A.490 is hereby amended to read as follows:
630A.490 ~~{Except as otherwise provided in chapter 622A of NRS:~~

~~—1.}~~ Service of process made under this chapter must be either personal or by registered or certified mail with return receipt requested, addressed to the homeopathic physician, advanced practitioner of homeopathy or homeopathic assistant at his or her last known address. If personal service cannot be made and if notice by mail is returned undelivered, the ~~{Secretary-Treasurer of the Board}~~ **Division** shall cause notice to be published once a week for 4 consecutive weeks in a newspaper published in the county of the last known address of the homeopathic physician, advanced practitioner of homeopathy or homeopathic assistant or, if no newspaper is published in that county, then in a newspaper widely distributed in that county.

~~{2.—Proof of service of process or publication of notice made under this chapter must be filed with the Board and recorded in the minutes of the Board.}~~

Sec. 66. NRS 630A.500 is hereby amended to read as follows:
630A.500 ~~{Notwithstanding the provisions of chapter 622A of NRS, in}~~ **In** any disciplinary hearing:

1. Proof of actual injury need not be established.



2. A certified copy of the record of a court or a licensing or certifying agency showing a conviction or plea of nolo contendere or the suspension, revocation, limitation, modification, denial or surrender of a license to practice homeopathic medicine or a certificate to practice as an advanced practitioner of homeopathy or as a homeopathic assistant is conclusive evidence of its occurrence.

Sec. 67. NRS 630A.510 is hereby amended to read as follows:

630A.510 1. ~~{Except as otherwise provided in NRS 630A.150, any member of the Board who was not a member of the investigative committee, if one was appointed, may participate in the final order of the Board.}~~ If the ~~{Board,}~~ **Division**, after notice and a hearing as required by law, determines that a violation of the provisions of this chapter or the regulations adopted by the ~~{Board,}~~ **Division** has occurred, it shall issue and serve on the person charged an order, in writing, containing its findings and any sanctions imposed by the ~~{Board,}~~ **Division**. If the ~~{Board,}~~ **Division** determines that no violation has occurred, it shall dismiss the charges, in writing, and notify the person that the charges have been dismissed.

2. If the ~~{Board,}~~ **Division** finds that a violation has occurred, it may by order:

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

(b) Administer to the person a public reprimand.

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

(d) Suspend the license or certificate of the person for a specified period or until further order of the ~~{Board,}~~ **Division**.

(e) Revoke the person's license to practice homeopathic medicine or certificate to practice as an advanced practitioner of homeopathy or as a homeopathic assistant.

(f) Require the person to participate in a program to correct an alcohol or other substance use disorder or any other impairment.

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

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

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

(j) Require the person to take a physical or mental examination or an examination of his or her competence to practice homeopathic medicine or to practice as an advanced practitioner of homeopathy or as a homeopathic assistant, as applicable.

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

3. The ~~{Board,}~~ **Division** shall not administer a private reprimand.



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

Sec. 68. NRS 630A.520 is hereby amended to read as follows:

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

2. Every order of the ~~{Board}~~ **Division** which limits the practice of homeopathic medicine or the practice of an advanced practitioner of homeopathy or of a homeopathic assistant or suspends or revokes a license or certificate is effective from the date the ~~{Secretary-Treasurer of the Board}~~ **Division** certifies the order until the date the order is modified or reversed by a final judgment of the court. The court shall not stay the order of the ~~{Board}~~ **Division** pending a final determination by the court.

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

Sec. 69. NRS 630A.530 is hereby amended to read as follows:

630A.530 1. Any person:

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

(b) Whose license to practice homeopathic medicine or certificate to practice as an advanced practitioner of homeopathy or as a homeopathic assistant has been:

(1) Suspended until further order; or

(2) Revoked,

➔ may apply to the ~~{Board}~~ **Division** for removal of the limitation or suspension or may apply to the ~~{Board pursuant to the provisions of chapter 622A of NRS}~~ **Division** for reinstatement of the revoked license or certificate.

2. In hearing the application, the ~~{Board or a committee of members of the Board;}~~ **Division:**

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

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

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



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

4. The ~~{Board}~~ **Division** shall not reinstate a license or certificate unless it is satisfied that the applicant has complied with all of the terms and conditions set forth in the final order of the ~~{Board}~~ **Division** and that the applicant is capable of practicing homeopathic medicine or practicing as an advanced practitioner of homeopathy or as a homeopathic assistant, as applicable, with reasonable skill and safety to patients.

5. In addition to any other requirements set forth ~~{in chapter 622A of NRS,}~~ **by regulation of the Division**, to reinstate a license or certificate that has been revoked by the ~~{Board,}~~ **Division**, a person must apply for a license or certificate and take an examination as though the person had never been licensed or certified under this chapter.

Sec. 70. NRS 630A.540 is hereby amended to read as follows:

630A.540 1. ~~{In addition to any other immunity provided by the provisions of chapter 622A of NRS:}~~

~~{(a)}~~ Any person who furnishes information to the ~~{Board,}~~ **Division**, in good faith in accordance with the provisions of this chapter, concerning a person who is licensed or certified or applies for a license or certificate under this chapter is immune from civil liability for furnishing that information.

~~{(b)}~~ 2. The ~~{Board}~~ **Division** and ~~{its members,}~~ **the** staff, counsel, investigators, experts, committees, panels, hearing officers and consultants **of the Division** are immune from civil liability for any decision or action taken in good faith in response to information received by the ~~{Board,}~~ **Division**.

~~{(c)}~~ 3. The ~~{Board and any of its members are}~~ **Division is** immune from civil liability for disseminating information concerning a person who is licensed or certified or applies for a license or certificate under this chapter to the Attorney General or any board or agency of the State, hospital, medical society, insurer, employer, patient or patient's family or law enforcement agency.

~~{2,}~~ 4. The ~~{Board}~~ **Division** shall not commence an investigation, impose any disciplinary action or take any other adverse action against a homeopathic physician for:

(a) Disclosing to a governmental entity a violation of any law, rule or regulation by an applicant for a license to practice homeopathic medicine or by a homeopathic physician; or

(b) Cooperating with a governmental entity that is conducting an investigation, hearing or inquiry into such a violation, including, without limitation, providing testimony concerning the violation.



~~13.1~~ 5. As used in this section, "governmental entity" includes, without limitation:

(a) A federal, state or local officer, employee, agency, department, division, bureau, board, commission, council, authority or other subdivision or entity of a public employer;

(b) A federal, state or local employee, committee, member or commission of the Legislative Branch of Government;

(c) A federal, state or local representative, member or employee of a legislative body or a county, town, village or any other political subdivision or civil division of the State;

(d) A federal, state or local law enforcement agency or prosecutorial office, or any member or employee thereof, or police or peace officer; and

(e) A federal, state or local judiciary, or any member or employee thereof, or grand or petit jury.

Sec. 71. NRS 630A.543 is hereby amended to read as follows:

630A.543 1. If the ~~Board~~ Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license to practice homeopathic medicine or a certificate to practice as an advanced practitioner of homeopathy or as a homeopathic assistant, the ~~Board~~ Division shall deem the license or certificate issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the ~~Board~~ Division receives a letter issued to the holder of the license or certificate by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license or certificate has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The ~~Board~~ Division shall reinstate a license to practice homeopathic medicine or a certificate to practice as an advanced practitioner of homeopathy or a homeopathic assistant that has been suspended by a district court pursuant to NRS 425.540 if:

(a) The ~~Board~~ Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license or certificate was suspended stating that the person whose license or certificate was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560; and

(b) The person whose license or certificate was suspended pays the fee prescribed in NRS 630A.330 for the reinstatement of a suspended license or certificate.



1 **Sec. 72.** NRS 630A.545 is hereby amended to read as follows:
2 630A.545 1. Any disciplinary action taken by a hearing
3 officer or panel pursuant to NRS 630A.160 is subject to the same
4 procedural requirements which apply to disciplinary actions taken
5 by the ~~{Board,}~~ **Division**, and the officer or panel has the powers and
6 duties given to the ~~{Board,}~~ **Division** in relation thereto.

7 2. A decision of a hearing officer or panel relating to the
8 imposition of an administrative fine is a final decision in a contested
9 case.

10 **Sec. 73.** NRS 630A.550 is hereby amended to read as follows:
11 630A.550 The filing and review of a complaint, its dismissal
12 without further action or its transmittal to the Attorney General, and
13 any subsequent disposition by the ~~{Board,}~~ **Division**, the Attorney
14 General or any reviewing court do not preclude:

15 1. Any measure by a hospital or other institution or medical
16 society to limit or terminate the privileges of a homeopathic
17 physician, advanced practitioner of homeopathy or homeopathic
18 assistant according to its rules or the custom of the profession. No
19 civil liability attaches to any such action taken without malice even
20 if the ultimate disposition of the complaint is in favor of the
21 homeopathic physician, advanced practitioner of homeopathy or
22 homeopathic assistant.

23 2. Any appropriate criminal prosecution by the Attorney
24 General or a district attorney based upon the same or other facts.

25 **Sec. 74.** NRS 630A.555 is hereby amended to read as follows:
26 630A.555 1. Except as otherwise provided in this section and
27 NRS 239.0115, a complaint filed with the ~~{Board,}~~ **Division**, all
28 documents and other information filed with the complaint and all
29 documents and other information compiled as a result of an
30 investigation conducted to determine whether to initiate disciplinary
31 action against a person are confidential, unless the person submits a
32 written statement to the ~~{Board,}~~ **Division**, requesting that such
33 documents and information be made public records.

34 2. ~~{The}~~ **Any** charging documents filed with the ~~{Board,}~~
35 **Division** to initiate disciplinary action ~~{pursuant to chapter 622A of~~
36 ~~NRS}~~ and all documents and information considered by the ~~{Board,}~~
37 **Division** when determining whether to impose discipline are public
38 records.

39 3. The ~~{Board,}~~ **Division** shall, to the extent feasible,
40 communicate or cooperate with or provide any documents or other
41 information to any other licensing ~~{board}~~ **entity** or any other agency
42 that is investigating a person, including, without limitation, a law
43 enforcement agency.



1 **Sec. 75.** NRS 630A.557 is hereby amended to read as follows:
2 630A.557 Any ~~{member or}~~ agent **or employee** of the ~~{Board}~~
3 **Division** may enter any premises in this State where a person who
4 holds a license or certificate issued pursuant to the provisions of this
5 chapter practices homeopathic medicine and inspect it to determine
6 whether a violation of any provision of this chapter has occurred,
7 including, without limitation, an inspection to determine whether
8 any person at the premises is practicing homeopathic medicine
9 without the appropriate license or certificate issued pursuant to the
10 provisions of this chapter.

11 **Sec. 76.** NRS 630A.560 is hereby amended to read as follows:
12 630A.560 ~~{In a manner consistent with the provisions of~~
13 ~~chapter 622A of NRS, the Board}~~ **The Division** is authorized to
14 prosecute all persons guilty of violation of the provisions of this
15 chapter and may employ investigators and such other assistants as
16 may be necessary to carry out the provisions of this chapter . ~~{and~~
17 ~~chapter 622A of NRS, but any expenses so incurred must not be~~
18 ~~paid out of the State General Fund.}~~

19 **Sec. 77.** NRS 630A.565 is hereby amended to read as follows:
20 630A.565 1. In addition to any other remedy provided by
21 law, the ~~{Board, through its President or Secretary-Treasurer or the~~
22 ~~Attorney General,}~~ **Division** may apply to any court of competent
23 jurisdiction to:

24 (a) Enjoin any prohibited act or other conduct of a homeopathic
25 physician which is harmful to the public;

26 (b) Enjoin any person who is not licensed under this chapter
27 from practicing homeopathic medicine; or

28 (c) Limit a homeopathic physician's practice or suspend his or
29 her license to practice homeopathic medicine.

30 2. The court in a proper case may issue a temporary restraining
31 order or a preliminary injunction for the purposes of subsection 1:

32 (a) Without proof of actual damage sustained by any person;

33 (b) Without relieving any person from criminal prosecution for
34 engaging in the practice of homeopathic medicine without a license;
35 and

36 (c) Pending proceedings for disciplinary action by the ~~{Board,}~~
37 **Division.**

38 **Sec. 78.** NRS 630A.570 is hereby amended to read as follows:
39 630A.570 1. The ~~{Board through its President or Secretary-~~
40 ~~Treasurer or the Attorney General}~~ **Division** may maintain in any
41 court of competent jurisdiction a suit for an injunction against any
42 person or persons practicing homeopathic medicine without a
43 license or practicing as an advanced practitioner of homeopathy or
44 as a homeopathic assistant without the appropriate certificate.

45 2. Such an injunction:



(a) May be issued without proof of actual damage sustained by any person, this provision being a preventive as well as a punitive measure.

(b) Does not relieve such person from criminal prosecution for practicing without a license or certificate.

Sec. 79. NRS 630A.590 is hereby amended to read as follows:

630A.590 A person who:

1. Presents to the ~~{Board}~~ **Division** as his or her own the diploma, license, certificate or credentials of another;

2. Gives either false or forged evidence of any kind to the ~~{Board;}~~ **Division;**

3. Practices homeopathic medicine or practices as an advanced practitioner of homeopathy or as a homeopathic assistant under a false or assumed name; or

4. Except as otherwise provided in NRS 629.091, or unless a greater penalty is provided pursuant to NRS 200.830 or 200.840, practices homeopathic medicine or practices as an advanced practitioner of homeopathy or as a homeopathic assistant without being appropriately licensed or certified under this chapter,

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

Sec. 80. NRS 630A.600 is hereby amended to read as follows:

630A.600 1. Except as otherwise provided in NRS 629.091, a person who practices homeopathic medicine or who practices as an advanced practitioner of homeopathy or as a homeopathic assistant without the appropriate license or certificate issued pursuant to this chapter is guilty of a category D felony and shall be punished as provided in NRS 193.130, unless a greater penalty is provided pursuant to NRS 200.830 or 200.840.

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

(a) Issue and serve on the person an order to cease and desist until the person obtains from the ~~{Board}~~ **Division** 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 include a telephone number with which the person may contact the ~~{Board;}~~ **Division.**

(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}~~ *Division* 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. 81. Chapter 631 of NRS is hereby amended by adding thereto a new section to read as follows:

“Division” means the Division of Occupational Licensing of the Department of Business and Industry.

Sec. 82. NRS 631.005 is hereby amended to read as follows:

631.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 631.015 to 631.105, inclusive, *and section 81 of this act*, have the meanings ascribed to them in those sections.

Sec. 83. NRS 631.070 is hereby amended to read as follows:

631.070 “License” means a certificate issued by the ~~{Board}~~ *Division* to any applicant upon completion of requirements for admission to practice dental hygiene, dental therapy or dentistry, or any of the special branches of dentistry, as provided by the license.

Sec. 84. NRS 631.100 is hereby amended to read as follows:

631.100 “Renewal certificate” means the certificate of renewal of a license issued by the ~~{Board.}~~ *Division.*

Sec. 85. NRS 631.170 is hereby amended to read as follows:

631.170 ~~{1. The Board shall meet whenever necessary to examine applicants.}~~ The dates of the examinations *of applicants* must be fixed by the ~~{Board.}~~ *Division.* The ~~{Board}~~ *Division* may conduct examinations outside this State, and for this purpose may use the facilities of dental colleges.

~~{2. The members who are dental hygienists or dental therapists may vote on all matters but may not participate in grading any clinical examinations required by NRS 631.240 for the licensing of dentists. If a member is not licensed under the provisions of this chapter, the member shall not participate in grading any examination required by the Board.}~~

~~— 3. The Board may also meet at such other times and places and for such other purposes as it may deem proper.~~

~~— 4. A quorum consists of five members who are dentists and two members who are dental hygienists or dental therapists.}~~

Sec. 86. NRS 631.175 is hereby amended to read as follows:

631.175 The liability of any person retained as an independent contractor by the ~~{Board}~~ *Division* to judge the qualifications of an applicant for licensure by the ~~{Board}~~ *Division* is limited to the same extent as is provided in NRS 41.035 for ~~{a member}~~ *an employee* of the ~~{Board.}~~ *Division.*



Sec. 87. NRS 631.180 is hereby amended to read as follows:

631.180 ~~1. Each member of the Board is entitled to receive:~~

~~(a) A salary of not more than \$150 per day as fixed by the Board, while engaged in the business of the Board; and~~

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

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

~~3. The Board shall deposit in banks, credit unions, savings and loan associations or savings banks in this State all fees which it receives.~~

~~4.] All [expenses of the Board] money received by the Division under the provisions of this chapter~~ must be ~~[paid from the fees received by the Board, and no part thereof may be paid from the State General Fund.]~~ *deposited with the State Treasurer for credit to the Occupational Licensing Account created by section 14 of this act.*

Sec. 88. 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]~~ *Division* shall:

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

2. Appoint such committees, review panels, 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.

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

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

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

6. Keep a register of all dentists, dental hygienists and dental therapists 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.]~~ *Division pursuant to this chapter.*



1 Except as otherwise provided in NRS 631.368, the records must be
2 open to public inspection.

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

5 ~~—10.} 8.~~ Have discretion to examine work authorizations in
6 dental offices or dental laboratories.

7 **Sec. 89.** NRS 631.215 is hereby amended to read as follows:

8 631.215 1. Any person shall be deemed to be practicing
9 dentistry who:

10 (a) Uses words or any letters or title in connection with his or
11 her name which in any way represents the person as engaged in the
12 practice of dentistry, or any branch thereof;

13 (b) Advertises or permits to be advertised by any medium that
14 the person can or will attempt to perform dental operations of any
15 kind;

16 (c) Evaluates or diagnoses, professes to evaluate or diagnose or
17 treats or professes to treat, surgically or nonsurgically, any of the
18 diseases, disorders, conditions or lesions of the oral cavity,
19 maxillofacial area or the adjacent and associated structures and their
20 impact on the human body;

21 (d) Extracts teeth;

22 (e) Corrects malpositions of the teeth or jaws;

23 (f) Takes impressions of the teeth, mouth or gums, unless the
24 person is authorized by the regulations of the ~~{Board}~~ **Division** to
25 engage in such activities without being a licensed dentist;

26 (g) Examines a person for, or supplies artificial teeth as
27 substitutes for natural teeth;

28 (h) Places in the mouth and adjusts or alters artificial teeth;

29 (i) Does any practice included in the clinical dental curricula of
30 accredited dental colleges or a residency program for those colleges;

31 (j) Administers or prescribes such remedies, medicinal or
32 otherwise, as are needed in the treatment of dental or oral diseases;

33 (k) Uses X-ray radiation or laser radiation for dental treatment
34 or dental diagnostic purposes, unless the person is authorized by the
35 regulations of the ~~{Board}~~ **Division** to engage in such activities
36 without being a licensed dentist;

37 (l) Determines:

38 (1) Whether a particular treatment is necessary or advisable;
39 or

40 (2) Which particular treatment is necessary or advisable; or

41 (m) Dispenses tooth whitening agents or undertakes to whiten or
42 bleach teeth by any means or method, unless the person is:

43 (1) Dispensing or using a product that may be purchased
44 over the counter for a person's own use; or



(2) Authorized by the regulations of the ~~Board~~ Division to engage in such activities without being a licensed dentist.

2. Nothing in this section:

(a) Prevents a dental assistant, dental hygienist, dental therapist or qualified technician from making radiograms or X-ray exposures for dental treatment or dental diagnostic purposes upon the direction of a licensed dentist.

(b) Prevents a dental hygienist or dental therapist from administering local anesthesia for pain management during treatment or using X-ray radiation or laser radiation for dental treatment or dental diagnostic purposes, upon authorization of a licensed dentist.

(c) Prohibits the performance of mechanical work, on inanimate objects only, by any person employed in or operating a dental laboratory upon the written work authorization of a licensed dentist.

(d) Prevents students from performing dental procedures that are part of the curricula of an accredited dental school or college or an accredited school of dental hygiene or an accredited school of dental therapy or an accredited school of dental assisting.

(e) Prevents a licensed dentist or dental hygienist from another state or country from appearing as a clinician for demonstrating certain methods of technical procedures before a dental society or organization, convention or dental college or an accredited school of dental hygiene or an accredited school of dental assisting.

(f) Prohibits the manufacturing of artificial teeth upon receipt of a written authorization from a licensed dentist if the manufacturing does not require direct contact with the patient.

(g) Prohibits the following entities from owning or operating a dental office or clinic if the entity complies with the provisions of NRS 631.3452:

(1) A nonprofit corporation organized pursuant to the provisions of chapter 82 of NRS to provide dental services to rural areas and medically underserved populations of migrant or homeless persons or persons in rural communities pursuant to the provisions of 42 U.S.C. § 254b or 254c.

(2) A federally-qualified health center as defined in 42 U.S.C. § 1396d(1)(2)(B) operating in compliance with other applicable state and federal law.

(3) A nonprofit charitable corporation as described in section 501(c)(3) of the Internal Revenue Code and determined by the ~~Board~~ Division to be providing dental services by volunteer licensed dentists at no charge or at a substantially reduced charge to populations with limited access to dental care.

(h) Prevents a person who is actively licensed as a dentist in another jurisdiction from treating a patient if:



(1) The patient has previously been treated by the dentist in the jurisdiction in which the dentist is licensed;

(2) The dentist treats the patient only during a course of continuing education involving live patients which:

(I) Is conducted at an institute or organization with a permanent facility registered with the ~~{Board}~~ Division for the sole purpose of providing postgraduate continuing education in dentistry; and

(II) Meets all applicable requirements for approval as a course of continuing education; and

(3) The dentist treats the patient only under the supervision of a person licensed pursuant to NRS 631.2715.

(i) Prohibits a person from providing goods or services for the support of the business of a dental practice, office or clinic owned or operated by a licensed dentist or any entity not prohibited from owning or operating a dental practice, office or clinic if the person does not:

(1) Provide such goods or services in exchange for payments based on a percentage or share of revenues or profits of the dental practice, office or clinic; or

(2) Exercise any authority or control over the clinical practice of dentistry.

3. The ~~{Board}~~ Division shall adopt regulations identifying activities that constitute the exercise of authority or control over the clinical practice of dentistry, including, without limitation, activities which:

(a) Exert authority or control over the clinical judgment of a licensed dentist; or

(b) Relieve a licensed dentist of responsibility for the clinical aspects of the dental practice.

☞ Such regulations must not prohibit or regulate aspects of the business relationship, other than the clinical practice of dentistry, between a licensed dentist or professional entity organized pursuant to the provisions of chapter 89 of NRS and the person or entity providing goods or services for the support of the business of a dental practice, office or clinic owned or operated by the licensed dentist or professional entity.

Sec. 90. NRS 631.220 is hereby amended to read as follows:

631.220 1. Every applicant for a license to practice dental hygiene, dental therapy or dentistry, or any of its special branches, must:

(a) File an application with the ~~{Board}~~ Division.

(b) Accompany the application with a recent photograph of the applicant together with the required fee and such other documentation as the ~~{Board}~~ Division may require by regulation.



(c) Submit with the application a complete set of fingerprints and written permission authorizing the ~~{Board}~~ **Division** to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(d) If the applicant is required to take an examination pursuant to NRS 631.240, 631.300 or 631.3121, submit with the application proof satisfactory that the applicant passed the examination.

2. An application must include all information required to complete the application.

3. ~~{The Secretary-Treasurer may, in accordance with regulations adopted by the Board and if}~~ **If** the ~~{Secretary-Treasurer}~~ **Division** determines that an application is:

(a) Sufficient, ~~{advise the Executive Director of the sufficiency of the application. Upon the advice of the Secretary-Treasurer, the Executive Director}~~ **the Division** may issue a license to the applicant without further review by the ~~{Board.}~~ **Division**.

(b) Insufficient, **the Division may** reject the application by sending written notice of the rejection to the applicant.

Sec. 91. NRS 631.225 is hereby amended to read as follows:

631.225 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license to practice dentistry, dental hygiene or dental therapy shall include the social security number of the applicant in the application submitted to the ~~{Board.}~~ **Division**.

(b) An applicant for the issuance or renewal of a license to practice dentistry, dental hygiene or dental therapy shall submit to the ~~{Board}~~ **Division of Occupational Licensing** the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The ~~{Board}~~ **Division of Occupational Licensing** shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the ~~{Board.}~~ **Division**.

3. A license to practice dentistry, dental hygiene or dental therapy may not be issued or renewed by the ~~{Board}~~ **Division** if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a



child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the ~~{Board}~~ **Division** shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 92. NRS 631.230 is hereby amended to read as follows:

631.230 1. Any person is eligible to apply for a license to practice dentistry in the State of Nevada who:

- (a) Is over the age of 21 years;
- (b) Is a graduate of an accredited dental school or college; and
- (c) Is of good moral character.

2. To determine whether a person has good moral character, the ~~{Board}~~ **Division** may consider whether his or her license to practice dentistry in another state has been suspended or revoked or whether the person is currently involved in any disciplinary action concerning his or her license in that state.

Sec. 93. NRS 631.240 is hereby amended to read as follows:

631.240 1. Any person desiring to obtain a license to practice dentistry in this State, after having complied with the regulations of the ~~{Board}~~ **Division** to determine eligibility:

(a) Except as otherwise provided in NRS 622.090, must present to the ~~{Board}~~ **Division** a certificate granted by the Joint Commission on National Dental Examinations which contains a notation that the applicant has passed the National Board Dental Examination with an average score of at least 75; and

(b) Except as otherwise provided in this chapter, must:

(1) Successfully pass a clinical examination approved by the ~~{Board}~~ **Division** and the American Board of Dental Examiners; or

(2) Present to the ~~{Board}~~ **Division** a certificate granted by the Western Regional Examining Board which contains a notation that the applicant has passed a clinical examination administered by the Western Regional Examining Board.

2. The ~~{Board}~~ **Division** shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the ~~{Board}~~ **Division**.

3. All persons who have satisfied the requirements for licensure as a dentist must be registered as licensed dentists on the



board register, as provided in this chapter, and are entitled to receive a certificate of registration . ~~[, signed by all members of the Board.]~~

Sec. 94. NRS 631.250 is hereby amended to read as follows:

631.250 1. The ~~{Board}~~ **Division** may issue a specialist's license authorizing a dentist licensed in this State to announce, hold himself or herself out and practice as a specialist in a special area of dentistry for which there is a certifying board approved by the Commission on Dental Accreditation of the American Dental Association.

2. No dentist licensed in this State may announce or hold himself or herself out to the public as a specialist or practice as a specialist unless the dentist has successfully completed the educational requirements currently specified for qualification in the special area by the certifying board.

3. A dentist licensed in this State who has successfully completed those educational requirements, has passed the general dentistry examination or has otherwise been approved for licensure by the ~~{Board,}~~ **Division**, and has been issued a specialist's license under this section may commence specialty practice immediately in the special area without:

(a) Examination by the certifying board.

(b) Certification as a diplomate of the certifying board.

4. A dentist licensed in this State to whom a specialist's license is issued shall limit his or her practice to the specialty.

Sec. 95. NRS 631.255 is hereby amended to read as follows:

631.255 1. The ~~{Board}~~ **Division** may, without a clinical examination required by NRS 631.240, issue a specialist's license to a person who:

(a) Presents a current certification as a diplomate from a certifying board approved by the Commission on Dental Accreditation of the American Dental Association; or

(b) Has completed the educational requirements specified for certification in a specialty area by a certifying board approved by the Commission on Dental Accreditation of the American Dental Association and is recognized by the certifying board as being eligible for that certification. A person who is licensed as a specialist pursuant to the provisions of this paragraph:

(1) Shall submit to the ~~{Board}~~ **Division** his or her certificate as a diplomate from the certifying board within 6 years after licensure as a specialist; and

(2) Must maintain certification as a diplomate of the certifying board during the period in which the person is licensed as a specialist pursuant to this paragraph.

2. In addition to the requirements set forth in subsection 1, a person applying for a specialist's license:



(a) Must hold an active license to practice dentistry pursuant to the laws of another state or territory of the United States, or the District of Columbia, or pursuant to the laws of this State, another state or territory of the United States, or the District of Columbia, if the person is applying pursuant to paragraph (b) of subsection 1;

(b) Must be a specialist as identified by the ~~{Board,}~~ Division;

(c) Shall pay the application, examination and renewal fees in the same manner as a person licensed pursuant to NRS 631.240;

(d) Must submit all information required to complete an application for a license; and

(e) Must satisfy the requirements of NRS 631.230.

3. The ~~{Board,}~~ Division shall not issue a specialist's license to a person:

(a) Whose license to practice dentistry has been revoked or suspended;

(b) Who has been refused a license to practice dentistry; or

(c) Who is involved in or has pending a disciplinary action concerning a license to practice dentistry,
↪ in this State, another state or territory of the United States, or the District of Columbia.

4. The ~~{Board,}~~ Division shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the ~~{Board,}~~ Division.

5. A person to whom a specialist's license is issued pursuant to this section shall limit his or her practice to the specialty.

6. The ~~{Board,}~~ Division may revoke a specialist's license at any time if the ~~{Board,}~~ Division finds, by a preponderance of the evidence, that the holder of the license violated any provision of this chapter or the regulations of the ~~{Board,}~~ Division.

Sec. 96. NRS 631.260 is hereby amended to read as follows:

631.260 Except as otherwise provided in subsection 3 of NRS 631.220, as soon as possible after the examination has been given, the ~~{Board,}~~ Division, under rules and regulations adopted by it, shall determine the qualifications of the applicant and shall issue to each person found by the ~~{Board,}~~ Division to have the qualifications therefor a license which will entitle the person to practice dental hygiene, dental therapy or dentistry, or any special branch of dentistry, as in such license defined, subject to the provisions of this chapter.

Sec. 97. NRS 631.265 is hereby amended to read as follows:

631.265 1. No licensed dentist or person who holds a restricted license issued pursuant to NRS 631.275 may administer or supervise directly the administration of general anesthesia, minimal sedation, moderate sedation or deep sedation to dental patients



1 unless the dentist or person has been issued a permit authorizing him
2 or her to do so by the ~~{Board}~~ Division.

3 2. The ~~{Board}~~ Division may issue a permit authorizing a
4 licensed dentist or person who holds a restricted license issued
5 pursuant to NRS 631.275 to administer or supervise directly the
6 administration of general anesthesia, minimal sedation, moderate
7 sedation or deep sedation to dental patients under such standards,
8 conditions and other requirements as the ~~{Board}~~ Division shall by
9 regulation prescribe.

10 **Sec. 98.** NRS 631.271 is hereby amended to read as follows:

11 631.271 1. The ~~{Board}~~ Division shall, without a clinical
12 examination required by NRS 631.240, 631.300 or 631.3121, issue a
13 limited license to practice dentistry, dental hygiene or dental therapy
14 to a person who:

15 (a) Is qualified for a license to practice dentistry, dental hygiene
16 or dental therapy in this State;

17 (b) Pays the required application fee;

18 (c) Has entered into a contract with:

19 (1) The Nevada System of Higher Education to provide
20 services as a dental intern, dental resident or instructor of dentistry,
21 dental hygiene or dental therapy at an educational or outpatient
22 clinic, hospital or other facility of the Nevada System of Higher
23 Education; or

24 (2) An accredited program of dentistry, dental hygiene or
25 dental therapy of an institution which is accredited by a regional
26 educational accrediting organization that is recognized by the
27 United States Department of Education to provide services as a
28 dental intern, dental resident or instructor of dentistry, dental
29 hygiene or dental therapy at an educational or outpatient clinic,
30 hospital or other facility of the institution and accredited by the
31 Commission on Dental Accreditation of the American Dental
32 Association or its successor specialty accrediting organization;

33 (d) Satisfies the requirements of NRS 631.230, 631.290 or
34 631.312, as appropriate; and

35 (e) Satisfies at least one of the following requirements:

36 (1) Has a license to practice dentistry, dental hygiene or
37 dental therapy issued pursuant to the laws of another state or
38 territory of the United States, or the District of Columbia;

39 (2) Presents to the ~~{Board}~~ Division a certificate granted by
40 the Western Regional Examining Board which contains a notation
41 that the person has passed, within the 5 years immediately preceding
42 the date of the application, a clinical examination administered by
43 the Western Regional Examining Board;



(3) Successfully passes a clinical examination approved by the ~~{Board}~~ Division and the American Board of Dental Examiners; or

(4) Has the educational or outpatient clinic, hospital or other facility where the person will provide services as a dental intern or dental resident in an internship or residency program submit to the ~~{Board}~~ Division written confirmation that the person has been appointed to a position in the program. If a person qualifies for a limited license pursuant to this subparagraph, the limited license remains valid only while the person is actively providing services as a dental intern or dental resident in the internship or residency program and is in compliance with all other requirements for the limited license.

2. The ~~{Board}~~ Division shall not issue a limited license to a person:

(a) Who has been issued a license to practice dentistry, dental hygiene or dental therapy if:

(1) The person is involved in a disciplinary action concerning the license; or

(2) The license has been revoked or suspended; or

(b) Who has been refused a license to practice dentistry, dental hygiene or dental therapy,

↳ in this State, another state or territory of the United States, or the District of Columbia.

3. Except as otherwise provided in subsection 4, a person to whom a limited license is issued pursuant to subsection 1:

(a) May practice dentistry, dental hygiene or dental therapy in this State only:

(1) At the educational or outpatient clinic, hospital or other facility where the person is employed; and

(2) In accordance with the contract required by paragraph (c) of subsection 1.

(b) Shall not, for the duration of the limited license, engage in the private practice of dentistry, dental hygiene or dental therapy in this State or accept compensation for the practice of dentistry, dental hygiene or dental therapy except such compensation as may be paid to the person by the Nevada System of Higher Education or an accredited program of dentistry, dental hygiene or dental therapy for services provided as a dental intern, dental resident or instructor of dentistry, dental hygiene or dental therapy pursuant to paragraph (c) of subsection 1.

4. The ~~{Board}~~ Division may issue a permit authorizing a person who holds a limited license to engage in the practice of dentistry, dental hygiene or dental therapy in this State and to accept compensation for such practice as may be paid to the person by



1 entities other than the Nevada System of Higher Education or an
2 accredited program of dentistry, dental hygiene or dental therapy
3 with whom the person is under contract pursuant to paragraph (c) of
4 subsection 1. The ~~{Board}~~ **Division** shall, by regulation, prescribe
5 the standards, conditions and other requirements for the issuance of
6 a permit.

7 5. A limited license expires 1 year after its date of issuance and
8 may be renewed on or before the date of its expiration, unless the
9 holder no longer satisfies the requirements for the limited license.
10 The holder of a limited license may, upon compliance with the
11 applicable requirements set forth in NRS 631.330 and the
12 completion of a review conducted at the discretion of the ~~{Board,}~~
13 **Division**, be granted a renewal certificate that authorizes the
14 continuation of practice pursuant to the limited license for 1 year.

15 6. A permit issued pursuant to subsection 4 expires on the date
16 that the holder's limited license expires and may be renewed when
17 the limited license is renewed, unless the holder no longer satisfies
18 the requirements for the permit.

19 7. Within 7 days after the termination of a contract required by
20 paragraph (c) of subsection 1, the holder of a limited license shall
21 notify the ~~{Board}~~ **Division** of the termination, in writing, and
22 surrender the limited license and a permit issued pursuant to this
23 section, if any, to the ~~{Board,}~~ **Division**.

24 8. The ~~{Board}~~ **Division** may revoke a limited license and a
25 permit issued pursuant to this section, if any, at any time if the
26 ~~{Board}~~ **Division** finds, by a preponderance of the evidence, that the
27 holder of the license violated any provision of this chapter or the
28 regulations of the ~~{Board,}~~ **Division**.

29 **Sec. 99.** NRS 631.2715 is hereby amended to read as follows:

30 631.2715 1. The ~~{Board}~~ **Division** shall, without a clinical
31 examination required by NRS 631.240 or 631.300, issue a limited
32 license to a person to supervise courses of continuing education
33 involving live patients at an institute or organization with a
34 permanent facility registered with the ~~{Board}~~ **Division** for the sole
35 purpose of providing postgraduate continuing education in dentistry
36 if the person has received a degree from a dental school or college
37 accredited by the Commission on Dental Accreditation of the
38 American Dental Association or its successor.

39 2. A limited license issued pursuant to this section expires 1
40 year after the date of its issuance and may be renewed annually
41 upon submission of proof acceptable to the ~~{Board}~~ **Division** of
42 compliance with subsection 1 and payment of any fee required
43 pursuant to subsection 3.



3. The ~~Board~~ Division may impose a fee of not more than \$100 for the issuance and each renewal of a limited license issued pursuant to this section.

4. A limited license issued pursuant to this section may be suspended or revoked by the ~~Board~~ Division if the holder of the limited license:

(a) Has had a license to practice dentistry suspended, revoked or placed on probation in another state, territory or possession of the United States, the District of Columbia or a foreign country;

(b) Has been convicted of a felony or misdemeanor involving moral turpitude; or

(c) Has a documented history of a substance use disorder.

5. A holder of a limited license issued pursuant to this section shall notify the ~~Board~~ Division in writing by certified mail not later than 30 days after:

(a) The death of a patient being treated by a dentist under the supervision of the holder of a limited license;

(b) Any incident which:

(1) Results in the hospitalization of or a permanent physical or mental injury to a patient being treated by a dentist under the supervision of the holder of a limited license; and

(2) Occurs while the dentist is treating the patient under the supervision of the holder of a limited license; or

(c) Any event or circumstance described in subsection 4.

Sec. 100. NRS 631.272 is hereby amended to read as follows:

631.272 1. Except as otherwise provided in this section, the ~~Board~~ Division shall, without a clinical examination required by NRS 631.240, issue a temporary license to practice dentistry to a person who:

(a) Has a license to practice dentistry issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(b) Has practiced dentistry pursuant to the laws of another state or territory of the United States, or the District of Columbia, for a minimum of 5 years;

(c) Has not had a license to practice dentistry revoked or suspended in this State, another state or territory of the United States, or the District of Columbia;

(d) Has not been refused a license to practice dentistry in this State, another state or territory of the United States, or the District of Columbia;

(e) Is not involved in or does not have pending a disciplinary action concerning a license to practice dentistry in this State, another state or territory of the United States, or the District of Columbia;



(f) Pays the application, examination and renewal fees in the same manner as a person licensed pursuant to NRS 631.240;

(g) Submits all information required to complete an application for a license; and

(h) Satisfies the requirements of NRS 631.230.

2. A person to whom a temporary license is issued pursuant to subsection 1 may:

(a) Practice dentistry for the duration of the temporary license; and

(b) Apply for a permanent license to practice dentistry without a clinical examination required by NRS 631.240 if the person has held a temporary license to practice dentistry pursuant to subsection 1 for a minimum of 2 years.

3. The ~~{Board}~~ Division shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the ~~{Board}~~ Division.

4. The ~~{Board}~~ Division shall not, on or after July 1, 2006, issue any additional temporary licenses to practice dentistry pursuant to this section.

5. Any person who, on July 1, 2006, holds a temporary license to practice dentistry issued pursuant to this section may, subject to the regulatory and disciplinary authority of the ~~{Board}~~ Division, practice dentistry under the temporary license until December 31, 2008, or until the person is qualified to apply for and is issued or denied a permanent license to practice dentistry in accordance with this section, whichever period is shorter.

6. The ~~{Board}~~ Division may revoke a temporary license at any time if the ~~{Board}~~ Division finds, by a preponderance of the evidence, that the holder of the license violated any provision of this chapter or the regulations of the ~~{Board}~~ Division.

Sec. 101. NRS 631.273 is hereby amended to read as follows:

631.273 1. Except as otherwise provided in this section, the ~~{Board}~~ Division shall, without a clinical examination required by NRS 631.3121, issue a temporary license to practice dental therapy to a person who:

(a) Has a license to practice dental therapy issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(b) Satisfies the requirements of NRS 631.312;

(c) Has practiced dental therapy pursuant to the laws of another state or territory of the United States, or the District of Columbia, for at least 5 years immediately preceding the date that the person applies for a temporary license;



(d) Has not had a license to practice dental hygiene or dental therapy revoked or suspended in this State, another state or territory of the United States, or the District of Columbia;

(e) Has not been denied a license to practice dental hygiene or dental therapy in this State, another state or territory of the United States, or the District of Columbia;

(f) Is not involved in or does not have pending a disciplinary action concerning a license to practice dental hygiene or dental therapy in this State, another state or territory of the United States, or the District of Columbia;

(g) Pays the application, examination and renewal fees in the same manner as a person licensed pursuant to NRS 631.3121; and

(h) Submits all information required to complete an application for a license.

2. A person to whom a temporary license is issued pursuant to this section may:

(a) Practice dental therapy for the duration of the temporary license; and

(b) Apply for a permanent license to practice dental therapy without a clinical examination required by NRS 631.3121 if the person has held a temporary license to practice dental therapy issued pursuant to this section for at least 2 years.

3. The ~~{Board}~~ **Division** shall examine each applicant in writing concerning the contents and interpretation of this chapter and the regulations of the ~~{Board}~~ **Division**.

4. The ~~{Board}~~ **Division** shall not, on or after July 1, 2021, issue any additional temporary licenses to practice dental therapy pursuant to this section.

5. Any person who, on July 1, 2021, holds a temporary license to practice dental therapy issued pursuant to this section may, subject to the regulatory and disciplinary authority of the ~~{Board}~~ **Division**, practice dental therapy under the temporary license until July 1, 2023, or until the person is qualified to apply for and is issued or denied a permanent license to practice dental therapy in accordance with this section, whichever period is shorter.

6. The ~~{Board}~~ **Division** may revoke a temporary license at any time if the ~~{Board}~~ **Division** finds, by a preponderance of the evidence, that the holder of the license violated any provision of this chapter or the regulations of the ~~{Board}~~ **Division**.

Sec. 102. NRS 631.274 is hereby amended to read as follows:

631.274 1. The ~~{Board}~~ **Division** shall, without a clinical examination required by NRS 631.240, 631.300 or 631.3121, issue a restricted geographical license to practice dentistry, dental hygiene or dental therapy to a person if the person meets the requirements of subsection 2 and:



(a) A board of county commissioners submits a request that the ~~{Board of Dental Examiners of Nevada}~~ **Division** waive the requirements of NRS 631.240, 631.300 or 631.3121 for any applicant intending to practice dentistry, dental hygiene or dental therapy in a rural area of a county in which dental, dental hygiene or dental therapy needs are underserved as that term is defined by the officer of rural health of the University of Nevada School of Medicine;

(b) Two or more boards of county commissioners submit a joint request that the ~~{Board of Dental Examiners of Nevada}~~ **Division** waive the requirements of NRS 631.240, 631.300 or 631.3121 for any applicant intending to practice dentistry, dental hygiene or dental therapy in one or more rural areas within those counties in which dental, dental hygiene or dental therapy needs are underserved as that term is defined by the officer of rural health of the University of Nevada School of Medicine; or

(c) The director of a federally qualified health center or a nonprofit clinic submits a request that the ~~{Board}~~ **Division** waive the requirements of NRS 631.240, 631.300 or 631.3121 for any applicant who has entered into a contract with a federally qualified health center or nonprofit clinic which treats underserved populations in Washoe County or Clark County.

2. A person may apply for a restricted geographical license if the person:

(a) Has a license to practice dentistry, dental hygiene or dental therapy issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(b) Is otherwise qualified for a license to practice dentistry, dental hygiene or dental therapy in this State;

(c) Pays the application, examination and renewal fees in the same manner as a person licensed pursuant to NRS 631.240, 631.300 or 631.3121;

(d) Submits all information required to complete an application for a license; and

(e) Satisfies the requirements of NRS 631.230, 631.290 or 631.312, as appropriate.

3. The ~~{Board}~~ **Division** shall not issue a restricted geographical license to a person:

(a) Whose license to practice dentistry, dental hygiene or dental therapy has been revoked or suspended;

(b) Who has been refused a license to practice dentistry, dental hygiene or dental therapy; or

(c) Who is involved in or has pending a disciplinary action concerning a license to practice dentistry, dental hygiene or dental therapy,



↪ in this State, another state or territory of the United States, or the District of Columbia.

4. The ~~{Board}~~ Division shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the ~~{Board.}~~ Division.

5. A person to whom a restricted geographical license is issued pursuant to this section:

(a) May practice dentistry, dental hygiene or dental therapy only in the county or counties which requested the restricted geographical licensure pursuant to paragraph (a) or (b) of subsection 1.

(b) Shall not, for the duration of the restricted geographical license, engage in the private practice of dentistry, dental hygiene or dental therapy in this State or accept compensation for the practice of dentistry, dental hygiene or dental therapy except such compensation as may be paid to the person by a federally qualified health center or nonprofit clinic pursuant to paragraph (c) of subsection 1.

6. Within 7 days after the termination of a contract pursuant to paragraph (c) of subsection 1, the holder of a restricted geographical license shall notify the ~~{Board}~~ Division of the termination, in writing, and surrender the restricted geographical license.

7. A person to whom a restricted geographical license was issued pursuant to this section may petition the ~~{Board}~~ Division for an unrestricted license without a clinical examination required by NRS 631.240, 631.300 or 631.3121 if the person:

(a) Has not had a license to practice dentistry, dental hygiene or dental therapy revoked or suspended in this State, another state or territory of the United States, or the District of Columbia;

(b) Has not been refused a license to practice dentistry, dental hygiene or dental therapy in this State, another state or territory of the United States, or the District of Columbia;

(c) Is not involved in or does not have pending a disciplinary action concerning a license to practice dentistry, dental hygiene or dental therapy in this State, another state or territory of the United States, or the District of Columbia; and

(d) Has:

(1) Actively practiced dentistry, dental hygiene or dental therapy for 3 years at a minimum of 30 hours per week in the county or counties which requested the restricted geographical licensure pursuant to paragraph (a) or (b) of subsection 1; or

(2) Been under contract with a federally qualified health center or nonprofit clinic for a minimum of 3 years.

8. The ~~{Board}~~ Division may revoke a restricted geographical license at any time if the ~~{Board}~~ Division finds, by a preponderance



of the evidence, that the holder of the license violated any provision of this chapter or the regulations of the ~~{Board;}~~ **Division.**

Sec. 103. NRS 631.275 is hereby amended to read as follows:

631.275 1. Except as otherwise provided in subsection 2, the ~~{Board;}~~ **Division** shall, without examination, issue a restricted license to practice dentistry to a person who:

(a) Has a valid license to practice dentistry issued pursuant to the laws of another state or the District of Columbia;

(b) Has received a degree from a dental school or college accredited by the Commission on Dental Accreditation of the American Dental Association or its successor organization;

(c) Has entered into a contract with a facility approved by the Division of Public and Behavioral Health of the Department of Health and Human Services to provide publicly funded dental services exclusively to persons of low income for the duration of the restricted license; and

(d) Satisfies the requirements of NRS 631.230.

2. The ~~{Board;}~~ **Division** shall not issue a restricted license to a person:

(a) Who has failed to pass the examination of the ~~{Board;}~~ **Division;**

(b) Who has been refused a license in this State, another state or territory of the United States, or the District of Columbia; or

(c) Whose license to practice dentistry has been revoked in this State, another state or territory of the United States, or the District of Columbia.

3. A person to whom a restricted license is issued pursuant to subsection 1:

(a) May perform dental services only:

(1) Under the general supervision of the State Dental Health Officer or the supervision of a dentist who is licensed to practice dentistry in this State and appointed by the Division of Public and Behavioral Health of the Department of Health and Human Services to supervise dental care that is provided in a facility which has entered into a contract with the person to whom a restricted license is issued and which is approved by the Division ~~{;}~~ **of Public and Behavioral Health of the Department of Health and Human Services;** and

(2) In accordance with the contract required pursuant to paragraph (c) of that subsection.

(b) Shall not, for the duration of the restricted license, engage in the private practice of dentistry, which includes, without limitation, providing dental services to a person who pays for the services.

4. A restricted license expires 1 year after its date of issuance and may be renewed on or before the date of its expiration, unless



1 the holder no longer satisfies the requirements for the restricted
2 license. The holder of a restricted license may, upon compliance
3 with the applicable requirements set forth in NRS 631.330 and the
4 completion of a review conducted at the discretion of the ~~{Board,}~~
5 *Division of Professional Licensing* be granted a renewal certificate
6 that authorizes the continuation of practice pursuant to the restricted
7 license for 1 year.

8 5. A person who receives a restricted license must pass the
9 examination of the ~~{Board}~~ *Division* within 3 years after receiving
10 the restricted license. If the person fails to pass that examination, the
11 ~~{Board}~~ *Division* shall revoke the restricted license.

12 6. The ~~{Board}~~ *Division* may revoke a restricted license at any
13 time if the ~~{Board}~~ *Division* finds, by a preponderance of the
14 evidence, that the holder of the license violated any provision of this
15 chapter or the regulations of the ~~{Board,}~~ *Division*.

16 **Sec. 104.** NRS 631.280 is hereby amended to read as follows:

17 631.280 Any applicant for a license to practice dentistry in this
18 State who twice fails to pass the examination of the ~~{Board}~~
19 *Division* is not eligible for reexamination within 12 months after the
20 second examination was taken.

21 **Sec. 105.** NRS 631.287 is hereby amended to read as follows:

22 631.287 1. The ~~{Board}~~ *Division* shall, upon application by a
23 dental hygienist who is licensed pursuant to this chapter and has
24 such qualifications as the ~~{Board}~~ *Division* specifies by regulation,
25 issue a special endorsement of the license allowing the dental
26 hygienist to practice public health dental hygiene. The special
27 endorsement may be renewed biennially upon the renewal of the
28 license of the dental hygienist.

29 2. A dental hygienist who holds a special endorsement issued
30 pursuant to subsection 1 may provide services without the
31 authorization or supervision of a dentist only as specified by
32 regulations adopted by the ~~{Board,}~~ *Division*.

33 **Sec. 106.** NRS 631.290 is hereby amended to read as follows:

34 631.290 1. Any person is eligible to apply for a license to
35 practice dental hygiene in this State who:

36 (a) Is of good moral character;

37 (b) Is over 18 years of age; and

38 (c) Is a graduate of a program of dental hygiene from an
39 institution which is accredited by a regional educational accrediting
40 organization that is recognized by the United States Department of
41 Education. The program of dental hygiene must:

42 (1) Be accredited by the Commission on Dental
43 Accreditation of the American Dental Association or its successor
44 specialty accrediting organization; and



(2) Include a curriculum of not less than 2 years of academic instruction in dental hygiene or its academic equivalent.

2. To determine whether a person has good moral character, the ~~{Board}~~ Division may consider whether his or her license to practice dental hygiene in another state has been suspended or revoked or whether he or she is currently involved in any disciplinary action concerning his or her license in that state.

Sec. 107. NRS 631.300 is hereby amended to read as follows:

631.300 1. Any person desiring to obtain a license to practice dental hygiene, after having complied with the regulations of the ~~{Board}~~ Division to determine eligibility:

(a) Except as otherwise provided in NRS 622.090, must pass a written examination given by the ~~{Board}~~ Division upon such subjects as the ~~{Board}~~ Division deems necessary for the practice of dental hygiene or must present a certificate granted by the Joint Commission on National Dental Examinations which contains a notation that the applicant has passed the National Board Dental Hygiene Examination with a score of at least 75; and

(b) Except as otherwise provided in this chapter, must:

(1) Successfully pass a clinical examination approved by the ~~{Board}~~ Division and the American Board of Dental Examiners; or

(2) Present to the ~~{Board}~~ Division a certificate granted by the Western Regional Examining Board which contains a notation that the applicant has passed a clinical examination administered by the Western Regional Examining Board.

2. The ~~{Board}~~ Division shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the ~~{Board}~~ Division.

3. All persons who have satisfied the requirements for licensure as a dental hygienist must be registered as licensed dental hygienists on the board register, as provided in this chapter, and are entitled to receive a certificate of registration . ~~{signed by all members of the Board.}~~

Sec. 108. NRS 631.310 is hereby amended to read as follows:

631.310 1. Except as otherwise provided in NRS 631.271 and 631.287, the holder of a license or renewal certificate to practice dental hygiene may practice dental hygiene in this State in the following places:

(a) In the office of any licensed dentist.

(b) In a clinic or in clinics in the public schools of this State as an employee of the Division of Public and Behavioral Health of the Department of Health and Human Services.

(c) In a clinic or in clinics in a state institution as an employee of the institution.



(d) In a clinic established by a hospital approved by the ~~{Board}~~ **Division of Professional Licensing** as an employee of the hospital where service is rendered only to patients of the hospital, and upon the authorization of a member of the dental staff.

(e) In an accredited school of dental hygiene.

(f) In other places if specified in a regulation adopted by the ~~{Board}~~ **Division**.

2. A dental hygienist may perform only the services which are authorized by a dentist licensed in the State of Nevada, unless otherwise provided in a regulation adopted by the ~~{Board}~~ **Division**.

3. Except as otherwise provided in NRS 631.287 or specifically authorized by a regulation adopted by the ~~{Board}~~ **Division**, a dental hygienist shall not provide services to a person unless that person is a patient of the dentist who authorized the performance of those services.

Sec. 109. NRS 631.312 is hereby amended to read as follows:

631.312 1. Any person is eligible to apply for a license to practice dental therapy in this State who:

(a) Is of good moral character;

(b) Is over 18 years of age;

(c) Is a graduate of a program of dental therapy from an institution which is accredited by a regional educational accrediting organization that is recognized by the United States Department of Education. The program of dental therapy must:

(1) Be accredited by the Commission on Dental Accreditation of the American Dental Association or its successor specialty accrediting organization; and

(2) Include a curriculum of not less than 2 years of academic instruction in dental therapy or its academic equivalent; and

(d) Is in possession of a current special endorsement of his or her license pursuant to NRS 631.287 to practice public health dental hygiene.

2. To determine whether a person has good moral character, the ~~{Board}~~ **Division** may consider whether his or her license to practice dental therapy or dental hygiene in another state has been suspended or revoked or whether he or she is currently involved in any disciplinary action concerning his or her license in that state.

Sec. 110. NRS 631.3121 is hereby amended to read as follows:

631.3121 1. Any person desiring to obtain a license to practice dental therapy, after having complied with NRS 631.312 and the regulations of the ~~{Board}~~ **Division** to determine eligibility:

(a) Except as otherwise provided in NRS 622.090, must pass a written examination given by the ~~{Board}~~ **Division** upon such subjects as the ~~{Board}~~ **Division** deems necessary for the practice of



dental therapy or must present a certificate granted by the Joint Commission on National Dental Examinations which contains a notation that the applicant has passed the applicable national examination with a score of at least 75; and

(b) Except as otherwise provided in this chapter, must:

(1) Successfully pass a clinical examination approved by the ~~{Board}~~ Division and the American Board of Dental Examiners; or

(2) Present to the ~~{Board}~~ Division a certificate granted by the Western Regional Examining Board which contains a notation that the applicant has passed a clinical examination administered by the Western Regional Examining Board.

2. The ~~{Board}~~ Division shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the ~~{Board}~~ Division.

3. All persons who have satisfied the requirements for licensure as a dental therapist must be registered as licensed dental therapists on the board register, as provided in this chapter, and are entitled to receive a certificate of registration . ~~I, signed by all members of the Board.~~

Sec. 111. NRS 631.313 is hereby amended to read as follows:

631.313 1. Except as otherwise provided in NRS 454.217 and 629.086, a licensed dentist may assign to a person in his or her employ who is a dental hygienist, dental therapist, dental assistant or other person directly or indirectly involved in the provision of dental care only such intraoral tasks as may be permitted by a regulation of the ~~{Board}~~ Division or by the provisions of this chapter.

2. The performance of these tasks must be:

(a) If performed by a dental assistant or a person, other than a dental hygienist or dental therapist, who is directly or indirectly involved in the provision of dental care, under the supervision of the licensed dentist who made the assignment.

(b) If performed by a dental hygienist or dental therapist, authorized by the licensed dentist of the patient for whom the tasks will be performed, except as otherwise provided in NRS 631.287.

3. No such assignment is permitted that requires:

(a) The diagnosis, treatment planning, prescribing of drugs or medicaments, or authorizing the use of restorative, prosthodontic or orthodontic appliances.

(b) Surgery on hard or soft tissues within the oral cavity or any other intraoral procedure that may contribute to or result in an irremediable alteration of the oral anatomy.

(c) The administration of general anesthesia, minimal sedation, moderate sedation or deep sedation except as otherwise authorized by regulations adopted by the ~~{Board}~~ Division.



(d) The performance of a task outside the authorized scope of practice of the employee who is being assigned the task.

4. A dental hygienist may, pursuant to regulations adopted by the ~~{Board,}~~ **Division**, administer local anesthesia or nitrous oxide in a health care facility, as defined in NRS 162A.740, if:

(a) The dental hygienist is so authorized by the licensed dentist of the patient to whom the local anesthesia or nitrous oxide is administered; and

(b) The health care facility has licensed medical personnel and necessary emergency supplies and equipment available when the local anesthesia or nitrous oxide is administered.

Sec. 112. NRS 631.317 is hereby amended to read as follows:

631.317 The ~~{Board,}~~ **Division** shall adopt rules or regulations:

1. Specifying the intraoral tasks that may be assigned by a licensed dentist to a dental hygienist, dental therapist or dental assistant in his or her employ or that may be performed by a dental hygienist or dental therapist engaged in school health activities or employed by a public health agency.

2. Governing the practice of dentists, dental hygienists and dental therapists in full-time employment with the State of Nevada.

Sec. 113. NRS 631.335 is hereby amended to read as follows:

631.335 1. The license of a person who does not actively practice in this State for 1 year automatically reverts to inactive status at the time the license renewal fee is next payable. If a person whose license has reverted to inactive status:

(a) Continues to practice actively outside this State, the license may be reinstated to active status by the ~~{Secretary-Treasurer}~~ **Division** if the person pays the required reinstatement fee and complies with the conditions prescribed by the regulations of the ~~{Board,}~~ **Division**.

(b) Does not continue to practice, the license may be reinstated to active status only upon the motion of the ~~{Board,}~~ **Division**, submission of the required reinstatement fee and proof of continuing education, and compliance with the conditions prescribed by the regulations of the ~~{Board,}~~ **Division**.

2. A licensee who has a disability and cannot practice, or who is retired must be issued a license which reflects that status when the fee to renew the license is next payable. The license may be reinstated to active status only upon the motion of the ~~{Board,}~~ **Division**, submission of the required reinstatement fee and proof of continuing education, and compliance with the conditions prescribed by the regulations of the ~~{Board,}~~ **Division**.

Sec. 114. NRS 631.340 is hereby amended to read as follows:

631.340 1. Any person who has obtained from the ~~{Board,}~~ **Division** a license certificate to practice dental hygiene, dental



therapy or dentistry or any special branch of dentistry in this State, and who fails to obtain a renewal certificate, must, before resuming the practice in which he or she was licensed, make application to the ~~{Secretary-Treasurer,}~~ **Division**, under such rules as the ~~{Board}~~ **Division** may prescribe, for the restoration of the license to practice.

2. Upon application being made, the ~~{Secretary-Treasurer}~~ **Division** shall determine whether the applicant possesses the qualifications prescribed for the granting of a license to practice in his or her particular profession, and whether the applicant continues to possess a good moral character and is not otherwise disqualified to practice in this State. If the ~~{Secretary-Treasurer}~~ **Division** so determines, the ~~{Secretary-Treasurer}~~ **Division** shall thereupon issue the license, and thereafter the person may make application annually for a renewal certificate, as provided in this chapter.

Sec. 115. NRS 631.342 is hereby amended to read as follows:

631.342 1. The ~~{Board}~~ **Division** shall adopt regulations concerning continuing education in dentistry, dental hygiene and dental therapy. The regulations must include:

(a) Except as provided in NRS 631.3425, the number of hours of credit required annually;

(b) The criteria used to accredit each course; and

(c) The requirements for submission of proof of attendance at courses.

2. Except as otherwise provided in subsection 3, as part of continuing education, each licensee must complete a course of instruction, within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

(a) An overview of acts of terrorism and weapons of mass destruction;

(b) Personal protective equipment required for acts of terrorism;

(c) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(d) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(e) An overview of the information available on, and the use of, the Health Alert Network.

3. Instead of the course described in subsection 2, a licensee may complete:

(a) A course in Basic Disaster Life Support or a course in Core Disaster Life Support if the course is offered by a provider of



continuing education accredited by the National Disaster Life Support Foundation; or

(b) Any other course that the ~~Board~~ Division determines to be the equivalent of a course specified in paragraph (a).

4. Notwithstanding the provisions of subsections 2 and 3, the ~~Board~~ Division may determine whether to include in a program of continuing education additional courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.

5. As used in this section:

(a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.

(b) "Biological agent" has the meaning ascribed to it in NRS 202.442.

(c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.

(d) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.

(e) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Sec. 116. NRS 631.343 is hereby amended to read as follows:

631.343 A holder of an inactive license, or the holder of a license who is retired or has a disability, is exempt from the requirement of continuing education. If the holder of such a license applies to the ~~Board~~ Division to reactivate it, he or she must submit proof of continuing education for the year in which the license is restored to active status.

Sec. 117. NRS 631.344 is hereby amended to read as follows:

631.344 The ~~Board~~ Division shall, by regulation, require each holder of a license to practice dentistry who is registered to dispense controlled substances pursuant to NRS 453.231 to complete at least 2 hours of training relating specifically to persons with substance use and other addictive disorders and the prescribing of opioids during each period of licensure. Any such holder of a license may use such training to satisfy 2 hours of any continuing education requirement established by the ~~Board~~ Division.

Sec. 118. NRS 631.345 is hereby amended to read as follows:

631.345 1. Except as otherwise provided in NRS 631.2715, the ~~Board~~ Division shall by regulation establish fees for the performance of the duties imposed upon it by this chapter which must not exceed the following amounts:

Application fee for an initial license to practice dentistry.....	\$1,500
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1	Application fee for an initial license to practice	
2	dental hygiene	\$750
3	Application fee for an initial license to practice	
4	dental therapy	1,000
5	Application fee for a specialist's license to practice	
6	dentistry.....	300
7	Application fee for a limited license or restricted	
8	license to practice dentistry, dental hygiene or	
9	dental therapy	300
10	Fee for administering a clinical examination in	
11	dentistry.....	2,500
12	Fee for administering a clinical examination in	
13	dental hygiene or dental therapy	1,500
14	Application and examination fee for a permit to	
15	administer general anesthesia, minimal sedation,	
16	moderate sedation or deep sedation	750
17	Fee for any reinspection required by the {Board}	
18	Division to maintain a permit to administer	
19	general anesthesia, minimal sedation, moderate	
20	sedation or deep sedation	500
21	Biennial renewal fee for a permit to administer	
22	general anesthesia, minimal sedation, moderate	
23	sedation or deep sedation	600
24	Fee for the inspection of a facility required by the	
25	{Board} Division to renew a permit to administer	
26	general anesthesia, minimal sedation, moderate	
27	sedation or deep sedation	350
28	Fee for the inspection of a facility required by the	
29	{Board} Division to ensure compliance with	
30	infection control guidelines.....	500
31	Biennial license renewal fee for a general license,	
32	specialist's license, temporary license or	
33	restricted geographical license to practice	
34	dentistry.....	1,000
35	Annual license renewal fee for a limited license or	
36	restricted license to practice dentistry.....	300
37	Biennial license renewal fee for a general license,	
38	temporary license or restricted geographical	
39	license to practice dental hygiene or dental	
40	therapy.....	600
41	Annual license renewal fee for a limited license to	
42	practice dental hygiene or dental therapy.....	300
43	Biennial license renewal fee for an inactive dentist	400
44	Biennial license renewal fee for a dentist who is	
45	retired or has a disability.....	100



Biennial license renewal fee for an inactive dental hygienist or dental therapist	\$200
Biennial license renewal fee for a dental hygienist or dental therapist who is retired or has a disability	100
Reinstatement fee for a suspended license to practice dentistry, dental hygiene or dental therapy	500
Reinstatement fee for a revoked license to practice dentistry, dental hygiene or dental therapy	500
Reinstatement fee to return a dentist, dental hygienist or dental therapist who is inactive, retired or has a disability to active status	500
Fee for the certification of a license	50

2. Except as otherwise provided in this subsection, the ~~{Board}~~ **Division** shall charge a fee to review a course of continuing education for accreditation. The fee must not exceed \$150 per credit hour of the proposed course. The ~~{Board}~~ **Division** shall not charge a nonprofit organization or an agency of the State or of a political subdivision of the State a fee to review a course of continuing education.

3. All fees prescribed in this section are payable in advance and must not be refunded.

Sec. 119. NRS 631.3452 is hereby amended to read as follows:

631.3452 Except as otherwise provided in NRS 631.3453, an entity that owns or operates a dental office or clinic as described in paragraph (g) of subsection 2 of NRS 631.215 must:

1. Designate an actively licensed dentist as the dental director of the dental office or clinic. The dental director shall have responsibility for the clinical practice of dentistry at the dental office or clinic, including, without limitation:

(a) Diagnosing or treating any of the diseases or lesions of the oral cavity, teeth, gingiva or the supporting structures thereof.

(b) Administering or prescribing such remedies, medicinal or otherwise, as are needed in the treatment of dental or oral diseases.

(c) Determining:

(1) Whether a particular treatment is necessary or advisable; or

(2) Which particular treatment is necessary or advisable.

(d) The overall quality of patient care that is rendered or performed in the clinical practice of dentistry.

(e) Supervising dental hygienists, dental therapists, dental assistants and other personnel involved in direct patient care and



authorizing procedures performed by the dental hygienists, dental therapists, dental assistants and other personnel in accordance with the standards of supervision established by law or regulations adopted pursuant thereto.

(f) Providing any other specific services that are within the scope of clinical dental practice.

(g) Retaining patient dental records as required by law and regulations adopted by the ~~Board~~ Division.

(h) Ensuring that each patient receiving services from the dental office or clinic has a dentist of record.

2. Maintain current records of the names of licensed dentists who supervise the clinical activities of dental hygienists, dental therapists, dental assistants or other personnel involved in direct patient care. The records must be available to the ~~Board~~ Division upon written request.

Sec. 120. NRS 631.3455 is hereby amended to read as follows:

631.3455 Nothing in this chapter precludes a person or entity not licensed by the ~~Board~~ Division from providing goods or services for the support of the business of a dental practice, office or clinic if the person or entity does not manage or control the clinical practice of dentistry. Such goods and services may include, without limitation, transactions involving:

1. Real and personal property, other than the ownership of the clinical records of patients; and

2. Personnel, other than licensed dentists, dental hygienists and dental therapists.

Sec. 121. NRS 631.3457 is hereby amended to read as follows:

631.3457 1. If the ~~Board~~ Division determines that a person who provides goods or services for the support of the business of a dental practice, office or clinic has committed any act described in subparagraph (1) or (2) of paragraph (i) of subsection 2 of NRS 631.215, the ~~Board~~ Division may seek revocation of any state business license held by that person by submitting a request for such revocation to the Secretary of State.

2. Upon receipt of a request for a revocation of a state business license pursuant to subsection 1, the Secretary of State shall revoke that license in accordance with the provisions of this section and in the manner provided in NRS 76.170 as if the holder of the license had failed to comply with a provision of chapter 76 of NRS.

3. The Secretary of State shall not issue a new license to the former holder of a state business license revoked pursuant to this section unless the Secretary of State receives notification from the



~~{Board}~~ **Division** that the ~~{Board}~~ **Division** is satisfied that the person:

(a) Will comply with any regulations of the ~~{Board}~~ **Division** adopted pursuant to the provisions of this chapter; and

(b) Will not commit any act described in subparagraph (1) or (2) of paragraph (i) of subsection 2 of NRS 631.215 or any act prohibited by regulations of the ~~{Board}~~ **Division** adopted pursuant to the provisions of this chapter.

4. As used in this section, “state business license” has the meaning ascribed to it in NRS 76.030.

Sec. 122. NRS 631.347 is hereby amended to read as follows:

631.347 Participating in any plan or practice in which patients are required to select a dentist from a preselected group constitutes unprofessional conduct unless those patients are also offered a plan which provides them with a reasonable opportunity to select a dentist of their own choice. The ~~{Board}~~ **Division** may not revoke the license of a person who participates in such a plan or practice but may take any other action authorized in this chapter regarding unprofessional conduct.

Sec. 123. NRS 631.3475 is hereby amended to read as follows:

631.3475 The following acts, among others, constitute unprofessional conduct:

1. Malpractice;

2. Professional incompetence;

3. Suspension or revocation of a license to practice dentistry, the imposition of a fine or other disciplinary action by any agency of another state authorized to regulate the practice of dentistry in that state;

4. More than one act by the dentist, dental hygienist or dental therapist constituting substandard care in the practice of dentistry, dental hygiene or dental therapy;

5. Administering, dispensing or prescribing any controlled substance or any dangerous drug as defined in chapter 454 of NRS, if it is not required to treat the dentist’s patient;

6. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or



(c) Is cannabis being used for medical purposes in accordance with chapter 678C of NRS;

7. Having an alcohol or other substance use disorder to such an extent as to render the person unsafe or unreliable as a practitioner, or such gross immorality as tends to bring reproach upon the dental profession;

8. Conviction of a felony or misdemeanor involving moral turpitude or which relates to the practice of dentistry in this State, or conviction of any criminal violation of this chapter;

9. Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

10. Failure to comply with the provisions of NRS 453.163, 453.164, 453.226, 639.23507, 639.23535 and 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto.

11. Fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV;

12. Failure to comply with the provisions of NRS 454.217 or 629.086;

13. Failure to obtain any training required by the ~~{Board}~~ **Division** pursuant to NRS 631.344; or

14. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

↪ This subsection applies to an owner or other principal responsible for the operation of the facility.

Sec. 124. NRS 631.3485 is hereby amended to read as follows:

631.3485 1. The following acts, among others, constitute unprofessional conduct:

(a) Willful or repeated violations of the provisions of this chapter;

(b) Willful or repeated violations of the regulations of the State Board of Health, the State Board of Pharmacy or the ~~{Board of Dental Examiners of Nevada;}~~ **Division;**

(c) Failure to pay the fees for a license; or

(d) Failure to make the health care records of a patient available for inspection and copying as provided in NRS 629.061, if the dentist, dental hygienist or dental therapist is the custodian of health care records with respect to those records.



2. As used in this section, “custodian of health care records” has the meaning ascribed to it in NRS 629.016.

Sec. 125. NRS 631.3487 is hereby amended to read as follows:

631.3487 1. If the ~~{Board}~~ Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license to practice dentistry, dental hygiene or dental therapy, the ~~{Board}~~ Division shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the ~~{Board}~~ Division receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The ~~{Board}~~ Division shall reinstate a license to practice dentistry, dental hygiene or dental therapy that has been suspended by a district court pursuant to NRS 425.540 if:

(a) The ~~{Board}~~ Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560; and

(b) The person whose license was suspended pays the fee imposed pursuant to NRS 631.345 for the reinstatement of a suspended license.

Sec. 126. NRS 631.349 is hereby amended to read as follows:

631.349 The acts described in NRS 631.346 to 631.3485, inclusive, must not be construed as a complete list of dishonorable or unprofessional conduct, or as authorizing or permitting the performance of other and similar acts, or as limiting or restricting the ~~{Board}~~ Division from holding that other or similar acts constitute unprofessional or dishonorable conduct.

Sec. 127. NRS 631.350 is hereby amended to read as follows:

631.350 1. Except as otherwise provided in NRS 631.271, 631.2715 and 631.347, the ~~{Board}~~ Division may:

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

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

(c) Fine a person it has licensed;

(d) Place a person on probation for a specified period on any conditions the ~~{Board}~~ Division may order;

(e) Issue a public reprimand to a person;

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



(g) Require a person to participate in a program relating to an alcohol or other substance use disorder or any other impairment;

(h) Require that a person's practice be supervised;

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

(j) Require a person to take a physical or mental examination or an examination of his or her competence;

(k) Require a person to fulfill certain training or educational requirements;

(l) Require a person to reimburse a patient; or

(m) Any combination thereof,

↪ if the ~~Board~~ **Division** finds, by a preponderance of the evidence, that the person has engaged in any of the activities listed in subsection 2.

2. The following activities may be punished as provided in subsection 1:

(a) Engaging in the illegal practice of dentistry, dental hygiene or dental therapy;

(b) Engaging in unprofessional conduct; or

(c) Violating any regulations adopted by the ~~Board~~ **Division** or the provisions of this chapter.

3. *All money received by the Division pursuant to this section must be deposited with the State Treasurer for credit to the Occupational Licensing Account created by section 14 of this act.*

4. The ~~Board~~ **Division** may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter ~~and~~ **and** impose and collect fines therefor and deposit the money therefrom ~~in banks, credit unions, savings and loan associations or savings banks in this State.~~

~~4. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 3 and the Board deposits the money collected from the imposition of fines with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.] with the State Treasurer for credit to the Occupational Licensing Account created by section 14 of this act.~~

5. The ~~Board~~ **Division** shall not administer a private reprimand.

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

Sec. 128. NRS 631.355 is hereby amended to read as follows:

631.355 1. Any disciplinary action taken by a hearing officer or panel pursuant to NRS 631.350 is subject to the same procedural



requirements which apply to disciplinary actions taken by the ~~{Board}~~ Division, and the officer or panel has those powers and duties given to the ~~{Board}~~ Division in relation thereto. Before taking disciplinary action, the hearing officer or panel shall review and consider the findings and recommendations of a review panel appointed pursuant to NRS 631.3635.

2. Any decision of the hearing officer or panel relating to the imposition of any disciplinary action pursuant to this chapter is a final decision in a contested case.

Sec. 129. NRS 631.360 is hereby amended to read as follows:

631.360 1. Except as otherwise provided in NRS 631.364, the ~~{Board}~~ Division may, upon its own motion, and shall, upon the verified complaint in writing of any person setting forth facts which, if proven, would constitute grounds for initiating disciplinary action, investigate the actions of any person who practices dentistry, dental hygiene or dental therapy in this State. A complaint may be filed anonymously. If a complaint is filed anonymously, the ~~{Board}~~ Division 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.

2. The ~~{Board}~~ Division shall, before initiating disciplinary action, at least 10 days before the date set for the hearing, notify the accused person in writing of any charges made. The notice may be served by delivery of it personally to the accused person or by mailing it by registered or certified mail to the place of business last specified by the accused person, as registered with the ~~{Board}~~ Division.

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

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

5. The ~~{Board}~~ Division may obtain a search warrant from a magistrate upon a showing that the warrant is needed for an investigation or hearing being conducted by the ~~{Board}~~ Division and that reasonable cause exists to issue the warrant.

~~6. {If the Board is not sitting at the time and place fixed in the notice, or at the time and place to which the hearing has been~~



1 continued, the Board shall continue the hearing for a period not to
2 exceed 30 days.

3 —7.] The ~~{Board}~~ *Division* shall retain all complaints received by
4 the ~~{Board}~~ *Division* pursuant to this section for at least 10 years,
5 including, without limitation, any complaints not acted upon.

6 **Sec. 130.** NRS 631.363 is hereby amended to read as follows:

7 631.363 1. The ~~{Board}~~ *Division* may ~~{appoint one of its~~
8 ~~members and}~~ *designate* any of its employees, investigators or other
9 agents to conduct an investigation and informal hearing concerning
10 any practice by a person constituting a violation of the provisions of
11 this chapter or the regulations of the ~~{Board.}~~ *Division*.

12 2. The ~~{investigator}~~ *person* designated by the ~~{Board to~~
13 ~~conduct a hearing}~~ *Division pursuant to subsection 1* shall notify
14 the person being investigated at least 10 days before the date set for
15 the hearing. The notice must describe the reasons for the
16 investigation and must be served personally on the person being
17 investigated or by mailing it by registered or certified mail to his or
18 her last known address.

19 3. If, after the hearing, the ~~{investigator}~~ *person designated by*
20 *the Division pursuant to subsection 1* determines that the ~~{Board}~~
21 *Division* should take further action concerning the matter, the
22 ~~{investigator}~~ *person* shall prepare written findings of fact and
23 conclusions and submit them to the ~~{Board.}~~ *Division*. A copy of the
24 report must be sent to the person being investigated.

25 4. If the ~~{Board.}~~ *Division*, after receiving the report of ~~{its~~
26 ~~investigator}~~ *the person designated* pursuant to ~~{this section.}~~
27 *subsection 1*, holds its own hearing on the matter pursuant to NRS
28 631.360, it may consider the ~~{investigator's}~~ report *of the person*
29 but is not bound by his or her findings or conclusions. The
30 ~~{investigator}~~ *person* and any member of a review panel appointed
31 pursuant to NRS 631.3635 shall not participate in the hearing
32 conducted by the ~~{Board.}~~ *Division*.

33 5. If the person who was investigated agrees in writing to the
34 findings and conclusions of the ~~{investigator.}~~ *person designated*
35 *pursuant to subsection 1*, the ~~{Board}~~ *Division* may adopt that
36 report as its final order and take such action as is necessary without
37 conducting its own hearing on the matter.

38 **Sec. 131.** NRS 631.3635 is hereby amended to read as
39 follows:

40 631.3635 1. The ~~{Board}~~ *Division* shall appoint a panel to
41 review an investigation or informal hearing conducted pursuant to
42 NRS 631.363. ~~{Such}~~ *The Administrator shall determine the*
43 *number of members and qualifications of the members of such a*
44 *panel. {must consist of:*



1 ~~—(a) If the subject of the investigation or informal hearing is a~~
2 ~~holder of a license to practice dental hygiene, one member of the~~
3 ~~Board who is a holder of a license to practice dentistry, one member~~
4 ~~of the Board who is a holder of a license to practice dental hygiene~~
5 ~~and one holder of a license to practice dental hygiene who is not a~~
6 ~~member of the Board and is not the subject of the investigation or~~
7 ~~informal hearing.~~

8 ~~—(b) If the subject of the investigation or informal hearing is a~~
9 ~~holder of a license to practice dentistry or any other person not~~
10 ~~described in paragraph (a), one member of the Board who is a~~
11 ~~holder of a license to practice dentistry, one member of the Board~~
12 ~~who is a holder of a license to practice dental hygiene and one~~
13 ~~holder of a license to practice dentistry who is not a member of the~~
14 ~~Board and is not the subject of the investigation or informal~~
15 ~~hearing.]~~

16 2. A review panel appointed pursuant to subsection 1 shall, in
17 conducting a review of an investigation or informal hearing
18 conducted pursuant to NRS 631.363, review and consider, without
19 limitation:

20 (a) All files and records collected or produced by the
21 investigator;

22 (b) Any written findings of fact and conclusions prepared by the
23 investigator; and

24 (c) Any other information deemed necessary by the review
25 panel.

26 3. The investigator who conducted the investigation or
27 informal hearing pursuant to NRS 631.363 shall not participate in a
28 review conducted pursuant to subsection 1.

29 4. Before the ~~{Board}~~ **Division** takes any action or makes any
30 disposition relating to a complaint, the review panel appointed
31 pursuant to subsection 1 to conduct a review of the investigation or
32 informal hearing relating to the complaint shall present to the
33 ~~{Board}~~ **Division** its findings and recommendation relating to the
34 investigation or informal hearing, and the ~~{Board}~~ **Division** shall
35 review and consider those findings and recommendations.

36 5. Meetings held by a review panel appointed pursuant to
37 subsection 1 are not subject to the provisions of chapter 241 of
38 NRS.

39 **Sec. 132.** NRS 631.364 is hereby amended to read as follows:

40 631.364 1. The ~~{Executive Director of the Board or his or her~~
41 ~~designee}~~ **Division of Professional Licensing** shall review and
42 evaluate any complaint or information received from the
43 Investigation Division of the Department of Public Safety or the
44 State Board of Pharmacy, including, without limitation, information
45 provided pursuant to NRS 453.164, or from a law enforcement



agency, professional licensing board or any other source indicating that:

(a) A licensee has issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV;

(b) A pattern of prescriptions issued by a licensee indicates that the licensee has issued prescriptions in the manner described in paragraph (a); or

(c) A patient of a licensee has acquired, used or possessed a controlled substance listed in schedule II, III or IV in a fraudulent, illegal, unauthorized or otherwise inappropriate manner.

2. If the ~~{Executive Director of the Board or his or her designee}~~ **Division of Professional Licensing** receives information described in subsection 1 concerning the licensee, the ~~{Executive Director or his or her designee}~~ **Division** must notify the licensee as soon as practicable after receiving the information.

3. A review and evaluation conducted pursuant to subsection 1 must include, without limitation:

(a) A review of relevant information contained in the database of the program established pursuant to NRS 453.162; and

(b) A request for additional relevant information from the licensee who is the subject of the review and evaluation.

4. If, after a review and evaluation conducted pursuant to subsection 1, the ~~{Executive Director or his or her designee}~~ **Division** determines that a licensee may have issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV, the ~~{Board}~~ **Division** must proceed as if a written complaint had been filed against the licensee. If, after conducting an investigation and a hearing in accordance with the provisions of this chapter, the ~~{Board}~~ **Division** determines that the licensee issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription, the ~~{Board}~~ **Division** must impose appropriate disciplinary action.

5. When deemed appropriate, the ~~{Executive Director of the Board}~~ **Division** may:

(a) Refer information acquired during a review and evaluation conducted pursuant to subsection 1 to another professional licensing ~~{board,}~~ **entity**, law enforcement agency or other appropriate governmental entity for investigation and criminal or administrative proceedings.

(b) Postpone any notification, review or part of such a review required by this section if ~~{he or she}~~ **the Division** determines that it is necessary to avoid interfering with any pending administrative or criminal investigation into the suspected fraudulent, illegal,



1 unauthorized or otherwise inappropriate prescribing, dispensing or
2 use of a controlled substance.

3 6. The ~~{Board}~~ **Division** shall:

4 (a) Adopt regulations providing for disciplinary action against a
5 licensee for inappropriately prescribing a controlled substance listed
6 in schedule II, III or IV or violating the provisions of NRS 639.2391
7 to 639.23916, inclusive, and any regulations adopted by the State
8 Board of Pharmacy pursuant thereto. Such disciplinary action must
9 include, without limitation, requiring the licensee to complete
10 additional continuing education concerning prescribing controlled
11 substances listed in schedules II, III and IV.

12 (b) Develop and disseminate to each dentist licensed pursuant to
13 this chapter or make available on the Internet website of the ~~{Board}~~
14 **Division** an explanation or a technical advisory bulletin to inform
15 those dentists of the requirements of this section and NRS 631.365,
16 639.23507 and 639.2391 to 639.23916, inclusive, and any
17 regulations adopted pursuant thereto. The ~~{Board}~~ **Division** shall
18 update the explanation or bulletin as necessary to include any
19 revisions to those provisions of law or regulations. The explanation
20 or bulletin must include, without limitation, an explanation of the
21 requirements that apply to specific controlled substances or
22 categories of controlled substances.

23 **Sec. 133.** NRS 631.365 is hereby amended to read as follows:

24 631.365 1. If the ~~{Board}~~ **Division** determines from an
25 investigation of a licensee that the health, safety or welfare of the
26 public or any patient served by the licensee is at risk of imminent or
27 continued harm because of the manner in which the licensee
28 prescribed, administered, dispensed or used a controlled substance,
29 the ~~{Board}~~ **Division** may summarily suspend the licensee's
30 authority to prescribe, administer or dispense a controlled substance
31 listed in schedule II, III or IV pending a determination upon the
32 conclusion of a hearing to consider a formal complaint against the
33 licensee. An order of summary suspension may be issued only by
34 the ~~{Board, the President of the Board, the presiding officer of an~~
35 ~~investigative committee convened by the Board to conduct the~~
36 ~~investigation}~~ **Division** or the ~~{member,}~~ employee, investigator or
37 other agent of the ~~{Board}~~ **Division** who conducted the
38 investigation.

39 2. If an order to summarily suspend a licensee's authority to
40 prescribe, administer or dispense a controlled substance listed in
41 schedule II, III or IV is issued pursuant to subsection 1 by ~~{the~~
42 ~~presiding officer of an investigative committee of the Board or a~~
43 ~~member,}~~ **an** employee, investigator or other agent of the ~~{Board,}~~
44 **Division**, that person shall not participate in any further proceedings
45 of the ~~{Board}~~ **Division** relating to the order.



3. If the ~~{Board, the presiding officer of an investigative committee of the Board or a member,}~~ **Division** or an employee, investigator or other agent of the ~~{Board}~~ **Division** issues an order summarily suspending a licensee's authority to prescribe, administer or dispense a controlled substance listed in schedule II, III or IV pursuant to subsection 1, the ~~{Board}~~ **Division** must hold a hearing to consider the formal complaint against the licensee. The ~~{Board}~~ **Division** must hold the hearing and render a decision concerning the formal complaint within 180 days after the date on which the order is issued, unless the ~~{Board}~~ **Division** and the licensee mutually agree to a longer period.

Sec. 134. NRS 631.366 is hereby amended to read as follows:

631.366 1. The district court for the county in which any investigation or hearing is being conducted by the ~~{Board}~~ **Division** may compel the attendance of witnesses, the giving of testimony and the production of books and papers as required by any subpoena issued by or on behalf of the ~~{Board,}~~ **Division**.

2. If any witness refuses to attend or testify or produce any papers required by a subpoena, the ~~{Board}~~ **Division** may so report to the district court for the county in which the investigation or hearing is pending by petition, setting forth:

(a) That due notice has been given of the time and place of attendance of the witness or the production of the books and papers;

(b) That the witness has been subpoenaed in the manner prescribed in this chapter;

(c) That the witness has failed and refused to attend or produce the papers required by subpoena before the ~~{Board}~~ **Division** in the investigation or hearing named in the subpoena, or has refused to answer questions propounded to him or her in the course of the investigation or hearing;

(d) That the subpoena identified specifically any documents or the subject of any testimony required;

(e) That the documents or testimony were relevant to the allegations being investigated or heard; and

(f) That no reasonable cause exists for the failure or refusal to comply with the subpoena,

➤ and requesting an order of the court compelling the witness to attend and testify or produce the books or papers before the ~~{Board,}~~ **Division**.

3. The court, upon petition of the ~~{Board,}~~ **Division**, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, not more than 10 days after the service of the order, and show cause why the witness has not attended or testified or produced the books or papers before the ~~{Board,}~~ **Division**. A certified copy of the order must be served upon



1 the witness. If it appears to the court that the subpoena was regularly
2 issued by or on behalf of the ~~{Board}~~ **Division** and there is no
3 reasonable cause for the refusal or failure to comply, the court shall
4 thereupon enter an order that the witness appear before the ~~{Board}~~
5 **Division** at the time and place fixed in the order and testify or
6 produce the required books or papers, and upon failure to obey the
7 order the witness must be dealt with as if in contempt of court.

8 4. The court may consider, in determining whether reasonable
9 cause existed for the witness's refusal or failure to comply with the
10 subpoena, such factors as:

11 (a) The burden or cost of compliance, financial or otherwise, to
12 the witness;

13 (b) The time allowed for compliance;

14 (c) The extent of the information requested in relation to the
15 nature of the underlying charge; and

16 (d) The extent of the statistical information necessary to
17 investigate the charge adequately.

18 **Sec. 135.** NRS 631.368 is hereby amended to read as follows:

19 631.368 1. Except as otherwise provided in this section and
20 NRS 239.0115, any records or information obtained during the
21 course of an investigation by the ~~{Board}~~ **Division** or a review panel
22 appointed pursuant to NRS 631.3635 and any record of the
23 investigation or review are confidential.

24 2. The complaint or other document filed by the ~~{Board}~~
25 **Division** to initiate disciplinary action and all documents and
26 information considered by the ~~{Board}~~ **Division** when determining
27 whether to impose discipline are public records.

28 3. The ~~{Board}~~ **Division** shall, to the extent feasible,
29 communicate or cooperate with or provide any record or
30 information described in subsection 1 to any ~~{other}~~
31 **entity** or any other agency that is investigating a person,
32 including a law enforcement agency.

33 **Sec. 136.** NRS 631.375 is hereby amended to read as follows:

34 631.375 All artificial teeth, dentures or other removable dental
35 appliances, at the time they are manufactured or sent to a laboratory
36 for repair, must be identified with the name or social security
37 number of the owner by:

38 1. Embedding the name or number in the material of the
39 appliance;

40 2. Adding the name or number with an adhesive; or

41 3. Marking the appliance in any manner consistent with
42 advances in technology and approved by the ~~{Board}~~ **Division**.

43 **Sec. 137.** NRS 631.378 is hereby amended to read as follows:

44 631.378 1. Any person who furnishes information to the
45 ~~{Board}~~ **Division** concerning a licensee or an applicant for licensure,



1 in good faith and without malicious intent, is immune from any civil
2 action for furnishing that information.

3 2. The ~~{Board,}~~ **Division**, a review panel, any ~~{member,}~~
4 employee ~~{or committee}~~ of the ~~{Board}~~ **Division** or a ~~{review~~
5 ~~panel,}~~ counsel, investigator, expert, hearing officer, licensee or
6 other person who assists the ~~{Board}~~ **Division** in the investigation or
7 prosecution of an alleged violation of a provision of this chapter, a
8 proceeding concerning licensure or reissuance of a license or a
9 criminal prosecution is immune from any civil liability for:

10 (a) Any decision or action taken in good faith and without
11 malicious intent in response to information acquired by the ~~{Board,}~~
12 **Division**.

13 (b) Disseminating information concerning a licensee or an
14 applicant for licensure to any member of the public, ~~{other}~~
15 licensing ~~{board,}~~ **entity**, national association of registered boards,
16 an agency of the Federal Government or of the State, the Attorney
17 General or any law enforcement agency.

18 3. A defendant who is the prevailing party in a civil action
19 brought pursuant to subsection 2 may recover the attorney's fees
20 and costs incurred in defending the action.

21 **Sec. 138.** NRS 631.380 is hereby amended to read as follows:

22 631.380 All licenses and renewal certificates to practice
23 dentistry or a specialty thereof heretofore issued by the Board **of**
24 **Dental Examiners of Nevada** and in force on March 20, 1951, shall
25 remain in force subject to the provisions of this chapter, and shall
26 entitle the holders to practice their profession as therein designated.

27 **Sec. 139.** NRS 631.388 is hereby amended to read as follows:

28 631.388 A person who manages the business of a dental
29 practice, office or clinic shall register with the ~~{Board,}~~ **Division**:

30 1. The name and business address of the person;

31 2. The address of the dental practice, office or clinic of the
32 business which the person manages; and

33 3. The names of the licensed dentist or other entity not
34 prohibited from owning or operating a dental practice, office or
35 clinic whose business the person manages.

36 **Sec. 140.** NRS 631.391 is hereby amended to read as follows:

37 631.391 1. The ~~{Board}~~ **Division** shall adopt regulations
38 prescribing the training that a dentist must receive before injecting:

39 (a) A neuromodulator that is derived from Clostridium
40 botulinum;

41 (b) A neuromodulator that is biosimilar to or the bioequivalent
42 of a neuromodulator described in paragraph (a); or

43 (c) Dermal or soft tissue fillers.

44 2. A dentist who has received the training prescribed pursuant
45 to subsection 1 shall present proof of such training upon the request



1 of a patient or any state or local governmental agency or agent
2 thereof.

3 3. As used in this section “dermal or soft tissue filler” has the
4 meaning ascribed to it in NRS 629.086.

5 **Sec. 141.** NRS 631.395 is hereby amended to read as follows:

6 631.395 A person is guilty of the illegal practice of dentistry,
7 dental hygiene or dental therapy who:

8 1. Sells or barter, or offers to sell or barter, any diploma or
9 document conferring or purporting to confer any dental degree, or
10 any certificate or transcript made or purporting to be made pursuant
11 to the laws regulating the licensing and registration of dentists,
12 dental hygienists or dental therapists;

13 2. Purchases or procures by barter any such diploma, certificate
14 or transcript, with the intent that it be used as evidence of the
15 holder’s qualifications to practice dentistry, or in fraud of the laws
16 regulating that practice;

17 3. With fraudulent intent, alters in a material regard any such
18 diploma, certificate or transcript;

19 4. Uses or attempts to use any diploma, certificate or transcript,
20 which has been purchased, fraudulently issued, counterfeited or
21 materially altered, either as a license or color of license to practice
22 dentistry, or in order to procure registration as a dentist, dental
23 hygienist or dental therapist;

24 5. Practices dentistry under a false or assumed name;

25 6. Assumes the degree of “Doctor of Dental Surgery” or
26 “Doctor of Dental Medicine” or appends the letters “D.D.S.” or
27 “D.M.D.” or “R.D.H.” to his or her name, not having conferred
28 upon him or her, by diploma from an accredited dental or dental
29 hygiene college or school legally empowered to confer the title, the
30 right to assume the title, or assumes any title or appends any letters
31 to his or her name with the intent to represent falsely that he or she
32 has received a dental degree or license;

33 7. Willfully makes, as an applicant for examination, license or
34 registration under this chapter, a false statement in a material regard
35 in an affidavit required by this chapter;

36 8. Within 10 days after a demand is made by the ~~{Secretary-~~
37 ~~Treasurer,}~~ **Division**, fails to furnish to the ~~{Board}~~ **Division** the
38 names and addresses of all persons practicing or assisting in the
39 practice of dentistry in the office of the person at any time within 60
40 days before the notice, together with a sworn statement showing
41 under and by what license or authority the person and his or her
42 employee are and have been practicing dentistry, but the affidavit
43 must not be used as evidence against the person in any proceeding
44 under this chapter;



9. Except as otherwise provided in NRS 629.091, practices dentistry, dental hygiene or dental therapy in this State without a license;

10. Except as otherwise provided in NRS 631.385, owns or controls a dental practice, shares in the fees received by a dentist or controls or attempts to control the services offered by a dentist if the person is not himself or herself licensed pursuant to this chapter; or

11. Aids or abets another in violating any of the provisions of this chapter.

Sec. 142. NRS 631.396 is hereby amended to read as follows:

631.396 Any ~~{member or}~~ agent *or employee* of the ~~{Board}~~ *Division* may 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, dental hygiene or dental therapy 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, dental hygiene or dental therapy without the appropriate license or certificate issued pursuant to the provisions of this chapter.

Sec. 143. NRS 631.397 is hereby amended to read as follows:

631.397 Unless the ~~{Board}~~ *Division* determines that extenuating circumstances exist, the ~~{Board}~~ *Division* shall forward to the appropriate law enforcement agency any substantiated information submitted to the ~~{Board}~~ *Division* concerning a person who practices or offers to practice dentistry, dental hygiene or dental therapy without the appropriate license or certificate issued pursuant to the provisions of this chapter.

Sec. 144. 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, unless a greater penalty is provided pursuant to NRS 200.830 or 200.840.

2. Unless a greater penalty is provided pursuant to NRS 200.830 or 200.840, a person who practices or offers to practice dental hygiene or dental therapy in this State without a license, or who, having a license, practices dental hygiene or dental therapy 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}~~ **Division** 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}~~ **Division**, may issue an injunction or other appropriate order restraining the conduct. Proceedings under this subsection are governed by Rule 65 of the Nevada Rules of Civil Procedure, except that no bond or undertaking is required in any action commenced by the ~~{Board}~~ **Division**.

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

(a) Issue and serve on the person an order to cease and desist until the person obtains from the ~~{Board}~~ **Division** the proper license or certificate or otherwise demonstrates that he or she is no longer in violation of subsection 1, 2 or 3. An order to cease and desist must include a telephone number with which the person may contact the ~~{Board}~~ **Division**.

(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}~~ **Division** 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. 145. Chapter 632 of NRS is hereby amended by adding thereto a new section to read as follows:

The Board shall comply with:

1. The applicable provisions of chapters 239 and 241 of NRS; and

2. Any requirements concerning the creation, retention and public disclosure of records of the activities of the Board established by regulation of the Division of Occupational



Licensing of the Department of Business and Industry pursuant to section 15 of this act.

Sec. 146. NRS 632.090 is hereby amended to read as follows:

632.090 1. Except as otherwise provided in ~~[subsection]~~ *subsections 3 ~~and~~ and 4*, all money received by the Board under the provisions of this chapter must be paid to the Executive Director of the Board, who shall deposit the money in banks, credit unions, savings and loan associations or savings banks in the State of Nevada. The money may be drawn on by the Board for payment of all expenses incurred in the administration of the provisions of this chapter.

2. The Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines and penalties therefor and deposit the money therefrom in banks, credit unions, savings and loan associations or savings banks in this State.

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

4. Five percent of the fees received by the Board pursuant to the provisions of this chapter must be deposited with the State Treasurer for credit to the Occupational Licensing Account created by section 14 of this act.

Sec. 147. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

The Board shall comply with:

1. The applicable provisions of chapters 239 and 241 of NRS; and

2. Any requirements concerning the creation, retention and public disclosure of records of the activities of the Board established by regulation of the Division of Occupational Licensing of the Department of Business and Industry pursuant to section 15 of this act.

Sec. 148. NRS 633.181 is hereby amended to read as follows:

633.181 The State Board of Osteopathic Medicine consists of ~~[seven]~~ *eight* members appointed by the Governor.

Sec. 149. NRS 633.191 is hereby amended to read as follows:

633.191 1. Five members of the Board must:

(a) Be licensed under this chapter;

(b) Be actually engaged in the practice of osteopathic medicine in this State; and



(c) Have been so engaged in this State for a period of more than 5 years preceding their appointment.

2. *One member of the Board must:*

(a) *Be licensed to practice as a physician assistant under this chapter;*

(b) *Be actually engaged in practice as a physician assistant in this State; and*

(c) *Have been so engaged in this State for a period of more than 5 years preceding his or her appointment.*

3. One member of the Board must be a resident of the State of Nevada and must represent the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care. This member must not be licensed under the provisions of this chapter.

~~3.1~~ 4. The remaining member of the Board must be a resident of the State of Nevada who is:

(a) Not licensed in any state to practice any healing art;

(b) Not the spouse or the parent or child, by blood, marriage or adoption, of a person licensed in any state to practice any healing art; and

(c) Not actively engaged in the administration of any medical facility or facility for the dependent as defined in chapter 449 of NRS.

Sec. 150. NRS 633.261 is hereby amended to read as follows:

633.261 1. All reasonable expenses incurred by the Board in carrying out the provisions of this chapter shall be paid from the fees which it receives, and no part of the salaries or expenses of the Board may be paid out of the General Fund of the State Treasury.

2. ~~1A11~~ *Except as otherwise provided in subsection 3, all* money received by the Board shall be deposited in banks, credit unions, savings and loan associations or savings banks in this State and shall be paid out on its order for its expenses.

3. *Five percent of the fees received by the Board pursuant to the provisions of this chapter must be deposited with the State Treasurer for credit to the Occupational Licensing Account created by section 14 of this act.*

Sec. 151. NRS 633.660 is hereby amended to read as follows:

633.660 The Board may delegate its authority to conduct a hearing concerning the discipline of a licensee pursuant to chapter 622A of NRS to:

1. A person; or

2. A group of such members of the Board as the President of the Board may designate from time to time, which group must consist of not less than three members of the Board, at least one of



whom was appointed to the Board pursuant to subsection ~~{2-or}~~ 3 or 4 of NRS 633.191.

Sec. 152. Chapter 634 of NRS is hereby amended by adding thereto a new section to read as follows:

The Board shall comply with:

1. The applicable provisions of chapters 239 and 241 of NRS; and

2. Any requirements concerning the creation, retention and public disclosure of records of the activities of the Board established by regulation of the Division of Occupational Licensing of the Department of Business and Industry pursuant to section 15 of this act.

Sec. 153. NRS 634.050 is hereby amended to read as follows:

634.050 1. Except as otherwise provided in ~~{subsection}~~ *subsections 3 ~~{-}~~ and 4*, all money collected by the Board must be deposited in banks, credit unions, savings and loan associations or savings banks in the State of Nevada, and must be used by the Board to defray its legitimate expenses.

2. The Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines therefor and deposit the money therefrom in banks, credit unions, savings and loan associations or savings banks in this State.

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

4. Five percent of the fees received by the Board pursuant to the provisions of this chapter must be deposited with the State Treasurer for credit to the Occupational Licensing Account created by section 14 of this act.

Sec. 154. NRS 634A.020 is hereby amended to read as follows:

634A.020 As used in this chapter, unless the context otherwise requires:

1. "Acupuncture" means the insertion of needles into the human body by piercing the skin of the body to control and regulate the flow and balance of energy in the body and to cure, relieve or palliate the body for therapeutic purposes, including, without limitation:

(a) Any ailment or disease of the mind or body; or

(b) Any wound, bodily injury or deformity.



2. ~~["Board" means the State Board of Oriental Medicine.]~~
*"Division" means the Division of Occupational Licensing of the
Department of Business and Industry.*

3. "Doctor of Oriental medicine" means a person who is
licensed under the provisions of this chapter to practice as a doctor
of Oriental medicine.

4. "Dry needling":

(a) Means an advanced needling skill or technique limited to the
treatment of myofascial pain, using a single-use, single-insertion,
sterile needle without the use of heat, cold or any other added
modality or medication, which is inserted into the skin or underlying
tissue to stimulate a trigger point.

(b) Does not include:

(1) The stimulation of an auricular point;

(2) Utilization of a distal point or nonlocal point;

(3) Needle retention;

(4) Application of a retained electrical stimulation lead; or

(5) The teaching or application of other acupuncture theory.

5. "Herbal medicine" and "practice of herbal medicine" mean
suggesting, recommending, prescribing or directing the use of herbs
for the cure, relief or palliation of any ailment or disease of the mind
or body, or for the cure or relief of any wound, bodily injury or
deformity.

6. "Herbs" means any plant or part of a plant which is not
prohibited by the laws of the United States or this State and is used
in tests or examinations in the practice of Oriental medicine.

7. "Oriental medicine" means a system of the healing art which
places the chief emphasis on the flow and balance of energy in the
body mechanism as being the most important single factor in
maintaining the well-being of the organism in health and disease.
The term includes, without limitation, the practice of acupuncture,
herbal medicine, moxibustion, dry needling and other services
approved by the ~~Board~~ *Division*.

Sec. 155. NRS 634A.070 is hereby amended to read as
follows:

634A.070 The ~~Board~~ *Division* may:

1. Employ attorneys, investigators and other professional
consultants and clerical personnel necessary to discharge its duties
~~under this chapter~~. To conduct its examinations, the ~~Board~~
Division may call to its aid persons of established reputation and
known ability in Oriental medicine.

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



1 ~~—3.1~~ Adopt regulations not inconsistent with the provisions of
2 this chapter. The regulations may include a code of ethics regulating
3 the professional conduct of licensees.

4 ~~[4.1]~~ 3. Compel the attendance of witnesses and the production
5 of evidence by subpoena.

6 **Sec. 156.** NRS 634A.080 is hereby amended to read as
7 follows:

8 634A.080 The ~~{Board}~~ **Division** shall:

9 1. ~~{Hold meetings at least once a year and at any other time at~~
10 ~~the request of the President or the majority of the members;~~

11 ~~—2. Have and use a common seal;~~

12 ~~—3.1 Deposit {in interest-bearing accounts in the State of~~
13 ~~Nevada} all money received under the provisions of this chapter {~~
14 ~~which must be used to defray the expenses of the Board;~~

15 ~~—4. Operate on the basis of the fiscal year beginning July 1 and~~
16 ~~ending June 30; and~~

17 ~~—5.1 with the State Treasurer for credit to the Occupational~~
18 ~~Liability Account created by section 14 of this act.~~

19 2. Keep ~~{a record of its proceedings}~~ **appropriate records**
20 **concerning its activities under this chapter** which must be open to
21 the public at all times and which must contain the name and
22 business address of every registered licensee in this State.

23 **Sec. 157.** NRS 634A.083 is hereby amended to read as
24 follows:

25 634A.083 Any ~~{member or}~~ agent **or employee** of the ~~{Board}~~
26 **Division** may enter any premises in this State where a person who
27 holds a license issued pursuant to the provisions of this chapter
28 practices Oriental medicine and inspect it to determine whether a
29 violation of any provision of this chapter has occurred, including,
30 without limitation, an inspection to determine whether any person at
31 the premises is practicing Oriental medicine without a license issued
32 pursuant to the provisions of this chapter.

33 **Sec. 158.** NRS 634A.085 is hereby amended to read as
34 follows:

35 634A.085 1. If a written complaint regarding a person who
36 practices Oriental medicine is filed with the ~~{Board,}~~ **Division**, the
37 ~~{Board}~~ **Division** shall review the complaint. A complaint may be
38 filed anonymously. If a complaint is filed anonymously, the ~~{Board}~~
39 **Division** may accept the complaint but may refuse to consider the
40 complaint if anonymity of the complainant makes processing the
41 complaint impossible or unfair to the person who is the subject of
42 the complaint. If, from the complaint or from other records, it
43 appears that the complaint is not frivolous, the ~~{Board}~~ **Division**
44 may:

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



(b) If the ~~{Board}~~ Division retains the Attorney General, transmit the original complaint and any facts or information obtained from the review to the Attorney General.

2. If the ~~{Board}~~ Division retains the Attorney General, the Attorney General shall conduct an investigation of the complaint transmitted to the Attorney General to determine whether it warrants proceedings for the modification, suspension or revocation of the license. If the Attorney General determines that further proceedings are warranted, the Attorney General shall report the results of the investigation and any recommendation to the ~~{Board}~~ Division.

3. The ~~{Board}~~ Division shall promptly make a determination with respect to each complaint reported to it by the Attorney General. The ~~{Board}~~ Division shall:

(a) Dismiss the complaint; or

(b) Proceed with appropriate disciplinary action.

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

5. If the ~~{Board}~~ Division retains the Attorney General, the Attorney General may, in accordance with the provisions of NRS 228.113, charge the ~~{Board}~~ Division for all services relating to the investigation of a complaint pursuant to subsection 2.

Sec. 159. NRS 634A.090 is hereby amended to read as follows:

634A.090 1. A school or college of Oriental medicine may be established and maintained in this State only if:

(a) Its establishment is approved by the ~~{Board}~~ Division;

(b) It is accredited by or has received at least candidacy status for institutional accreditation from the Accreditation Commission for Acupuncture and Oriental Medicine or its successor organization; and

(c) It holds a current license issued by the Commission on Postsecondary Education.

2. The ~~{Board}~~ Division may prescribe the course of study required for the degree of doctor of Oriental medicine.

Sec. 160. NRS 634A.110 is hereby amended to read as follows:

634A.110 1. An applicant for examination for a license to practice Oriental medicine, or any branch thereof, shall:

(a) Submit an application to the ~~{Board}~~ Division on forms provided by the ~~{Board}~~ Division;

(b) Submit satisfactory evidence that he or she is 21 years or older and meets the appropriate educational requirements;

(c) Submit with the application a complete set of fingerprints which the ~~{Board}~~ Division may forward to the Central Repository



for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(d) Pay a fee established by the ~~{Board}~~ Division of not more than \$1,000; and

(e) Pay any fees required by the ~~{Board}~~ Division for an investigation of the applicant or for the services of a translator, if the translator is required to enable the applicant to take the examination.

2. An application submitted to the ~~{Board}~~ Division pursuant to subsection 1 must include all information required to complete the application.

Sec. 161. NRS 634A.115 is hereby amended to read as follows:

634A.115 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license issued pursuant to this chapter shall include the social security number of the applicant in the application submitted to the ~~{Board}~~ Division.

(b) An applicant for the issuance or renewal of a license issued pursuant to this chapter shall submit to the ~~{Board}~~ Division of Occupational Licensing the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The ~~{Board}~~ Division of Occupational Licensing shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the ~~{Board}~~ Division.

3. A license may not be issued or renewed by the ~~{Board}~~ Division pursuant to this chapter if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the ~~{Board}~~ Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to



determine the actions that the applicant may take to satisfy the
arrearage.

Sec. 162. NRS 634A.120 is hereby amended to read as
follows:

634A.120 1. Each applicant for a license to practice as a
doctor of Oriental medicine must pass:

(a) Each examination required and administered by the National
Certification Commission for Acupuncture and Oriental Medicine or
its successor organization for certification in Oriental medicine; and

(b) An examination approved by the ~~{Board}~~ **Division** that tests
the applicant's knowledge and understanding of the laws and
regulations of this State relating to health and safety in the practice
of Oriental medicine.

2. The ~~{Board}~~ **Division** may establish by regulation for the
examination required by paragraph (b) of subsection 1:

(a) Additional subject areas to be included in the examination;
and

(b) Specific methods for the administration of the examination,
including, but not limited to, written, oral, demonstrative, practical
or any combination thereof.

3. The ~~{Board}~~ **Division** shall contract for the preparation,
administration and grading of the examination required by
paragraph (b) of subsection 1.

4. Except as otherwise provided in subsection 5, the ~~{Board}~~ **Division**
shall offer the examination required by paragraph (b) of
subsection 1 at least two times each year at a time and place
established by the ~~{Board}~~ **Division**.

5. The ~~{Board}~~ **Division** may cancel a scheduled examination
required by paragraph (b) of subsection 1 if, within 60 days before
the examination, the ~~{Board}~~ **Division** has not received a request to
take the examination.

6. A person who fails the examination required by paragraph
(b) of subsection 1 may retake the examination.

Sec. 163. NRS 634A.140 is hereby amended to read as
follows:

634A.140 1. The ~~{Board}~~ **Division** shall issue a license to
practice as a doctor of Oriental medicine to an applicant who:

(a) Has:

(1) Successfully completed an accredited 4-year program of
study, or its equivalent, in Oriental medicine at a school or college
of Oriental medicine accredited by the Accreditation Commission
for Acupuncture and Oriental Medicine or its successor organization
that meets any requirements prescribed by the ~~{Board}~~ **Division**
pursuant to NRS 634A.090, including, without limitation,
requirements concerning clinical and didactic components;



(2) Earned a bachelor's degree, or completed a combined bachelor's and master's degree program in Oriental medicine, from an accredited college or university in the United States;

(3) Passed an investigation of his or her background and personal history conducted by the ~~{Board}~~ Division; and

(4) Passed the examinations required by NRS 634A.120; and

(b) Holds a current certification in Oriental medicine issued by the National Certification Commission for Acupuncture and Oriental Medicine or its successor organization.

2. Except as otherwise provided in subsection 3, the ~~{Board}~~ Division may issue a license to practice as a doctor of Oriental medicine to an applicant who:

(a) Has:

(1) Successfully completed a 4-year program of study, or its equivalent, in Oriental medicine at a school or college of Oriental medicine that is approved by the ~~{Board}~~ Division and meets any requirements prescribed by the ~~{Board}~~ Division pursuant to NRS 634A.090, including, without limitation, requirements concerning clinical and didactic components;

(2) Lawfully practiced Oriental medicine in another state or foreign country for at least 4 years;

(3) Passed an investigation of his or her background and personal history conducted by the Board; and

(4) Passed the examinations required by NRS 634A.120; and

(b) Holds a current certification in Oriental medicine issued by the National Certification Commission for Acupuncture and Oriental Medicine or its successor organization.

3. The ~~{Board}~~ Division may issue a license to practice as a doctor of Oriental medicine to an applicant who:

(a) Has:

(1) Successfully completed a program in Oriental medicine from a school or college of Oriental medicine accredited by the Accreditation Commission for Acupuncture and Oriental Medicine or its successor organization before January 1, 2008, that included the study of herbology;

(2) Practiced Oriental medicine pursuant to the laws of another state or territory of the United States, the District of Columbia, or foreign country for at least 6 of the 8 years immediately preceding the date of the application;

(3) Passed an investigation of his or her background and personal history conducted by the ~~{Board}~~ Division; and

(4) Passed the examinations required by NRS 634A.120; and

(b) Holds a current certification in Oriental medicine issued by the National Certification Commission for Acupuncture and Oriental Medicine or its successor organization.



Sec. 164. NRS 634A.142 is hereby amended to read as follows:

634A.142 1. A doctor of Oriental medicine licensed pursuant to this chapter may apply to the ~~{Board}~~ **Division** for an endorsement to practice acupuncture point injection therapy. The applicant must submit with his or her application proof that the applicant has:

(a) Successfully completed postgraduate course work approved by the National Certification Commission for Acupuncture and Oriental Medicine or a successor organization which provides at least 24 hours of instruction provided in person, including, without limitation, at least 8 hours of instruction received by practicum and 2 hours of training in the administration of intramuscular epinephrine; and

(b) Obtained or otherwise carries a policy of professional liability insurance which insures the applicant against any liability arising from the provision of acupuncture point injection therapy by the applicant.

2. The ~~{Board}~~ **Division** shall issue an endorsement to practice acupuncture point injection therapy to an applicant who meets the requirements of subsection 1.

3. A licensee who is issued an endorsement to practice acupuncture point injection therapy may only inject substances for which the licensee has received training which may include, without limitation, nutritional, homeopathic and herbal substances.

4. As used in this section, “acupuncture point injection therapy” means the subcutaneous, intramuscular and intradermal injection of substances to stimulate acupuncture points, ashi points and trigger points to relieve pain and prevent illness.

Sec. 165. NRS 634A.163 is hereby amended to read as follows:

634A.163 1. Except as otherwise provided in subsection 5, if a doctor of Oriental medicine who holds a valid and unrestricted license to practice Oriental medicine in another state or territory of the United States or another country has entered into a written or oral agreement to provide services to members of a visiting athletic team or organization, the doctor of Oriental medicine is temporarily exempt from licensure and may practice Oriental medicine in this State while providing services pursuant to the agreement to members of the visiting athletic team or organization who are present in this State for the purpose of engaging in competition or training.

2. Except as otherwise provided in subsection 5, if a doctor of Oriental medicine who holds a valid and unrestricted license to practice Oriental medicine in another state or territory of the United



1 States or another country has been invited by the governing body of
2 a national organization to provide services to persons participating
3 in an athletic event or training sanctioned or operated by the
4 organization, the doctor of Oriental medicine is temporarily exempt
5 from licensure and may practice Oriental medicine in this State
6 while providing services to such persons.

7 3. Except as otherwise provided in this subsection and
8 subsection 4, an exemption described in this section is valid for a
9 period of not more than 10 days for each competition or training
10 session. Upon the application of a doctor of Oriental medicine, the
11 ~~{Board}~~ Division may grant an exemption of not more than 20
12 additional days for each competition or training session.

13 4. A doctor of Oriental medicine who is practicing Oriental
14 medicine under an exemption described in this section shall not:

15 (a) Practice Oriental medicine at a medical facility;

16 (b) Provide services to persons who are not described in
17 subsection 1 or 2, as applicable; or

18 (c) Practice Oriental medicine under such an exemption for
19 more than 60 days in a calendar year.

20 5. The provisions of this section do not apply to any contest or
21 exhibition of unarmed combat conducted pursuant to chapter 467 of
22 NRS.

23 6. As used in this section, “visiting athletic team or
24 organization” means an athletic team or organization which is
25 primarily based at a location outside of this State.

26 **Sec. 166.** NRS 634A.165 is hereby amended to read as
27 follows:

28 634A.165 1. The ~~{Board}~~ Division may adopt regulations for
29 the issuance of temporary certificates to persons not licensed
30 pursuant to this chapter. A temporary certificate may be issued:

31 (a) In connection with a bona fide educational seminar
32 concerning Oriental medicine or acupuncture; or

33 (b) For the purpose of authorizing a person to engage in
34 lecturing on or teaching Oriental medicine or acupuncture in this
35 State on a short-term basis.

36 2. The ~~{Board}~~ Division may charge a fee for the issuance of a
37 temporary certificate. The fee must not exceed an amount which
38 adequately reimburses the ~~{Board}~~ Division for costs incurred in:

39 (a) Investigating an applicant under this section; and

40 (b) Monitoring a seminar, if the ~~{Board}~~ Division deems that
41 action necessary.

42 **Sec. 167.** NRS 634A.167 is hereby amended to read as
43 follows:

44 634A.167 1. To renew a license issued pursuant to this
45 chapter, each person must, on or before February 1 of each year:



- 1 (a) Apply to the ~~{Board}~~ Division for renewal;
- 2 (b) Pay the annual fee for a license prescribed by the ~~{Board,}~~
- 3 Division, which must not exceed \$1,000;
- 4 (c) Submit evidence to the ~~{Board}~~ Division of completion of
- 5 the requirements for continuing education; and
- 6 (d) Submit all information required to complete the renewal.

7 2. The ~~{Board}~~ Division shall, as a prerequisite for the renewal
8 or reinstatement of a license, require each holder of a license to
9 comply with the requirements for continuing education adopted by
10 the ~~{Board,}~~ Division.

11 3. If the holder of a license fails to pay the fee or submit all
12 required information by February 1 of each year, the license expires
13 automatically. The license may be reinstated by payment of the
14 required fee and submission of all required information within 90
15 days after the expiration of the license pursuant to this subsection.

16 **Sec. 168.** NRS 634A.170 is hereby amended to read as
17 follows:

18 634A.170 The ~~{Board}~~ Division may refuse to issue or may
19 suspend or revoke any license for any one or any combination of the
20 following causes:

- 21 1. Conviction of:
 - 22 (a) A felony relating to the practice of Oriental medicine;
 - 23 (b) Any offense involving moral turpitude;
 - 24 (c) A violation of any state or federal law regulating the
 - 25 possession, distribution or use of any controlled substance, as shown
 - 26 by a certified copy of the record of the court; or

27 (d) A violation of any of the provisions of NRS 616D.200,
28 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

29 2. The obtaining of or any attempt to obtain a license or
30 practice in the profession for money or any other thing of value, by
31 fraudulent misrepresentations;

32 3. Gross or repeated malpractice, which may be evidenced by
33 claims of malpractice settled against a practitioner;

34 4. Advertising by means of a knowingly false or deceptive
35 statement;

36 5. Advertising, practicing or attempting to practice under a
37 name other than one's own;

38 6. Habitual drunkenness or habitual addiction to the use of a
39 controlled substance;

40 7. Using any false, fraudulent or forged statement or document,
41 or engaging in any fraudulent, deceitful, dishonest or immoral
42 practice in connection with the licensing requirements of this
43 chapter;

44 8. Sustaining a physical or mental disability which renders
45 further practice dangerous;



9. Engaging in any dishonorable, unethical or unprofessional conduct which may deceive, defraud or harm the public, or which is unbecoming a person licensed to practice under this chapter;

10. Using any false or fraudulent statement in connection with the practice of Oriental medicine or any branch thereof;

11. Violating or attempting to violate, or assisting or abetting the violation of, or conspiring to violate any provision of this chapter;

12. Being adjudicated incompetent or insane;

13. Advertising in an unethical or unprofessional manner;

14. Obtaining a fee or financial benefit for any person by the use of fraudulent diagnosis, therapy or treatment;

15. Willful disclosure of a privileged communication;

16. Failure of a licensee to designate the nature of his or her practice in the professional use of his or her name by the term doctor of Oriental medicine;

17. Willful violation of the law relating to the health, safety or welfare of the public or of the regulations adopted by the State Board of Health;

18. Administering, dispensing or prescribing any controlled substance, except for the prevention, alleviation or cure of disease or for relief from suffering;

19. Performing, assisting or advising in the injection of any liquid silicone substance into the human body; and

20. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➤ This subsection applies to an owner or other principal responsible for the operation of the facility.

Sec. 169. NRS 634A.175 is hereby amended to read as follows:

634A.175 1. If the ~~{Board}~~ **Division** receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license issued pursuant to this chapter, the ~~{Board}~~ **Division** shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the ~~{Board}~~ **Division** receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.



2. The ~~{Board}~~ Division shall reinstate a license issued pursuant to this chapter that has been suspended by a district court pursuant to NRS 425.540 if the ~~{Board}~~ Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 170. NRS 634A.180 is hereby amended to read as follows:

634A.180 ~~{Notwithstanding the provisions of chapter 622A of NRS, if}~~ If the ~~{Board}~~ Division receives a report pursuant to subsection 5 of NRS 228.420, a disciplinary proceeding regarding the report must be commenced within 30 days after the ~~{Board}~~ Division receives the report.

Sec. 171. NRS 634A.185 is hereby amended to read as follows:

634A.185 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the ~~{Board}~~ Division, 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}~~ Division requesting that such documents and information be made public records.

2. ~~{The}~~ Any charging documents filed with the ~~{Board}~~ Division to initiate disciplinary action ~~{pursuant to chapter 622A of NRS}~~ and all documents and information considered by the ~~{Board}~~ Division 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 ~~{Board}~~ Division 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.

Sec. 172. NRS 634A.225 is hereby amended to read as follows:

634A.225 1. No seminar concerning Oriental medicine or acupuncture may be conducted in this State except in accordance with regulations prescribed by the ~~{Board}~~ Division for bona fide educational seminars.

2. Any person who violates subsection 1 is guilty of a misdemeanor.



1 **Sec. 173.** NRS 634A.228 is hereby amended to read as
2 follows:

3 634A.228 Unless the ~~{Board}~~ **Division** determines that
4 extenuating circumstances exist, the ~~{Board}~~ **Division** shall forward
5 to the appropriate law enforcement agency any substantiated
6 information submitted to the ~~{Board}~~ **Division** concerning a person
7 who practices or offers to practice Oriental medicine without a
8 license issued pursuant to the provisions of this chapter.

9 **Sec. 174.** NRS 634A.230 is hereby amended to read as
10 follows:

11 634A.230 1. Any person who represents himself or herself as
12 a practitioner of Oriental medicine, or any branch thereof, or who
13 engages in the practice of Oriental medicine, or any branch thereof,
14 in this State without holding a valid license issued by the ~~{Board}~~
15 **Division** is guilty of a gross misdemeanor, unless a greater penalty
16 is provided pursuant to NRS 200.830 or 200.840.

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

20 (a) Issue and serve on the person an order to cease and desist
21 until the person obtains from the ~~{Board}~~ **Division** the proper license
22 or otherwise demonstrates that he or she is no longer in violation of
23 subsection 1. An order to cease and desist must include a telephone
24 number with which the person may contact the ~~{Board}~~ **Division**.

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

33 (c) Assess against the person an administrative fine as provided
34 in NRS 634A.250.

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

37 **Sec. 175.** NRS 634A.240 is hereby amended to read as
38 follows:

39 634A.240 1. The ~~{Board}~~ **Division** may maintain in any court
40 of competent jurisdiction a suit for an injunction against any person
41 who violates any provision of this chapter.

42 2. Such an injunction:

43 (a) May be issued without proof of actual damage sustained by
44 any person, this provision being understood to be a preventive as
45 well as a punitive measure.



(b) Shall not relieve such person from any criminal prosecution for the violation.

Sec. 176. NRS 634A.250 is hereby amended to read as follows:

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

Sec. 177. Chapter 635 of NRS is hereby amended by adding thereto a new section to read as follows:

The Board shall comply with:

1. The applicable provisions of chapters 239 and 241 of NRS; and

2. Any requirements concerning the creation, retention and public disclosure of records of the activities of the Board established by regulation of the Division of Occupational Licensing of the Department of Business and Industry pursuant to section 15 of this act.

Sec. 178. NRS 635.040 is hereby amended to read as follows:

635.040 1. ~~{All}~~ ***Except as otherwise provided in subsection 3, all*** fees provided for in this chapter must be paid to the Treasurer of the Board, who shall deposit the fees in banks, credit unions, savings and loan associations or savings banks in this State. All of the salaries and expenses for the operation of the Board must be paid from the fees.

2. The Board shall deposit the money collected from the imposition of civil penalties with the State Treasurer for credit to the State General Fund, and may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorneys' fees or the costs of an investigation, or both.

3. Five percent of the fees received by the Board pursuant to the provisions of this chapter must be deposited with the State Treasurer for credit to the Occupational Licensing Account created by section 14 of this act.

Sec. 179. Chapter 636 of NRS is hereby amended by adding thereto a new section to read as follows:

The Board shall comply with:

1. The applicable provisions of chapters 239 and 241 of NRS; and

2. Any requirements concerning the creation, retention and public disclosure of records of the activities of the Board established by regulation of the Division of Occupational



Licensing of the Department of Business and Industry pursuant to section 15 of this act.

Sec. 180. NRS 636.110 is hereby amended to read as follows:

636.110 1. Except as otherwise provided in ~~subsection~~ *subsections 3 and 4*, all money coming into possession of the Board must be deposited by the Executive Director in a special fund to be expended for payment of compensation and expenses of members of the Board and for other necessary or proper purposes in the administration of this chapter. The Executive Director shall deposit the money in banks, credit unions, savings and loan associations or savings banks in this State.

2. The Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect administrative fines and penalties therefor and forward the money therefrom to the Executive Director for deposit in banks, credit unions, savings and loan associations or savings banks in this State.

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

4. Five percent of the fees received by the Board pursuant to the provisions of this chapter must be deposited with the State Treasurer for credit to the Occupational Licensing Account created by section 14 of this act.

Sec. 181. Chapter 637 of NRS is hereby amended by adding thereto a new section to read as follows:

The Board shall comply with:

1. The applicable provisions of chapters 239 and 241 of NRS; and

2. Any requirements concerning the creation, retention and public disclosure of records of the activities of the Board established by regulation of the Division of Occupational Licensing of the Department of Business and Industry pursuant to section 15 of this act.

Sec. 182. NRS 637.060 is hereby amended to read as follows:

637.060 1. Except as otherwise provided in ~~subsection~~ *subsections 3 and 4*, all money received by the Board under the provisions of this chapter must be deposited in banks, credit unions, savings and loan associations or savings banks in the State of Nevada. The money may be drawn on by the Board for payment of



1 all expenses incurred in the administration of the provisions of this
2 chapter.

3 2. In a manner consistent with the provisions of chapter 622A
4 of NRS, the Board may delegate to a hearing officer or panel its
5 authority to take any disciplinary action pursuant to this chapter,
6 impose and collect administrative fines therefor and deposit the
7 money therefrom in banks, credit unions, savings and loan
8 associations or savings banks in this State.

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

16 *4. Five percent of the fees received by the Board pursuant to*
17 *the provisions of this chapter must be deposited with the State*
18 *Treasurer for credit to the Occupational Licensing Account*
19 *created by section 14 of this act.*

20 **Sec. 183.** Chapter 637B of NRS is hereby amended by adding
21 thereto a new section to read as follows:

22 *The Board shall comply with:*

23 *1. The applicable provisions of chapters 239 and 241 of NRS;*
24 *and*

25 *2. Any requirements concerning the creation, retention and*
26 *public disclosure of records of the activities of the Board*
27 *established by regulation of the Division of Occupational*
28 *Licensing of the Department of Business and Industry pursuant to*
29 *section 15 of this act.*

30 **Sec. 184.** NRS 637B.145 is hereby amended to read as
31 follows:

32 637B.145 1. ~~ALL~~ *Except as otherwise provided in*
33 *subsection 4, all* fees collected under the provisions of this chapter
34 must be paid to the Board to be used to defray the necessary
35 expenses of the Board. The Board shall deposit the fees in qualified
36 banks, credit unions, savings and loan associations or savings banks
37 in this State.

38 2. In a manner consistent with the provisions of chapter 622A
39 of NRS, the Board may delegate to a hearing officer or panel its
40 authority to take any disciplinary action pursuant to this chapter,
41 impose and collect civil penalties therefor and deposit the money
42 therefrom in banks, credit unions, savings and loan associations or
43 savings banks in this State.

44 3. If a hearing officer or panel is not authorized to take
45 disciplinary action pursuant to subsection 2 and the Board deposits



the money collected from the imposition of civil penalties with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

4. Five percent of the fees received by the Board pursuant to the provisions of this chapter must be deposited with the State Treasurer for credit to the Occupational Licensing Account created by section 14 of this act.

Sec. 185. Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:

The Board shall comply with:

1. The applicable provisions of chapters 239 and 241 of NRS; and

2. Any requirements concerning the creation, retention and public disclosure of records of the activities of the Board established by regulation of the Division of Occupational Licensing of the Department of Business and Industry pursuant to section 15 of this act.

Sec. 186. NRS 639.081 is hereby amended to read as follows:

639.081 1. Except as otherwise provided in ~~subsection~~ *subsections 3 ~~H~~ and 4*, all money coming into the possession of the Board must be kept or deposited by the Executive Secretary of the Board in banks, credit unions, savings and loan associations or savings banks in the State of Nevada, or invested in United States treasury bills or notes, to be expended for payment of compensation and expenses of members of the Board and for other necessary or proper purposes in the administration of this chapter.

2. The Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines therefor and deposit the money therefrom in banks, credit unions, savings and loan associations or savings banks in this State.

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

4. Five percent of the fees received by the Board pursuant to the provisions of this chapter must be deposited with the State Treasurer for credit to the Occupational Licensing Account created by section 14 of this act.



Sec. 187. NRS 639.239 is hereby amended to read as follows:

639.239 1. Members, inspectors and investigators of the Board, authorized representatives and investigators of state licensing boards established by this chapter or chapter 630, ~~631,~~ 632, 633, 635 or 636 of NRS, *authorized employees and agents of the Division of Occupational Licensing of the Department of Business and Industry*, inspectors of the Food and Drug Administration, agents of the Investigation Division of the Department of Public Safety and peace officers described in paragraph (j) of subsection 1 of NRS 639.238 may:

(a) Request, and a practitioner or pharmacist who receives such a request shall provide, a photocopy of any record required to be retained by state or federal law or regulation, including any prescription contained in the files of a practitioner or pharmacy, if the record in question will be used as evidence in a criminal action, civil action or an administrative proceeding, or contemplated action or proceeding.

(b) Remove an original record required to be retained by state or federal law or regulation, including any prescription contained in the files of a practitioner or pharmacy, if the record in question will be used as evidence in a criminal action, a civil action or an administrative proceeding, or contemplated action or proceeding and it is necessary to use the original record, rather than a photocopy of the record, for that purpose.

2. The person who removes an original record pursuant to paragraph (b) of subsection 1 shall:

(a) Affix the name and address of the practitioner or pharmacist to the back of the record;

(b) Affix his or her initials, cause an agent of the practitioner or pharmacist to affix his or her initials and note the date of the removal of the record on the back of the record;

(c) Affix to the back of the record his or her name and title and the name and address of the agency for which the person is removing the record; and

(d) Provide the practitioner or pharmacist with a photocopy of both sides of the record, or allow the practitioner or pharmacist to make such a photocopy, before removing the original record.

Sec. 188. Chapter 640 of NRS is hereby amended by adding thereto a new section to read as follows:

The Board shall comply with:

1. The applicable provisions of chapters 239 and 241 of NRS; and

2. Any requirements concerning the creation, retention and public disclosure of records of the activities of the Board established by regulation of the Division of Occupational



Licensing of the Department of Business and Industry pursuant to section 15 of this act.

Sec. 189. NRS 640.070 is hereby amended to read as follows:

640.070 1. ~~[A] Except as otherwise provided in subsection 5, all~~ fees collected under this chapter must be deposited by the Board in banks, credit unions, savings and loan associations or savings banks in the State of Nevada.

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

3. In a manner consistent with the provisions of chapter 622A of NRS, the Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter and impose and collect administrative fines therefor. If the Board so delegates its authority, the Board may deposit the money from the fines in banks, credit unions, savings and loan associations or savings banks in this State for the support of the Board. In addition, the hearing officer or panel may assess a licensee against whom disciplinary action is taken any costs and fees incurred by the Board as a result of the hearing. The money from the reimbursed costs and fees may also be deposited for use by the Board.

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

5. Five percent of the fees received by the Board pursuant to the provisions of this chapter must be deposited with the State Treasurer for credit to the Occupational Licensing Account created by section 14 of this act.

Sec. 190. Chapter 640A of NRS is hereby amended by adding thereto a new section to read as follows:

The Board shall comply with:

1. *The applicable provisions of chapters 239 and 241 of NRS; and*

2. *Any requirements concerning the creation, retention and public disclosure of records of the activities of the Board established by regulation of the Division of Occupational Licensing of the Department of Business and Industry pursuant to section 15 of this act.*

Sec. 191. NRS 640A.190 is hereby amended to read as follows:

640A.190 1. The Board may by regulation establish reasonable fees for:



- (a) The examination of an applicant for a license;
- (b) The initial issuance of a license, including a license by endorsement;
- (c) The issuance of a temporary license;
- (d) The renewal of a license; and
- (e) The late renewal of a license.

2. If an applicant submits an application for a license by endorsement pursuant to NRS 640A.166, the Board shall collect not more than one-half of the fee established pursuant to subsection 1 for the initial issuance of the license.

3. Except as otherwise provided in subsection 2, the fees must be set in such an amount as to reimburse the Board for the cost of carrying out the provisions of this chapter.

4. Five percent of the fees received by the Board pursuant to the provisions of this chapter must be deposited with the State Treasurer for credit to the Occupational Licensing Account created by section 14 of this act.

Sec. 192. Chapter 640B of NRS is hereby amended by adding thereto a new section to read as follows:

“Division” means the Division of Occupational Licensing of the Department of Business and Industry.

Sec. 193. NRS 640B.005 is hereby amended to read as follows:

640B.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 640B.011 to 640B.120, inclusive, ***and section 192 of this act***, have the meanings ascribed to them in those sections.

Sec. 194. NRS 640B.051 is hereby amended to read as follows:

640B.051 “Graduate student athletic trainer” means a graduate student who:

1. Is enrolled in a graduate program of study approved by the ~~Board;~~ ***Division;*** and

2. Engages in the practice of athletic training under the supervision of a licensed athletic trainer.

Sec. 195. NRS 640B.111 is hereby amended to read as follows:

640B.111 “Student athletic trainer” means an undergraduate student who:

1. Is enrolled in an undergraduate program of study approved by the ~~Board;~~ ***Division;*** and

2. Engages in the practice of athletic training under the supervision of a licensed athletic trainer.



1 **Sec. 196.** NRS 640B.220 is hereby amended to read as
2 follows:

3 640B.220 1. ~~{Except as otherwise provided in subsection 4,~~
4 ~~all reasonable expenses incurred by the Board in carrying out the~~
5 ~~provisions of this chapter must be paid from the money that it~~
6 ~~receives. No part of the expenses of the Board may be paid from the~~
7 ~~State General Fund.~~

8 ~~—2.}~~ All money received by the ~~{Board}~~ **Division pursuant to**
9 **this chapter** must be deposited ~~{in a bank or other financial~~
10 ~~institution in this State and paid out on its order for its expenses.~~

11 ~~—3. In a manner consistent with the provisions of chapter 622A~~
12 ~~of NRS, the Board}~~ **with the State Treasurer for credit to the**
13 **Occupational Licensing Account created by section 14 of this act.**

14 **2. The Division** may delegate to a hearing officer or panel its
15 authority to take any disciplinary action pursuant to this chapter,
16 impose and collect fines and penalties related to that disciplinary
17 action and deposit the money from the fines and penalties ~~{in a bank~~
18 ~~or other financial institution in this State.~~

19 ~~—4. If a hearing officer or panel is not authorized to take~~
20 ~~disciplinary action pursuant to subsection 3, the Board shall deposit~~
21 ~~all money collected from the imposition of fines and penalties with~~
22 ~~the State Treasurer for credit to the State General Fund. If money~~
23 ~~has been deposited in the State General Fund pursuant to this~~
24 ~~subsection, the Board may present a claim to the State Board of~~
25 ~~Examiners for recommendation to the Interim Finance Committee if~~
26 ~~money is needed to pay attorney's fees or the costs of an~~
27 ~~investigation, or both.}~~ **with the State Treasurer for credit to the**
28 **Occupational Licensing Account created by section 14 of this act.**

29 **Sec. 197.** NRS 640B.250 is hereby amended to read as
30 follows:

31 640B.250 1. The ~~{Board}~~ **Division** shall prepare and maintain
32 a separate list of:

33 (a) The licensees.

34 (b) The applicants for a license.

35 (c) The licensees whose licenses have been revoked or
36 suspended within the preceding year.

37 2. The ~~{Board}~~ **Division** shall, upon request, disclose the
38 information included in each list and may charge a fee for a copy of
39 a list.

40 3. The ~~{Board}~~ **Division** shall:

41 (a) Prepare and maintain a record of its proceedings and
42 transactions;

43 ~~{(b) Adopt a seal of which each court in this State shall take~~
44 ~~judicial notice; and~~

45 ~~—(c)}~~ **and**



(b) Enforce the provisions of this chapter and any regulations adopted pursuant thereto.

Sec. 198. NRS 640B.260 is hereby amended to read as follows:

640B.260 The ~~{Board}~~ **Division** shall adopt regulations to carry out the provisions of this chapter, including, without limitation, regulations that establish:

1. The passing grades for the examinations required by NRS 640B.310 and 640B.320.

2. Appropriate criteria for determining whether an entity is an intercollegiate athletic association, interscholastic athletic association, professional athletic organization or amateur athletic organization.

3. The standards of practice for athletic trainers.

4. The requirements for continuing education for the renewal of a license of an athletic trainer. The requirements must be at least equivalent to the requirements for continuing education for the renewal of a certificate of an athletic trainer issued by the National Athletic Trainers Association Board of Certification or its successor organization.

5. The qualifications an athletic trainer must obtain before he or she is authorized to perform dry needling, which must include, without limitation, the successful completion of not less than 150 hours of didactic education and training in dry needling approved by the ~~{Board}~~ **Division**. Such hours may include didactic education and training completed as part of a graduate-level program of study.

6. Procedures concerning the handling of needles used to perform dry needling, including, without limitation, procedures for the disposal of a needle after a single use.

7. Procedures to ensure that an athletic trainer does not engage in needle retention.

Sec. 199. NRS 640B.270 is hereby amended to read as follows:

640B.270 ~~{A member of the Board, an}~~ **An employee or agent** of the ~~{Board or a person designated by the Board}~~ **Division** may inspect any office or facility where a person is engaged in the practice of athletic training to determine whether each person who is engaged in the practice of athletic training in that office or facility is in compliance with the provisions of this chapter and any regulations adopted pursuant thereto.

Sec. 200. NRS 640B.300 is hereby amended to read as follows:

640B.300 1. Except as otherwise provided in subsection 2, unless he or she has been issued a license as an athletic trainer by



1 the ~~{Board}~~ **Division** pursuant to the provisions of this chapter, a
2 person shall not:

3 (a) Engage in the practice of athletic training;

4 (b) Hold himself or herself out as licensed or qualified to engage
5 in the practice of athletic training; or

6 (c) Use in connection with his or her name any title, words,
7 letters or other designation intended to imply or designate him or her
8 as a licensed athletic trainer.

9 2. A student athletic trainer or graduate student athletic trainer
10 may engage in the practice of athletic training while under the
11 supervision of a licensed athletic trainer.

12 3. If the ~~{Board}~~ **Division** determines that a person has
13 engaged, or is about to engage, in any act or practice that
14 constitutes, or will constitute, a violation of the provisions of this
15 section, the ~~{Board}~~ **Division** may make an application to an
16 appropriate court for an order enjoining that act or practice, and
17 upon a showing by the ~~{Board}~~ **Division** that the person has
18 engaged, or is about to engage, in that act or practice, the court shall
19 issue an injunction against that act or practice. Such an injunction
20 does not prevent a criminal prosecution for that act or practice.

21 **Sec. 201.** NRS 640B.310 is hereby amended to read as
22 follows:

23 640B.310 1. An applicant for a license as an athletic trainer
24 must:

25 (a) Be of good moral character;

26 (b) Have at least a bachelor's degree in a program of study
27 approved by the ~~{Board}~~ **Division**;

28 (c) Submit an application on a form provided by the ~~{Board}~~ **Division**;

29 (d) Submit a complete set of fingerprints and written permission
30 authorizing the ~~{Board}~~ **Division** to forward the fingerprints to the
31 Central Repository for Nevada Records of Criminal History for
32 submission to the Federal Bureau of Investigation for its report;

33 (e) Pay the fees prescribed by the ~~{Board}~~ **Division** pursuant to
34 NRS 640B.410, which are not refundable; and

35 (f) Except as otherwise provided in subsection 2 and NRS
36 640B.320, pass the examination prepared by the National Athletic
37 Trainers Association Board of Certification or its successor
38 organization.

39 2. An applicant who submits proof of current certification as an
40 athletic trainer by the National Athletic Trainers Association Board
41 of Certification, or its successor organization, is not required to pass
42 the examination required by paragraph (f) of subsection 1.
43



3. An applicant who fails the examination may not reapply for a license for at least 1 year after the date on which the applicant submitted the application to the ~~{Board;}~~ **Division**.

Sec. 202. NRS 640B.320 is hereby amended to read as follows:

640B.320 ~~{1-}~~ If the National Athletic Trainers Association Board of Certification, or its successor organization, if any, ceases to exist or ceases to prepare the examination required by NRS 640B.310, the ~~{Board;}~~ **Division** shall designate another appropriate national organization to prepare the test. If the ~~{Board;}~~ **Division** determines that no such organization exists, the ~~{Board;}~~ **Division** shall prepare or cause to be prepared a test which must be offered not less than two times each year.

~~{2- The member of the Board who is a representative of the public shall not participate in preparing or grading any examination required by the Board.}~~

Sec. 203. NRS 640B.330 is hereby amended to read as follows:

640B.330 1. Except as otherwise provided in subsection 2, the ~~{Board;}~~ **Division** shall issue a license as an athletic trainer, without examination, to an applicant who is licensed to engage in the practice of athletic training in another state, territory or possession of the United States, or the District of Columbia if the applicant submits to the ~~{Board;}~~ **Division**:

(a) An application on a form prescribed by the ~~{Board;}~~ **Division**; and

(b) The fees prescribed by the ~~{Board;}~~ **Division** pursuant to NRS 640B.410.

2. The ~~{Board;}~~ **Division** shall not issue a license pursuant to this section unless the jurisdiction in which the applicant is licensed had requirements at the time the license was issued that the ~~{Board;}~~ **Division** determines are substantially equivalent to the requirements for a license as an athletic trainer set forth in this chapter.

Sec. 204. NRS 640B.335 is hereby amended to read as follows:

640B.335 1. Except as otherwise provided in subsection 5, if an athletic trainer who holds a valid and unrestricted license to practice athletic training in another state or territory of the United States or another country has entered into a written or oral agreement to provide services to members of a visiting athletic team or organization, the athletic trainer is temporarily exempt from licensure and may practice athletic training in this State while providing services pursuant to the agreement to members of the visiting athletic team or organization who are present in this State for the purpose of engaging in competition or training.



2. Except as otherwise provided in subsection 5, if an athletic trainer who holds a valid and unrestricted license to practice athletic training in another state or territory of the United States or another country has been invited by the governing body of a national organization to provide services to persons participating in an athletic event or training sanctioned or operated by the organization, the athletic trainer is temporarily exempt from licensure and may practice athletic training in this State while providing services to such persons.

3. Except as otherwise provided in this subsection and subsection 4, an exemption described in this section is valid for a period of not more than 10 days for each competition or training session. Upon the application of an athletic trainer, the ~~{Board}~~ **Division** may grant an exemption of not more than 20 additional days for each competition or training session.

4. An athletic trainer who is practicing athletic training under an exemption described in this section shall not:

(a) Practice athletic training at a medical facility;

(b) Provide services to persons who are not described in subsection 1 or 2, as applicable; or

(c) Practice athletic training under such an exemption for more than 60 days in a calendar year.

5. The provisions of this section do not apply to any contest or exhibition of unarmed combat conducted pursuant to chapter 467 of NRS.

6. As used in this section, “visiting athletic team or organization” means an athletic team or organization which is primarily based at a location outside of this State.

Sec. 205. NRS 640B.340 is hereby amended to read as follows:

640B.340 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license to engage in the practice of athletic training shall include the social security number of the applicant in the application submitted to the ~~{Board}~~ **Division**.

(b) An applicant for the issuance or renewal of a license to engage in the practice of athletic training shall submit to the ~~{Board}~~ **Division of Occupational Licensing** the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The ~~{Board}~~ **Division of Occupational Licensing** shall include the statement required pursuant to subsection 1 in:



(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the ~~{Board,}~~ Division.

3. A license to engage in the practice of athletic training may not be issued or renewed by the ~~{Board,}~~ Division if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the ~~{Board,}~~ Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 206. NRS 640B.370 is hereby amended to read as follows:

640B.370 1. A person who is licensed as an athletic trainer shall not conduct an evaluation of an athletic injury or perform joint mobilization unless the person has earned at least a master's degree in athletic training or a comparable area of study, as determined by the ~~{Board,}~~ Division.

2. A person who is licensed as an athletic trainer and has not earned a master's degree in athletic training or a comparable area of study, as determined by the ~~{Board,}~~ Division, may perform passive range of motion or passive joint range of motion.

Sec. 207. NRS 640B.400 is hereby amended to read as follows:

640B.400 1. Each license to engage in the practice of athletic training expires on June 30 of each year and may be renewed if, before the license expires, the licensee submits to the ~~{Board,}~~ Division:

(a) An application on a form prescribed by the ~~{Board,}~~ Division;

(b) Proof of completion of the requirements for continuing education prescribed by the ~~{Board,}~~ Division pursuant to NRS 640B.260; and

(c) The fee for the renewal of the license prescribed by the ~~{Board,}~~ Division pursuant to NRS 640B.410.



2. A license that expires pursuant to the provisions of this section may be restored if the applicant:

- (a) Complies with the provisions of subsection 1;
- (b) Submits to the ~~{Board}~~ Division proof of his or her ability to engage in the practice of athletic training; and
- (c) Submits to the ~~{Board}~~ Division:
 - (1) The fee for the restoration of an expired license; and
 - (2) For each year that the license was expired, the fee for the renewal of a license prescribed by the ~~{Board}~~ Division pursuant to NRS 640B.410.

3. If the ~~{Board}~~ Division determines that an applicant has not submitted satisfactory proof of his or her ability to engage in the practice of athletic training, the ~~{Board}~~ Division may require the applicant to:

- (a) Pass an examination prescribed by the ~~{Board}~~ Division; and
- (b) Engage in the practice of athletic training under the supervision of a person designated by the ~~{Board}~~ Division for a period prescribed by the ~~{Board}~~ Division.

Sec. 208. NRS 640B.410 is hereby amended to read as follows:

640B.410 The ~~{Board}~~ Division shall, by regulation, prescribe the following fees which must not exceed:

Application for a license.....	\$250
Examination for a license	350
Application for a license without examination.....	350
Annual renewal of a license	350
Restoration of an expired license	350
Issuance of a duplicate license	50

Sec. 209. NRS 640B.700 is hereby amended to read as follows:

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

- (a) Has submitted false or misleading information to the ~~{Board}~~ Division or any agency of this State, any other state, the Federal Government or the District of Columbia;
- (b) Has violated any provision of this chapter or any regulation adopted pursuant thereto;
- (c) Has been convicted of a felony, a crime relating to a controlled substance or a crime involving moral turpitude;
- (d) Has an alcohol or other substance use disorder;



(e) Has violated the provisions of NRS 200.5093, 432B.220 or 432C.110;

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

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

(h) Has failed to provide information requested by the ~~Board~~ Division within 60 days after receiving the request;

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

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

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

(l) If the licensee is on probation, has violated the terms of the probation;

(m) Has terminated professional services to a client in a manner that detrimentally affected that client; or

(n) Has operated a medical facility, as defined in NRS 449.0151, at any time during which:

(1) The license of the facility was suspended or revoked; or

(2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

➤ This paragraph applies to an owner or other principal responsible for the operation of the facility.

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

(a) Refuse to issue a license to the applicant;

(b) Refuse to renew or restore the license of the licensee;

(c) Suspend or revoke the license of the licensee;

(d) Place the licensee on probation;

(e) Impose an administrative fine of not more than \$5,000;

(f) Require the applicant or licensee to pay the costs incurred by the ~~Board~~ Division to conduct the investigation and hearing; or

(g) Impose any combination of actions set forth in paragraphs (a) to (f), inclusive.

3. The ~~Board~~ Division shall not issue a private reprimand to a licensee.

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



Sec. 210. NRS 640B.710 is hereby amended to read as follows:

640B.710 1. If the ~~{Board}~~ **Division** receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a licensee, the ~~{Board}~~ **Division** shall deem the license to be suspended at the end of the 30th day after the date the court order was issued unless the ~~{Board}~~ **Division** receives a letter issued to the licensee by the district attorney or other public agency pursuant to NRS 425.550 stating that the licensee has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The ~~{Board}~~ **Division** shall reinstate a license that has been suspended by a district court pursuant to NRS 425.540 if the ~~{Board}~~ **Division** receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the licensee stating that the licensee has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 211. NRS 640B.720 is hereby amended to read as follows:

640B.720 1. ~~In a manner consistent with the provisions of chapter 622A of NRS, the Board~~ **The Division** may conduct investigations and hold hearings to carry out its duties pursuant to the provisions of this chapter.

2. In such a hearing ~~:-~~

~~—(a) Any member of the Board may administer oaths and examine witnesses; and~~

~~—(b) The Board or any member thereof~~ **the Division** may issue subpoenas to compel the attendance of witnesses and the production of books and papers.

3. Each witness who is subpoenaed to appear before the ~~{Board}~~ **Division** is entitled to receive for his or her attendance the same fees and mileage allowed by law to a witness in a civil case. The amount must be paid by the party who requested the subpoena. If any witness who has not been required to attend at the request of any party is subpoenaed by the ~~{Board,}~~ **Division**, his or her fees and mileage must be paid from the money of the ~~{Board,}~~ **Division**.

4. If any person fails to comply with the subpoena within 10 days after it is issued, the ~~{Chair of the Board}~~ **Division** may petition a court of competent jurisdiction for an order of the court compelling compliance with the subpoena.

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



has not complied with the subpoena. A certified copy of the order must be served upon the person subpoenaed.

6. If it appears to the court that the subpoena was regularly issued by the ~~{Board,}~~ **Division**, the court shall enter an order compelling compliance with the subpoena. The failure of the person to obey the order is a contempt of the court that issued the order.

Sec. 212. NRS 640B.730 is hereby amended to read as follows:

640B.730 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the ~~{Board,}~~ **Division**, 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}~~ **Division** requesting that such documents and information be made public records.

2. ~~{The}~~ **Any** charging documents filed with the ~~{Board}~~ **Division** to initiate disciplinary action ~~{pursuant to chapter 622A of NRS}~~ and all documents and information considered by the ~~{Board}~~ **Division** when determining whether to impose discipline are public records.

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

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

Sec. 213. NRS 640B.900 is hereby amended to read as follows:

640B.900 1. A person who violates any provision of this chapter is guilty of a gross misdemeanor and shall be punished by a fine of not more than \$2,000 for each offense.

2. If the ~~{Board}~~ **Division** has reason to believe that a person has violated a provision of this chapter or a regulation adopted pursuant thereto, the ~~{Board}~~ **Division** shall report the facts to the district attorney of the county where the violation occurred, who may cause appropriate criminal proceedings to be brought against that person.

Sec. 214. Chapter 640C of NRS is hereby amended by adding thereto a new section to read as follows:

"Division" means the Division of Occupational Licensing of the Department of Business and Industry.



Sec. 215. NRS 640C.020 is hereby amended to read as follows:

640C.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS ~~[640C.030]~~ **640C.040** to 640C.090, inclusive, *and section 214 of this act*, have the meanings ascribed to them in those sections.

Sec. 216. NRS 640C.040 is hereby amended to read as follows:

640C.040 "License" means a license issued by the ~~[Board]~~ **Division**.

Sec. 217. NRS 640C.070 is hereby amended to read as follows:

640C.070 1. "Original license" means the actual license which is issued to the licensee by the ~~[Board]~~ **Division** and which is current and valid.

2. The term does not include any photocopy print, photostat or other replica of such a license.

Sec. 218. NRS 640C.100 is hereby amended to read as follows:

640C.100 1. The provisions of this chapter do not apply to:

(a) A person licensed pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 640, 640A or 640B of NRS if the massage therapy, reflexology or structural integration is performed in the course of the practice for which the person is licensed.

(b) A person licensed as a barber or apprentice pursuant to chapter 643 of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for a barber or apprentice pursuant to that chapter.

(c) A person licensed or registered as an esthetician, esthetician's apprentice, hair designer, hair designer's apprentice, hair braider, shampoo technologist, cosmetologist or cosmetologist's apprentice pursuant to chapter 644A of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for an esthetician, esthetician's apprentice, hair designer, hair designer's apprentice, hair braider, shampoo technologist, cosmetologist or cosmetologist's apprentice pursuant to that chapter.

(d) A person licensed or registered as a nail technologist or nail technologist's apprentice pursuant to chapter 644A of NRS if the person is massaging, cleansing or stimulating the hands, forearms, feet or lower legs within the permissible scope of practice for a nail technologist or nail technologist's apprentice.

(e) A person who is an employee of an athletic department of any high school, college or university in this State and who, within



1 the scope of that employment, practices massage therapy,
2 reflexology or structural integration on athletes.

3 (f) Students enrolled in a school of massage therapy, reflexology
4 or structural integration recognized by the ~~[Board.]~~ **Division.**

5 (g) A person who practices massage therapy, reflexology or
6 structural integration solely on members of his or her immediate
7 family.

8 (h) A person who performs any activity in a licensed brothel.

9 2. Except as otherwise provided in subsection 3 and NRS
10 640C.330, the provisions of this chapter preempt the licensure and
11 regulation of a massage therapist, reflexologist or structural
12 integration practitioner by a county, city or town, including, without
13 limitation, conducting a criminal background investigation and
14 examination of a massage therapist, reflexologist or structural
15 integration practitioner or applicant for a license to practice massage
16 therapy, reflexology or structural integration.

17 3. The provisions of this chapter do not prohibit a county, city
18 or town from requiring a massage therapist, reflexologist or
19 structural integration practitioner to obtain a license or permit to
20 transact business within the jurisdiction of the county, city or town,
21 if the license or permit is required of other persons, regardless of
22 occupation or profession, who transact business within the
23 jurisdiction of the county, city or town.

24 4. As used in this section, "immediate family" means persons
25 who are related by blood, adoption or marriage, within the second
26 degree of consanguinity or affinity.

27 **Sec. 219.** NRS 640C.210 is hereby amended to read as
28 follows:

29 640C.210 ~~[1.]~~ The ~~[Board]~~ **Division** may employ or contract
30 with inspectors, investigators, advisers, examiners and clerks and
31 any other persons required to carry out its duties and secure the
32 services of attorneys and other professional consultants as it may
33 deem necessary to carry out the provisions of this chapter.

34 ~~[2.—Each employee of the Board is an at-will employee who
35 serves at the pleasure of the Board. The Board may discharge an
36 employee of the Board for any reason that does not violate public
37 policy, including, without limitation, making a false representation
38 to the Board.]~~

39 **Sec. 220.** NRS 640C.220 is hereby amended to read as
40 follows:

41 640C.220 The ~~[Board]~~ **Division** and ~~[any of its members and]~~
42 its staff and employees, including, without limitation, inspectors,
43 investigators, advisers, examiners, clerks, counsel, experts,
44 committees, panels, hearing officers and consultants, are immune
45 from civil liability for any act performed in good faith and without



malicious intent in the execution of any duties pursuant to this chapter.

Sec. 221. NRS 640C.240 is hereby amended to read as follows:

640C.240 1. ~~{Except as otherwise provided in subsection 5, all reasonable expenses incurred by the Board in carrying out the provisions of this chapter must be paid from the money that it receives. No part of any expenses of the Board may be paid from the State General Fund.~~

~~—2. The Board may accept gifts, grants, donations and contributions from any source to assist in carrying out the provisions of this chapter.~~

~~—3.} All money received by the {Board} Division pursuant to this chapter must be deposited {in a bank or other financial institution in this State and paid out upon the Board's order for its expenses.~~

~~—4.} with the State Treasurer for credit to the Occupational Licensing Account created by section 14 of this act.~~

2. The ~~{Board}~~ Division may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines and penalties therefor, and deposit the money therefrom ~~{in a bank or other financial institution in this State.~~

~~—5. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 4 and the Board deposits the money collected from the imposition of fines with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is required to pay attorney's fees or the costs of an investigation, or both.} with the State Treasurer for credit to the Occupational Licensing Account created by section 14 of this act.~~

Sec. 222. NRS 640C.300 is hereby amended to read as follows:

640C.300 The ~~{Board}~~ Division shall:

1. ~~{Adopt a seal of which each court in this State shall take judicial notice;~~

~~—2.} Prepare and maintain a record of its proceedings and transactions {under this chapter;~~

~~{3.} 2. Review and evaluate applications for the licensing of massage therapists, reflexologists or structural integration practitioners;~~

~~{4.} 3. Determine the qualifications and fitness of applicants;~~

~~{5.} 4. Issue, renew, reinstate, revoke, suspend and deny licenses, as appropriate;~~



~~{6-}~~ 5. Enforce the provisions of this chapter and any regulations adopted pursuant thereto;

~~{7-}~~ 6. Investigate any complaints filed with the ~~{Board-}~~ **Division**;

~~{8-}~~ 7. Impose any penalties it determines are required to administer the provisions of this chapter; and

~~{9-}~~ 8. Transact any other business required to carry out its duties ~~{-}~~ **under this chapter.**

Sec. 223. NRS 640C.310 is hereby amended to read as follows:

640C.310 1. The ~~{Board-}~~ **Division** shall prepare and maintain a separate list of:

(a) Persons issued a license;

(b) Applicants for a license; and

(c) Persons whose licenses have been revoked or suspended by the ~~{Board-}~~ **Division.**

2. The ~~{Board-}~~ **Division** shall, upon request, disclose the information included in each list and may charge a fee for a copy of the list. The fee may not exceed the actual cost incurred by the ~~{Board-}~~ **Division** to make a copy of the list.

Sec. 224. NRS 640C.320 is hereby amended to read as follows:

640C.320 The ~~{Board-}~~ **Division** shall adopt regulations to carry out the provisions of this chapter. The regulations must include, without limitation, provisions that:

1. Establish the requirements for continuing education for the renewal of a license;

2. Establish the requirements for the approval of a course of continuing education, including, without limitation, a course on a specialty technique of massage therapy, reflexology or structural integration;

3. Establish the requirements for the approval of an instructor of a course of continuing education;

4. Establish requirements relating to sanitation, hygiene and safety relating to the practice of massage therapy, reflexology or structural integration;

5. Except as otherwise provided in NRS 622.090, prescribe the requirements for any practical or written examination for a license that the ~~{Board-}~~ **Division** may require, including, without limitation, the passing grade for such an examination;

6. Establish the period within which the ~~{Board-}~~ **Division** or its designee must report the results of the investigation of an applicant;

7. Prescribe the form of a written administrative citation issued pursuant to NRS 640C.755;



8. Establish the standards for the licensure of massage therapists, reflexologists and structural integration practitioners under this chapter; and

9. Prescribe the standards and curriculum for schools of massage therapy, reflexology and structural integration in this State.

Sec. 225. NRS 640C.330 is hereby amended to read as follows:

640C.330 1. The ~~{Board}~~ **Division** shall adopt regulations that prescribe the requirements for the certification and operation of a massage, reflexology and structural integration establishment, including, without limitation, the:

(a) Requirements for a massage, reflexology and structural integration establishment to obtain a certificate;

(b) Standards with which a massage, reflexology and structural integration establishment must comply; and

(c) Establishment of fees pursuant to NRS 640C.520 for the issuance and renewal of a certification of a massage, reflexology and structural integration establishment.

2. The provisions of this section and any regulations adopted pursuant thereto do not prohibit a local government from licensing and regulating a massage, reflexology and structural integration establishment, including, without limitation, in a manner that is more stringent than the regulations adopted by the ~~{Board}~~ **Division** pursuant to this section.

3. Local governments have concurrent jurisdiction with the ~~{Board}~~ **Division** over the licensure and regulation of massage, reflexology and structural integration establishments.

4. If there is a conflict between a provision of the regulations adopted by the ~~{Board}~~ **Division** pursuant to this section and a requirement of a local government, the requirement of a local government prevails to the extent that the requirement provides a more stringent or specific requirement regarding the regulation of a massage, reflexology and structural integration establishment.

5. As used in this section, “massage, reflexology and structural integration establishment” means any premises, mobile unit, building or part of a building where massage therapy, reflexology or structural integration is practiced by a person or persons licensed pursuant to this chapter.

Sec. 226. NRS 640C.420 is hereby amended to read as follows:

640C.420 1. Notwithstanding the provisions of NRS 640C.580, and except as otherwise provided in subsection 3, the ~~{Board}~~ **Division** may issue a license to an applicant who holds a current license to practice massage therapy, reflexology or structural



1 integration issued by another state, territory or possession of the
2 United States or the District of Columbia.

3 2. An applicant for a license issued by the ~~{Board}~~ **Division**
4 pursuant to subsection 1 must submit to the ~~{Board;}~~ **Division:**

5 (a) A completed application on a form prescribed by the
6 ~~{Board;}~~ **Division:**

7 (b) The fees prescribed by the ~~{Board}~~ **Division** pursuant to
8 NRS 640C.520;

9 (c) A notarized statement signed by the applicant that states:

10 (1) Whether any disciplinary proceedings relating to his or
11 her license to practice massage therapy, reflexology or structural
12 integration have at any time been instituted against the applicant;
13 and

14 (2) Whether the applicant has been arrested or convicted,
15 within the immediately preceding 10 years, for any crime involving
16 violence, prostitution or any other sexual offense; and

17 (d) A certified statement issued by the licensing authority in
18 each state, territory or possession of the United States or the District
19 of Columbia in which the applicant is or has been licensed to
20 practice massage therapy, reflexology or structural integration
21 during the immediately preceding 10 years verifying that:

22 (1) The applicant has not been involved in any disciplinary
23 action relating to his or her license to practice massage therapy,
24 reflexology or structural integration; and

25 (2) Disciplinary proceedings relating to his or her license to
26 practice massage therapy, reflexology or structural integration are
27 not pending.

28 3. The ~~{Board}~~ **Division** shall not issue a license pursuant to
29 this section unless the state, territory or possession of the United
30 States or the District of Columbia in which the applicant is licensed
31 had requirements at the time the license was issued that the ~~{Board}~~
32 **Division** determines are substantially equivalent to the requirements
33 for a license to practice massage therapy, reflexology or structural
34 integration set forth in this chapter.

35 **Sec. 227.** NRS 640C.426 is hereby amended to read as
36 follows:

37 640C.426 1. The ~~{Board}~~ **Division** may issue a license by
38 endorsement to practice massage therapy, reflexology or structural
39 integration to an applicant who meets the requirements set forth in
40 this section. An applicant may submit to the ~~{Board}~~ **Division** an
41 application for such a license if the applicant:

42 (a) Holds a corresponding valid and unrestricted license to
43 practice massage therapy, reflexology or structural integration in the
44 District of Columbia or any state or territory of the United States;
45 and



(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the ~~{Board}~~ Division with his or her application:

(a) Proof satisfactory to the ~~{Board}~~ Division that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to practice massage therapy, reflexology or structural integration; and

(3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the ~~{Board}~~ Division to forward the fingerprints in the manner provided in NRS 640C.580;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fees prescribed by the ~~{Board}~~ Division pursuant to NRS 640C.520 for the application for and initial issuance of a license; and

(e) Any other information required by the ~~{Board}~~ Division.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice massage therapy, reflexology or structural integration pursuant to this section, the ~~{Board}~~ Division shall provide written notice to the applicant of any additional information required by the ~~{Board}~~ Division to consider the application. Unless the ~~{Board}~~ Division denies the application for good cause, the ~~{Board}~~ Division shall approve the application and issue a license by endorsement to practice massage therapy, reflexology or structural integration to the applicant not later than:

(a) Forty-five days after receiving all additional information required by the ~~{Board}~~ Division to complete the application; or

(b) Ten days after the ~~{Board}~~ Division receives a report on the applicant's background based on the submission of the applicant's fingerprints,

↳ whichever occurs later.

~~4. A license by endorsement to practice massage therapy, reflexology or structural integration may be issued at a meeting of the Board or between its meetings by the Chair and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.~~



1 —~~5.~~ At any time before making a final decision on an
2 application for a license by endorsement, the ~~{Board}~~ *Division* may
3 grant a provisional license authorizing an applicant to practice as a
4 massage therapist, reflexologist or structural integration practitioner
5 in accordance with regulations adopted by the ~~{Board}~~ *Division*.

6 ~~{6.}~~ 5. As used in this section, “veteran” has the meaning
7 ascribed to it in NRS 417.005.

8 **Sec. 228.** NRS 640C.430 is hereby amended to read as
9 follows:

10 640C.430 1. In addition to any other requirements set forth in
11 this chapter:

12 (a) An applicant for the issuance of a license as a massage
13 therapist, reflexologist or structural integration practitioner shall
14 include the social security number of the applicant in the application
15 submitted to the ~~{Board}~~ *Division*.

16 (b) An applicant for the issuance or renewal of a license as a
17 massage therapist, reflexologist or structural integration practitioner
18 shall submit to the ~~{Board}~~ *Division of Occupational Licensing*, the
19 statement prescribed by the Division of Welfare and Supportive
20 Services of the Department of Health and Human Services pursuant
21 to NRS 425.520. The statement must be completed and signed by
22 the applicant.

23 2. The ~~{Board}~~ *Division of Occupational Licensing* shall
24 include the statement required pursuant to subsection 1 in:

25 (a) The application or any other forms that must be submitted
26 for the issuance or renewal of the license; or

27 (b) A separate form prescribed by the ~~{Board}~~ *Division*.

28 3. A license as a massage therapist, reflexologist or structural
29 integration practitioner may not be issued or renewed by the ~~{Board}~~ *Division*
30 if the applicant:

31 (a) Fails to submit the statement required pursuant to subsection
32 1; or

33 (b) Indicates on the statement submitted pursuant to subsection
34 1 that the applicant is subject to a court order for the support of a
35 child and is not in compliance with the order or a plan approved by
36 the district attorney or other public agency enforcing the order for
37 the repayment of the amount owed pursuant to the order.

38 4. If an applicant indicates on the statement submitted pursuant
39 to subsection 1 that the applicant is subject to a court order for the
40 support of a child and is not in compliance with the order or a plan
41 approved by the district attorney or other public agency enforcing
42 the order for the repayment of the amount owed pursuant to the
43 order, the ~~{Board}~~ *Division* shall advise the applicant to contact the
44 district attorney or other public agency enforcing the order to



determine the actions that the applicant may take to satisfy the
arrangement.

Sec. 229. NRS 640C.450 is hereby amended to read as
follows:

640C.450 1. Each licensee shall display his or her original
license in a conspicuous manner at each location where the licensee
practices massage therapy, reflexology or structural integration. If a
licensee practices massage therapy, reflexology or structural
integration in more than one place, the licensee must carry the
original license with him or her and display it wherever he or she is
actually working.

2. A licensee shall obtain a replacement of the original license
from the ~~{Board}~~ Division if the licensee's:

(a) Original license is destroyed, misplaced or mutilated; or

(b) Name or address as printed on the original license has
changed.

3. To obtain a replacement license, the licensee must:

(a) File an affidavit with the ~~{Board,}~~ Division, on the form
prescribed by the ~~{Board,}~~ Division, which states that the licensee's
original license was destroyed, misplaced or mutilated or that his or
her name or address as printed on the original license has changed;
and

(b) Pay the fee prescribed by the ~~{Board}~~ Division pursuant to
NRS 640C.520.

Sec. 230. NRS 640C.500 is hereby amended to read as
follows:

640C.500 1. Each license is valid for 2 years after the first
day of the first calendar month immediately following the date of
issuance and may be renewed if, before the license expires, the
holder of the license submits to the ~~{Board,}~~ Division:

(a) A completed application for renewal on a form prescribed by
the ~~{Board,}~~ Division;

(b) Proof of completion of the requirements for continuing
education prescribed by the ~~{Board}~~ Division pursuant to the
regulations adopted by the ~~{Board}~~ Division under NRS 640C.320;
and

(c) The fee for renewal of the license prescribed by the ~~{Board}~~
Division pursuant to NRS 640C.520.

2. A license that expires pursuant to this section may be
restored if, within 2 years after the expiration of the license, the
applicant:

(a) Complies with the provisions of subsection 1; and

(b) Submits to the ~~{Board}~~ Division the fees prescribed by the
~~{Board}~~ Division pursuant to NRS 640C.520:

(1) For the restoration of an expired license; and



(2) For each year that the license was expired, for the renewal of a license.

3. The ~~{Board}~~ Division shall send a notice of renewal to each holder of a license not later than 60 days before the license expires. The notice must include a statement setting forth the provisions of this section and the amount of the fee for renewal of the license.

Sec. 231. NRS 640C.510 is hereby amended to read as follows:

640C.510 1. Upon written request to the ~~{Board}~~ Division, a holder of a license in good standing may cause his or her name and license to be transferred to an inactive list. The holder of the license may not practice massage therapy, reflexology or structural integration during the time the license is inactive, and no renewal fee accrues.

2. If an inactive holder of a license desires to resume the practice of massage therapy, reflexology or structural integration within 2 years after the license was made inactive, the ~~{Board}~~ Division shall renew the license upon:

(a) Demonstration, if deemed necessary by the ~~{Board}~~ Division, that the holder of the license is then qualified and competent to practice;

(b) Completion and submission of an application; and

(c) Payment of the current fee for renewal of the license.

Sec. 232. NRS 640C.520 is hereby amended to read as follows:

640C.520 1. The ~~{Board}~~ Division shall establish a schedule of fees and charges. The fees for the following items must not exceed the following amounts:

An examination established by the {Board} Division pursuant to this chapter	\$600
An application for a license	300
An application for a license without an examination	300
A background check of an applicant	600
The issuance of a license	400
The renewal of a license	350
The restoration of an expired license.....	500
The reinstatement of a suspended or revoked license	500
The issuance of a replacement license.....	75
The restoration of an inactive license	300
The issuance of a certification of a massage, reflexology and structural integration establishment as defined in NRS 640C.330	50



The renewal of a certification of a massage, reflexology and structural integration establishment as defined in NRS 640C.330 \$50

2. If an applicant submits an application for a license by endorsement pursuant to NRS 640C.426, the ~~{Board}~~ **Division** shall collect not more than one-half of the fee specified in subsection 1 for the initial issuance of the license.

3. Subject to the limits provided by subsection 1, the ~~{Board;}~~ **Division:**

(a) May adopt regulations that establish different fees for different types of licenses; and

(b) In establishing the different fees for different types of licenses, shall consider the income and opportunities for employment available to the holders of the different types of licenses.

4. The total fees collected by the ~~{Board}~~ **Division** pursuant to this section must not exceed the amount of money necessary for the operation of the ~~{Board}~~ **Division under this chapter** and for the maintenance of an adequate reserve.

Sec. 233. NRS 640C.580 is hereby amended to read as follows:

640C.580 1. The ~~{Board}~~ **Division** may issue a license to practice massage therapy.

2. An applicant for a license must:

(a) Be at least 18 years of age;

(b) Except as otherwise provided in NRS 640C.426, submit to the ~~{Board;}~~ **Division:**

(1) A completed application on a form prescribed by the ~~{Board;}~~ **Division;**

(2) The fees prescribed by the ~~{Board}~~ **Division** pursuant to NRS 640C.520;

(3) Proof that the applicant has successfully completed a program of massage therapy recognized by the ~~{Board;}~~ **Division;**

(4) A certified statement issued by the licensing authority in each state, territory or possession of the United States or the District of Columbia in which the applicant is or has been licensed to practice massage therapy verifying that:

(I) The applicant has not been involved in any disciplinary action relating to his or her license to practice massage therapy; and

(II) Disciplinary proceedings relating to his or her license to practice massage therapy are not pending;

(5) A complete set of fingerprints and written permission authorizing the ~~{Board}~~ **Division** to forward the fingerprints to the



Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(6) A statement authorizing the ~~{Board}~~ **Division** or its designee to conduct an investigation to determine the accuracy of any statements set forth in the application; and

(c) In addition to any examination required pursuant to NRS 640C.320 and except as otherwise provided in NRS 640C.426, pass a nationally recognized examination for testing the education and professional competency of massage therapists that is approved by the ~~{Board}~~ **Division**.

3. The ~~{Board}~~ **Division**:

(a) Shall recognize a program of massage therapy that is:

(1) Approved by the Commission on Postsecondary Education; or

(2) Offered by a public college in this State or any other state; and

(b) May recognize other programs of massage therapy.

4. Except as otherwise provided in NRS 640C.426, the ~~{Board or its designee}~~ **Division** shall:

(a) Conduct an investigation to determine:

(1) The reputation and character of the applicant;

(2) The existence and contents of any record of arrests or convictions of the applicant;

(3) The existence and nature of any pending litigation involving the applicant that would affect his or her suitability for licensure; and

(4) The accuracy and completeness of any information submitted to the ~~{Board}~~ **Division** by the applicant.

(b) Report the results of the investigation of the applicant within the period the ~~{Board}~~ **Division** establishes by regulation pursuant to NRS 640C.320.

(c) Except as otherwise provided in NRS 239.0115, maintain the results of the investigation in a confidential manner for use by the ~~{Board}~~ **Division** and its ~~{members-and}~~ employees in carrying out their duties pursuant to this chapter. The provisions of this paragraph do not prohibit the ~~{Board}~~ **Division** or its ~~{members-or}~~ employees from communicating or cooperating with or providing any documents or other information to any ~~{other}~~ licensing board or any other federal, state or local agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 234. NRS 640C.590 is hereby amended to read as follows:

640C.590 1. The ~~{Board}~~ **Division** may issue a temporary license to practice massage therapy.



2. An applicant for a temporary license issued pursuant to this section must:

- (a) Be at least 18 years of age; and
- (b) Submit to the ~~{Board}~~ Division:

- (1) A completed application on a form prescribed by the ~~{Board}~~ Division;

- (2) The fees prescribed by the ~~{Board}~~ Division pursuant to NRS 640C.520;

- (3) Proof that the applicant has successfully completed a program of massage therapy recognized by the ~~{Board}~~ Division pursuant to NRS 640C.580;

- (4) Proof that the applicant:

- (I) Has taken the examination required pursuant to NRS 640C.580; or

- (II) Is scheduled to take such an examination within 90 days after the date of application;

- (5) An affidavit indicating that the applicant has not committed any of the offenses for which the ~~{Board}~~ Division may refuse to issue a license pursuant to NRS 640C.700;

- (6) A certified statement issued by the licensing authority in each state, territory or possession of the United States or the District of Columbia in which the applicant is or has been licensed to practice massage therapy verifying that:

- (I) The applicant has not been involved in any disciplinary action relating to his or her license to practice massage therapy; and

- (II) Disciplinary proceedings relating to his or her license to practice massage therapy are not pending; and

- (7) A complete set of fingerprints and written permission authorizing the ~~{Board}~~ Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

3. A temporary license issued pursuant to this section expires 90 days after the date the ~~{Board}~~ Division issues the temporary license. The ~~{Board}~~ Division shall not renew the temporary license.

4. A person who holds a temporary license:

- (a) May practice massage therapy only under the supervision of a fully licensed massage therapist and only in accordance with the provisions of this chapter and the regulations of the ~~{Board}~~ Division;

- (b) Must comply with any other conditions, limitations and requirements imposed on the temporary license by the ~~{Board}~~ Division;



(c) Is subject to the regulatory and disciplinary authority of the ~~{Board}~~ Division to the same extent as a fully licensed massage therapist; and

(d) Remains subject to the regulatory and disciplinary authority of the ~~{Board}~~ Division after the expiration of the temporary license for all acts relating to the practice of massage therapy which occurred during the period of temporary licensure.

5. As used in this section, “fully licensed massage therapist” means a person who holds a license to practice massage therapy issued pursuant to NRS 640C.420 or 640C.580.

Sec. 235. NRS 640C.600 is hereby amended to read as follows:

640C.600 1. The ~~{Board}~~ Division may issue a license to practice reflexology.

2. An applicant for a license must:

(a) Be at least 18 years of age;

(b) Except as otherwise provided in NRS 640C.426, submit to the ~~{Board;}~~ Division:

(1) A completed application on a form prescribed by the ~~{Board;}~~ Division;

(2) The fees prescribed by the ~~{Board}~~ Division pursuant to NRS 640C.520;

(3) Proof that the applicant has successfully completed a program of reflexology recognized by the ~~{Board;}~~ Division;

(4) A certified statement issued by the licensing authority in each state, territory or possession of the United States or the District of Columbia in which the applicant is or has been licensed to practice reflexology verifying that:

(I) The applicant has not been involved in any disciplinary action relating to his or her license to practice reflexology; and

(II) Disciplinary proceedings relating to his or her license to practice reflexology are not pending;

(5) A complete set of fingerprints and written permission authorizing the ~~{Board}~~ Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(6) A statement authorizing the ~~{Board or its designee}~~ Division to conduct an investigation to determine the accuracy of any statements set forth in the application; and

(c) In addition to any examination required pursuant to NRS 640C.320 and except as otherwise provided in NRS 640C.426, pass a nationally recognized examination for testing the education and professional competency of reflexologists that is approved by the ~~{Board}~~ Division.



3. The ~~{Board}~~ **Division**:

(a) Shall recognize a program of reflexology that is:

(1) Approved by the Commission on Postsecondary Education; or

(2) Offered by a public college in this State or any other state; and

(b) May recognize other programs of reflexology.

4. Except as otherwise provided in NRS 640C.426, the ~~{Board or its designee}~~ **Division** shall:

(a) Conduct an investigation to determine:

(1) The reputation and character of the applicant;

(2) The existence and contents of any record of arrests or convictions of the applicant;

(3) The existence and nature of any pending litigation involving the applicant that would affect his or her suitability for licensure; and

(4) The accuracy and completeness of any information submitted to the ~~{Board}~~ **Division** by the applicant.

(b) Report the results of the investigation of the applicant within the period the ~~{Board}~~ **Division** establishes by regulation pursuant to NRS 640C.320.

(c) Except as otherwise provided in NRS 239.0115, maintain the results of the investigation in a confidential manner for use by the ~~{Board}~~ **Division** and its ~~{members-and}~~ employees in carrying out their duties pursuant to this chapter. The provisions of this paragraph do not prohibit the ~~{Board}~~ **Division** or its ~~{members-or}~~ employees from communicating or cooperating with or providing any documents or other information to any ~~{other}~~ licensing board or any other federal, state or local agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 236. NRS 640C.610 is hereby amended to read as follows:

640C.610 1. The ~~{Board}~~ **Division** may issue a temporary license to practice reflexology.

2. An applicant for a temporary license issued pursuant to this section must:

(a) Be at least 18 years of age; and

(b) Submit to the ~~{Board}~~ **Division**:

(1) A completed application on a form prescribed by the ~~{Board}~~ **Division**;

(2) The fees prescribed by the ~~{Board}~~ **Division** pursuant to NRS 640C.520;

(3) Proof that the applicant has successfully completed a program of reflexology recognized by the ~~{Board}~~ **Division** pursuant to NRS 640C.600;



(4) Proof that the applicant:

(I) Has taken the examination required pursuant to NRS 640C.600; or

(II) Is scheduled to take such an examination within 90 days after the date of application;

(5) An affidavit indicating that the applicant has not committed any of the offenses for which the ~~{Board}~~ Division may refuse to issue a license pursuant to NRS 640C.700;

(6) A certified statement issued by the licensing authority in each state, territory or possession of the United States or the District of Columbia in which the applicant is or has been licensed to practice reflexology verifying that:

(I) The applicant has not been involved in any disciplinary action relating to his or her license to practice reflexology; and

(II) Disciplinary proceedings relating to his or her license to practice reflexology are not pending; and

(7) A complete set of fingerprints and written permission authorizing the ~~{Board}~~ Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

3. A temporary license issued pursuant to this section expires 90 days after the date the ~~{Board}~~ Division issues the temporary license. The ~~{Board}~~ Division shall not renew the temporary license.

4. A person who holds a temporary license:

(a) May practice reflexology only under the supervision of a fully licensed reflexologist and only in accordance with the provisions of this chapter and the regulations of the ~~{Board;}~~ Division;

(b) Must comply with any other conditions, limitations and requirements imposed on the temporary license by the ~~{Board;}~~ Division;

(c) Is subject to the regulatory and disciplinary authority of the ~~{Board}~~ Division to the same extent as a fully licensed reflexologist; and

(d) Remains subject to the regulatory and disciplinary authority of the ~~{Board}~~ Division after the expiration of the temporary license for all acts relating to the practice of reflexology which occurred during the period of temporary licensure.

5. As used in this section, “fully licensed reflexologist” means a person who holds a license to practice reflexology issued pursuant to NRS 640C.420 or 640C.600.



1 **Sec. 237.** NRS 640C.620 is hereby amended to read as
2 follows:

3 640C.620 1. The ~~{Board}~~ **Division** may issue a license to
4 practice structural integration.

5 2. An applicant for a license must:

6 (a) Be at least 18 years of age;

7 (b) Except as otherwise provided in NRS 640C.426, submit to
8 the ~~{Board}~~ **Division**:

9 (1) A completed application on a form prescribed by the
10 ~~{Board}~~ **Division**;

11 (2) The fees prescribed by the ~~{Board}~~ **Division** pursuant to
12 NRS 640C.520;

13 (3) Proof that the applicant has successfully completed a
14 program of structural integration recognized by the ~~{Board}~~ **Division**;

15 (4) A certified statement issued by the licensing authority in
16 each state, territory or possession of the United States or the District
17 of Columbia in which the applicant is or has been licensed to
18 practice structural integration verifying that:

19 (I) The applicant has not been involved in any
20 disciplinary action relating to his or her license to practice structural
21 integration; and

22 (II) Disciplinary proceedings relating to his or her license
23 to practice structural integration are not pending;

24 (5) A complete set of fingerprints and written permission
25 authorizing the ~~{Board}~~ **Division** to forward the fingerprints to the
26 Central Repository for Nevada Records of Criminal History for
27 submission to the Federal Bureau of Investigation for its report; and

28 (6) A statement authorizing the ~~{Board or its designee}~~
29 **Division** to conduct an investigation to determine the accuracy of
30 any statements set forth in the application; and

31 (c) In addition to any examination required pursuant to NRS
32 640C.320 and except as otherwise provided in NRS 640C.426, pass
33 a nationally recognized examination for testing the education and
34 professional competency of structural integration practitioners that
35 is approved by the ~~{Board}~~ **Division**.

36 3. The ~~{Board}~~ **Division**:

37 (a) Shall recognize a program of structural integration that is:

38 (1) Approved by the Commission on Postsecondary
39 Education; or

40 (2) Offered by a public college in this State or any other
41 state; and

42 (b) May recognize other programs of structural integration.

43 4. Except as otherwise provided in NRS 640C.426, the ~~{Board~~
44 ~~or its designee}~~ **Division** shall:
45



- (a) Conduct an investigation to determine:
- (1) The reputation and character of the applicant;
 - (2) The existence and contents of any record of arrests or convictions of the applicant;
 - (3) The existence and nature of any pending litigation involving the applicant that would affect his or her suitability for licensure; and
 - (4) The accuracy and completeness of any information submitted to the ~~{Board}~~ Division by the applicant.

(b) Report the results of the investigation of the applicant within the period the ~~{Board}~~ Division establishes by regulation pursuant to NRS 640C.320.

(c) Except as otherwise provided in NRS 239.0115, maintain the results of the investigation in a confidential manner for use by the ~~{Board}~~ Division and its ~~{members-and}~~ employees in carrying out their duties pursuant to this chapter. The provisions of this paragraph do not prohibit the ~~{Board}~~ Division or its ~~{members-or}~~ employees from communicating or cooperating with or providing any documents or other information to any other licensing board or any other federal, state or local agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 238. NRS 640C.630 is hereby amended to read as follows:

640C.630 1. The ~~{Board}~~ Division may issue a temporary license to practice structural integration.

2. An applicant for a temporary license issued pursuant to this section must:

- (a) Be at least 18 years of age; and
- (b) Submit to the ~~{Board:}~~ Division:
 - (1) A completed application on a form prescribed by the ~~{Board:}~~ Division;
 - (2) The fees prescribed by the ~~{Board}~~ Division pursuant to NRS 640C.520;
 - (3) Proof that the applicant has successfully completed a program of structural integration recognized by the ~~{Board}~~ Division pursuant to NRS 640C.620;
 - (4) Proof that the applicant:
 - (I) Has taken the examination required pursuant to NRS 640C.620; or
 - (II) Is scheduled to take such an examination within 90 days after the date of application;
 - (5) An affidavit indicating that the applicant has not committed any of the offenses for which the ~~{Board}~~ Division may refuse to issue a license pursuant to NRS 640C.700;



(6) A certified statement issued by the licensing authority in each state, territory or possession of the United States or the District of Columbia in which the applicant is or has been licensed to practice structural integration verifying that:

(I) The applicant has not been involved in any disciplinary action relating to his or her license to practice structural integration; and

(II) Disciplinary proceedings relating to his or her license to practice structural integration are not pending; and

(7) A complete set of fingerprints and written permission authorizing the ~~{Board}~~ Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

3. A temporary license issued pursuant to this section expires 90 days after the date the Board issues the temporary license. The ~~{Board}~~ Division shall not renew the temporary license.

4. A person who holds a temporary license:

(a) May practice structural integration only under the supervision of a fully licensed structural integration practitioner and only in accordance with the provisions of this chapter and the regulations of the ~~{Board;}~~ Division;

(b) Must comply with any other conditions, limitations and requirements imposed on the temporary license by the ~~{Board;}~~ Division;

(c) Is subject to the regulatory and disciplinary authority of the ~~{Board}~~ Division to the same extent as a fully licensed structural integration practitioner; and

(d) Remains subject to the regulatory and disciplinary authority of the ~~{Board}~~ Division after the expiration of the temporary license for all acts relating to the practice of structural integration which occurred during the period of temporary licensure.

5. As used in this section, "fully licensed structural integration practitioner" means a person who holds a license to practice structural integration issued pursuant to NRS 640C.420 or 640C.620.

Sec. 239. NRS 640C.695 is hereby amended to read as follows:

640C.695 The expiration of a license by operation of law or by order or decision of the ~~{Board}~~ Division or a court, or the voluntary surrender of a license by a licensee, does not deprive the ~~{Board}~~ Division of jurisdiction to proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.



Sec. 240. NRS 640C.700 is hereby amended to read as follows:

640C.700 The ~~{Board}~~ **Division** may refuse to issue a license to an applicant, or may initiate disciplinary action against a holder of a license, if the applicant or holder of the license:

1. Has submitted false, fraudulent or misleading information to the ~~{Board}~~ **Division** or any agency of this State, any other state, a territory or possession of the United States, the District of Columbia or the Federal Government;

2. Has violated any provision of this chapter or any regulation adopted pursuant thereto;

3. Has been convicted of a crime involving violence, prostitution or any other sexual offense, a crime involving any type of larceny, a crime relating to a controlled substance, a crime involving any federal or state law or regulation relating to massage therapy, reflexology or structural integration or a substantially similar business, or a crime involving moral turpitude;

4. Has engaged in or solicited sexual activity during the course of practicing massage, reflexology or structural integration on a person, with or without the consent of the person, including, without limitation, if the applicant or holder of the license:

(a) Made sexual advances toward the person;

(b) Requested sexual favors from the person; or

(c) Massaged, touched or applied any instrument to the breasts of the person, unless the person has signed a written consent form provided by the ~~{Board}~~ **Division**;

5. Has an alcohol or other substance use disorder;

6. Is, in the judgment of the ~~{Board}~~ **Division**, guilty of gross negligence in the practice of massage therapy, reflexology or structural integration;

7. Is determined by the ~~{Board}~~ **Division** to be professionally incompetent to engage in the practice of massage therapy, reflexology or structural integration;

8. Has failed to provide information requested by the ~~{Board}~~ **Division** within 60 days after receiving the request;

9. Has, in the judgment of the ~~{Board}~~ **Division**, engaged in unethical or unprofessional conduct;

10. Has knowingly failed to report to the ~~{Board}~~ **Division** that the holder of a license or other person has engaged in unethical or unprofessional conduct as it relates to the practice of massage therapy, reflexology or structural integration within 30 days after becoming aware of that conduct;

11. Has been disciplined in another state, a territory or possession of the United States or the District of Columbia for conduct that would be a violation of the provisions of this chapter or



any regulations adopted pursuant thereto if the conduct were committed in this State;

12. Has solicited or received compensation for services relating to the practice of massage therapy, reflexology or structural integration that he or she did not provide;

13. If the holder of the license is on probation, has violated the terms of the probation;

14. Has engaged in false, deceptive or misleading advertising, including, without limitation, falsely, deceptively or misleadingly advertising that he or she has received training in a specialty technique of massage, reflexology or structural integration for which he or she has not received training, practicing massage therapy, reflexology or structural integration under an assumed name and impersonating a licensed massage therapist, reflexologist or structural integration practitioner;

15. Has operated a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility was suspended or revoked; or

(b) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

➤ This subsection applies to an owner or other principal responsible for the operation of the facility.

16. Has failed to comply with a written administrative citation issued pursuant to NRS 640C.755 within the time permitted for compliance set forth in the citation or, if a hearing is held pursuant to NRS 640C.757, within 15 business days after the hearing; or

17. Except as otherwise provided in subsection 16, has failed to pay or make arrangements to pay, as approved by the ~~{Board,}~~ **Division**, an administrative fine imposed pursuant to this chapter within 60 days after:

(a) Receiving notice of the imposition of the fine; or

(b) The final administrative or judicial decision affirming the imposition of the fine,

➤ whichever occurs later.

Sec. 241. NRS 640C.710 is hereby amended to read as follows:

640C.710 1. If, after notice and a hearing as required by law, the ~~{Board}~~ **Division** finds one or more grounds for taking disciplinary action, the ~~{Board}~~ **Division** may:

(a) Place the applicant or holder of the license on probation for a specified period or until further order of the ~~{Board,}~~ **Division**;

(b) Administer to the applicant or holder of the license a public reprimand;

(c) Refuse to issue, renew, reinstate or restore the license;

(d) Suspend or revoke the license;



(e) Except as otherwise provided in NRS 640C.712, impose an administrative fine of not more than \$5,000 for each violation;

(f) Require the applicant or holder of the license to pay the costs incurred by the ~~{Board}~~ Division to conduct the investigation and hearing; or

(g) Impose any combination of actions set forth in paragraphs (a) to (f), inclusive.

2. The order of the ~~{Board}~~ Division may contain such other terms, provisions or conditions as the ~~{Board}~~ Division deems appropriate.

3. The order of the ~~{Board}~~ Division and the findings of fact and conclusions of law supporting that order are public records.

4. The ~~{Board}~~ Division shall not issue a private reprimand.

Sec. 242. NRS 640C.712 is hereby amended to read as follows:

640C.712 1. In addition to any other actions authorized by NRS 640C.710, if, after notice and a hearing as required by law, the ~~{Board}~~ Division determines that a licensee has engaged in or solicited sexual activity during the course of practicing massage, reflexology or structural integration on a person, as set forth in subsection 4 of NRS 640C.700, or has been convicted of prostitution or any other sexual offense that occurred during the course of practicing massage, reflexology or structural integration on a person, the ~~{Board}~~ Division may:

(a) For a first violation, impose an administrative fine of not less than \$100 and not more than \$1,000;

(b) For a second violation, impose an administrative fine of not less than \$250 and not more than \$5,000; and

(c) For a third violation and for each additional violation, impose an administrative fine of not less than \$500 and not more than \$10,000.

2. The ~~{Board}~~ Division shall, by regulation, establish standards for use by the ~~{Board}~~ Division in determining the amount of an administrative fine imposed pursuant to this section. The standards must include, without limitation, provisions requiring the ~~{Board}~~ Division to consider:

(a) The gravity of the violation;

(b) The good faith of the licensee; and

(c) Any history of previous violations of the provisions of this chapter committed by the licensee.

Sec. 243. NRS 640C.720 is hereby amended to read as follows:

640C.720 Notwithstanding any other statute to the contrary:

1. If the ~~{Board}~~ Division finds, based upon evidence in its possession, that immediate action is necessary to protect the health,



safety or welfare of the public, the ~~{Board}~~ Division may, upon providing notice to the massage therapist, reflexologist or structural integration practitioner, temporarily suspend his or her license without a prior hearing for a period not to exceed 15 business days. The massage therapist, reflexologist or structural integration practitioner may file a written request for a hearing to challenge the necessity of the temporary suspension. The written request must be filed not later than 10 business days after the date on which the massage therapist, reflexologist or structural integration practitioner receives notice of the temporary suspension. If the massage therapist, reflexologist or structural integration practitioner:

(a) Files a timely written request for a hearing, the ~~{Board}~~ Division shall extend the temporary suspension until a hearing is held. The ~~{Board}~~ Division shall hold a hearing and render a final decision regarding the necessity of the temporary suspension as promptly as is practicable but not later than 15 business days after the date on which the ~~{Board}~~ Division receives the written request. After holding such a hearing, the ~~{Board}~~ Division may extend the period of the temporary suspension if the ~~{Board}~~ Division finds, for good cause shown, that such action is necessary to protect the health, safety or welfare of the public pending proceedings for disciplinary action.

(b) Does not file a timely written request for a hearing and the ~~{Board}~~ Division wants to consider extending the period of the temporary suspension, the ~~{Board}~~ Division shall schedule a hearing and notify the massage therapist, reflexologist or structural integration practitioner immediately by certified mail of the date of the hearing. The hearing must be held and a final decision rendered regarding whether to extend the period of the temporary suspension as promptly as is practicable but not later than 30 days after the date on which the ~~{Board}~~ Division provides notice of the initial temporary suspension. After holding such a hearing, the ~~{Board}~~ Division may extend the period of the temporary suspension if the ~~{Board}~~ Division finds, for good cause shown, that such action is necessary to protect the health, safety or welfare of the public pending proceedings for disciplinary action.

2. If a massage therapist, reflexologist or structural integration practitioner is charged with or cited for prostitution or any other sexual offense, the appropriate law enforcement agency shall report the charge or citation to the ~~{Executive Director of the Board}~~ Division. Upon receiving such a report, the ~~{Executive Director}~~ Division shall immediately issue by certified mail to the massage therapist, reflexologist or structural integration practitioner a cease and desist order temporarily suspending the license of the massage therapist, reflexologist or structural integration practitioner without



1 a prior hearing. The temporary suspension of the license is effective
2 immediately after the massage therapist, reflexologist or structural
3 integration practitioner receives notice of the cease and desist order
4 and must not exceed 15 business days. The massage therapist,
5 reflexologist or structural integration practitioner may file a written
6 request for a hearing to challenge the necessity of the temporary
7 suspension. The written request must be filed not later than 10
8 business days after the date on which the ~~{Executive Director}~~
9 **Division** mails the cease and desist order. If the massage therapist,
10 reflexologist or structural integration practitioner:

11 (a) Files a timely written request for a hearing, the ~~{Board}~~
12 **Division** shall extend the temporary suspension until a hearing is
13 held. The ~~{Board}~~ **Division** shall hold a hearing and render a final
14 decision regarding the necessity of the temporary suspension as
15 promptly as is practicable but not later than 15 business days after
16 the date on which the ~~{Board}~~ **Division** receives the written request.
17 After holding such a hearing, the ~~{Board}~~ **Division** may extend the
18 period of the temporary suspension if the ~~{Board}~~ **Division** finds, for
19 good cause shown, that such action is necessary to protect the
20 health, safety or welfare of the public pending proceedings for
21 disciplinary action.

22 (b) Does not file a timely written request for a hearing and the
23 ~~{Board}~~ **Division** wants to consider extending the period of the
24 temporary suspension, the ~~{Board}~~ **Division** shall schedule a hearing
25 and notify the massage therapist, reflexologist or structural
26 integration practitioner immediately by certified mail of the date of
27 the hearing. The hearing must be held and a final decision rendered
28 regarding whether to extend the period of the temporary suspension
29 as promptly as is practicable but not later than 15 business days after
30 the date on which the ~~{Executive Director}~~ **Division** mails the cease
31 and desist order. After holding such a hearing, the ~~{Board}~~ **Division**
32 may extend the period of the temporary suspension if the ~~{Board}~~
33 **Division** finds, for good cause shown, that such action is necessary
34 to protect the health, safety or welfare of the public pending
35 proceedings for disciplinary action.

36 3. If the ~~{Board or the Executive Director}~~ **Division** issues an
37 order temporarily suspending the license of a massage therapist,
38 reflexologist or structural integration practitioner pending
39 proceedings for disciplinary action, a court shall not stay that order.

40 4. For purposes of this section, a person is deemed to have
41 notice of a temporary suspension of his or her license:

42 (a) On the date on which the notice is personally delivered to the
43 person; or



(b) If the notice is mailed, 3 days after the date on which the notice is mailed by certified mail to the last known business or residential address of the person.

Sec. 244. NRS 640C.730 is hereby amended to read as follows:

640C.730 1. If the ~~{Board}~~ *Division* receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license, the ~~{Board}~~ *Division* shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the ~~{Board}~~ *Division* receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The ~~{Board}~~ *Division* shall reinstate a license that has been suspended by a district court pursuant to NRS 425.540 if:

(a) The ~~{Board}~~ *Division* receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560; and

(b) The licensee pays the fee for reinstatement of the license prescribed by the ~~{Board}~~ *Division* pursuant to NRS 640C.520.

Sec. 245. NRS 640C.740 is hereby amended to read as follows:

640C.740 1. If ~~{any member of the Board or the Executive Director}~~ *the Administrator of the Division or any employee of the Division* becomes aware of any ground for initiating disciplinary action against a holder of a license, the ~~{member or Executive Director}~~ *Administrator or employee* shall file a written complaint with the ~~{Board}~~ *Division*.

2. The complaint must specifically:

(a) Set forth the relevant facts; and

(b) Charge one or more grounds for initiating disciplinary action.

3. As soon as practicable after the filing of the complaint, an investigation of the complaint must be conducted to determine whether the allegations in the complaint merit the initiation of disciplinary proceedings against the holder of the license.

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



Sec. 246. NRS 640C.745 is hereby amended to read as follows:

640C.745 1. When conducting an investigation of a massage therapist, reflexologist or structural integration practitioner pursuant to this chapter, the ~~{Board or the Executive Director}~~ **Division** may request from the appropriate governmental agency or court of competent jurisdiction records relating to any conviction of the massage therapist, reflexologist or structural integration practitioner for a crime involving violence, prostitution or any other sexual offense. Such records include, without limitation, a record of criminal history as defined in NRS 179A.070.

2. Upon receiving a request from the ~~{Board or the Executive Director}~~ **Division** pursuant to subsection 1, the governmental agency or court of competent jurisdiction shall provide the requested records to the ~~{Board or the Executive Director}~~ **Division** as soon as reasonably practicable. The governmental agency or court of competent jurisdiction may redact from the records produced pursuant to this subsection any information relating to the agency or court that is deemed confidential by the agency or court. Upon receiving the records from the governmental agency or court, the ~~{Board and the Executive Director}~~ **Division**:

(a) Shall maintain the confidentiality of the records if such confidentiality is required by federal or state law; and

(b) May use the records for the sole and limited purpose of determining whether to take disciplinary action against the massage therapist, reflexologist or structural integration practitioner pursuant to this chapter.

Sec. 247. NRS 640C.750 is hereby amended to read as follows:

640C.750 1. The ~~{Board}~~ **Division** may conduct investigations and hold hearings to carry out its duties pursuant to this chapter.

2. In such a hearing ~~:~~

~~—(a) Any member of the Board~~, **the Division** may ~~{administer}~~ :

~~(a)~~ **Administer** oaths and examine witnesses; and

~~(b) {The Board or any member thereof may issue}~~ **Issue** subpoenas to compel the attendance of witnesses and the production of books and papers.

3. Each witness who is subpoenaed to appear before the ~~{Board}~~ **Division** is entitled to receive for his or her attendance the same fees and mileage allowed by law for a witness in a civil case. The amount must be paid by the party who requested the subpoena. If any witness who has not been required to attend at the request of any party is subpoenaed by the ~~{Board}~~ **Division**, his or her fees and



mileage must be paid by the ~~{Board}~~ **Division** from money available for that purpose.

4. If any person fails to comply with the subpoena within 10 days after it is issued, the ~~{Chair of the Board}~~ **Division** may petition a court of competent jurisdiction for an order of the court compelling compliance with the subpoena.

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

6. If it appears to the court that the subpoena was regularly issued by the ~~{Board,}~~ **Division**, the court shall enter an order compelling compliance with the subpoena. The failure of the person to comply with the order is a contempt of the court that issued the order.

Sec. 248. NRS 640C.755 is hereby amended to read as follows:

640C.755 1. If the ~~{Board or its designee,}~~ **Division**, based upon a preponderance of the evidence, has reason to believe that a person has committed an act which constitutes a violation of this chapter or the regulations of the ~~{Board,}~~ **Division**, the ~~{Board or its designee, as appropriate,}~~ **Division** may issue or authorize the issuance of a written administrative citation to the person. A citation issued pursuant to this section may include, without limitation:

(a) An order to take action to correct a condition resulting from an act that constitutes a violation of this chapter or the regulations of the ~~{Board,}~~ **Division**, at the person's cost;

(b) An order to pay an administrative fine for each violation; and

(c) An order to reimburse the ~~{Board}~~ **Division** for the amount of the expenses incurred to investigate each violation, not to exceed \$150.

2. If the citation includes an order to take action to correct a condition resulting from an act that constitutes a violation of this chapter or the regulations of the ~~{Board,}~~ **Division**, the citation must:

(a) State the time permitted for compliance, which must not be less than 15 business days after the date on which the citation is received by the person; and

(b) Describe, in specific detail, the action required to be taken.

3. If the citation is issued to a licensee and includes an order to pay an administrative fine for one or more violations, the amount of the administrative fine must not exceed the maximum amount authorized by NRS 640C.710 or 640C.712, as appropriate for each violation.



4. If the citation is issued to an unlicensed person and includes an order to pay an administrative fine for one or more violations, the amount of the administrative fine:

(a) For a first violation, must not be less than \$100 and must not be more than \$1,000;

(b) For a second violation, must not be less than \$250 and must not be more than \$5,000; and

(c) For a third violation and for each additional violation, must not be less than \$500 and must not be more than \$10,000.

5. The sanctions authorized by this section are separate from, and in addition to, any other remedy, civil or criminal, authorized by this chapter.

6. The failure of an unlicensed person to comply with a citation or order after it is final is a misdemeanor. If an unlicensed person does not pay an administrative fine imposed pursuant to this section or make satisfactory payment arrangements, as approved by the ~~{Board,}~~ **Division**, within 60 days after the order of the ~~{Board,}~~ **Division** becomes final, the order may be executed upon in the same manner as a judgment issued by a court.

Sec. 249. NRS 640C.757 is hereby amended to read as follows:

640C.757 1. If a person is issued a written administrative citation pursuant to NRS 640C.755, the person may request a hearing before the ~~{Board,}~~ **Division** to contest the citation by filing a written request with the ~~{Board,}~~ **Division**:

(a) Not later than 15 business days after the date on which the citation is received by the person; or

(b) If the ~~{Board,}~~ **Division**, for good cause shown, extends the time allowed to file a written request for a hearing to contest the citation, on or before the later date specified by the ~~{Board,}~~ **Division**.

2. If the person files a written request for a hearing to contest the citation within the time allowed pursuant to this section:

(a) The ~~{Board,}~~ **Division** shall provide notice of and conduct the hearing in the same manner as other disciplinary proceedings; and

(b) At the hearing, the person may contest, without limitation:

(1) The facts forming the basis for the determination that the person has committed an act which constitutes a violation of this chapter or the regulations of the ~~{Board,}~~ **Division**;

(2) The time allowed to take any corrective action ordered;

(3) The amount of any administrative fine ordered;

(4) The amount of any order to reimburse the ~~{Board,}~~ **Division** for the expenses incurred to investigate the violation; and



(5) Whether any corrective action described in the citation is reasonable.

3. If the person does not file a written request for a hearing to contest the citation within the time allowed pursuant to this section, the citation shall be deemed a final order of the ~~{Board}~~ Division.

4. For the purposes of this section, a citation shall be deemed to have been received by a person:

(a) On the date on which the citation is personally delivered to the person; or

(b) If the citation is mailed, 3 days after the date on which the citation is mailed by certified mail to the last known business or residential address of the person.

Sec. 250. NRS 640C.760 is hereby amended to read as follows:

640C.760 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the ~~{Board}~~ Division, 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}~~ Division requesting that such documents and information be made public records.

2. ~~{The}~~ Any charging documents filed with the ~~{Board}~~ Division to initiate disciplinary action and all documents and information considered by the ~~{Board}~~ Division when determining whether to impose discipline are public records.

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

Sec. 251. NRS 640C.900 is hereby amended to read as follows:

640C.900 1. If the ~~{Board}~~ Division determines that a person has violated or is about to violate any provision of this chapter, the ~~{Board}~~ Division may bring an action in a court of competent jurisdiction to enjoin the person from engaging in or continuing the violation.

2. An injunction:

(a) May be issued without proof of actual damage sustained by any person.

(b) Does not prohibit the criminal prosecution and punishment of the person who commits the violation.



Sec. 252. NRS 640C.910 is hereby amended to read as follows:

640C.910 1. If a person is not licensed to practice massage therapy, reflexology or structural integration pursuant to this chapter, the person shall not:

(a) Engage in the practice of massage therapy, reflexology or structural integration;

(b) Use in connection with his or her name the words or letters "L.M.T.," "licensed massage therapist," "licensed massage technician," "M.T.," "massage technician," "massage therapist," "licensed reflexologist," "reflexologist," "licensed structural integration practitioner" or "structural integration practitioner," or any other letters, words or insignia indicating or implying that he or she is licensed to practice massage therapy, reflexology or structural integration, or in any other way, orally, or in writing or print, or by sign, directly or by implication, use the word "massage," "reflexology," "structural integration" or represent himself or herself as licensed or qualified to engage in the practice of massage therapy, reflexology or structural integration; or

(c) List or cause to have listed in any directory, including, without limitation, a telephone directory, his or her name or the name of his or her company under the heading "massage," "massage therapy," "massage therapist," "massage technician," "reflexologist," "structural integration practitioner" or any other term that indicates or implies that he or she is licensed or qualified to practice massage therapy, reflexology or structural integration.

2. If a person's license to practice massage therapy, reflexology or structural integration pursuant to this chapter has expired or has been suspended or revoked by the ~~Board,~~ **Division**, the person shall not:

(a) Engage in the practice of massage therapy, reflexology or structural integration;

(b) Use in connection with his or her name the words or letters "L.M.T.," "licensed massage therapist," "licensed massage technician," "M.T.," "massage technician," "massage therapist," "licensed reflexologist," "reflexologist," "licensed structural integration practitioner" or "structural integration practitioner," or any other letters, words or insignia indicating or implying that he or she is licensed to practice massage therapy, reflexology or structural integration, or in any other way, orally, or in writing or print, or by sign, directly or by implication, use the word "massage," "reflexology" or "structural integration," or represent himself or herself as licensed or qualified to engage in the practice of massage therapy, reflexology or structural integration; or



(c) List or cause to have listed in any directory, including, without limitation, a telephone directory, his or her name or the name of his or her company under the heading "massage," "massage therapy," "massage therapist," "massage technician," "reflexologist" or "structural integration practitioner," or any other term that indicates or implies that he or she is licensed or qualified to practice massage therapy, reflexology or structural integration.

3. A person who violates any provision of this section is guilty of a misdemeanor.

Sec. 253. NRS 640C.930 is hereby amended to read as follows:

640C.930 1. A person shall not advertise as a massage therapist, reflexologist or structural integration practitioner in this State unless the person is licensed to practice massage therapy, reflexology or structural integration pursuant to this chapter.

2. A person licensed to practice massage therapy, reflexology or structural integration pursuant to this chapter shall not disseminate, as part of any advertising by the massage therapist, reflexologist or structural integration practitioner, any false or misleading statement or representation of material fact that is intended, directly or indirectly, to induce another person to use the services of the massage therapist, reflexologist or structural integration practitioner.

3. All advertising by a licensed massage therapist, reflexologist or structural integration practitioner must include his or her name and the name of his or her company, if applicable. All advertising in a telephone directory or a newspaper must also include the number of the license.

4. A person who violates any provision of subsection 1 or 2 is guilty of a misdemeanor.

5. If, after notice and a hearing as required by law, the ~~{Board}~~ **Division** determines that a person has willfully engaged in advertising in a manner that violates the provisions of this section or NRS 640C.910, the ~~{Board}~~ **Division** may, in addition to any penalty, punishment or disciplinary action authorized by the provisions of this chapter, order the person to cease and desist the unlawful advertising. The provisions of this subsection do not apply to any person whose license has been expired for less than 90 days or is temporarily suspended.

6. The ~~{Board}~~ **Division** may order any person convicted of a crime involving violence, prostitution or any other sexual offense to cause any telephone number included in the advertising to be disconnected from service. If the ~~{Board}~~ **Division** orders the person to cause any telephone number to be disconnected from service and



the person fails to comply within 5 days after the date on which the person is served with the order, the ~~Board~~ **Division** may:

(a) If the provider is regulated by the Public Utilities Commission of Nevada, request the Commission to order the provider to disconnect the telephone number from service pursuant to NRS 703.175 and 707.355; or

(b) If the provider is not regulated by the Public Utilities Commission of Nevada, request the provider to disconnect the telephone number from service and inform the provider that the request is made pursuant to this section. Upon receiving such a request, the provider shall take such action as is necessary to disconnect the telephone number from service.

7. A provider shall not:

(a) Forward or offer to forward the telephone calls of a telephone number disconnected from service pursuant to this section; or

(b) Provide or offer to provide a message that includes a new telephone number for the person whose telephone number was disconnected from service pursuant to this section.

8. If a provider complies in good faith with a request to disconnect a telephone number from service pursuant to this section, such good-faith compliance shall constitute a complete defense to any civil or criminal action brought against the provider arising from the disconnection or termination of service.

9. As used in this section:

(a) "Advertising" means the intentional placement or issuance of any sign, card or device, or the permitting or allowing of any sign or marking on a motor vehicle, in any building, structure, newspaper, magazine or airway transmission, on the Internet or in any directory under the listing of "massage therapist," "massage," "reflexologist," "reflexology," "structural integration practitioner" or "structural integration."

(b) "Provider" means a provider of any type of telephone, messaging or paging service.

(c) "Provider of messaging or paging service" means an entity that provides any type of messaging or paging service to any type of communication device.

(d) "Provider of telephone service" has the meaning ascribed to it in NRS 707.355.

(e) "Telephone number" means any sequence of numbers or characters, or both, used by a provider to provide any type of telephone, messaging or paging service.

Sec. 254. Chapter 641 of NRS is hereby amended by adding thereto a new section to read as follows:

The Board shall comply with:



1 **1. The applicable provisions of chapters 239 and 241 of NRS;**
2 **and**

3 **2. Any requirements concerning the creation, retention and**
4 **public disclosure of records of the activities of the Board**
5 **established by regulation of the Division of Occupational**
6 **Licensing of the Department of Business and Industry pursuant to**
7 **section 15 of this act.**

8 **Sec. 255.** NRS 641.111 is hereby amended to read as follows:

9 641.111 ~~[A11]~~ **1. Except as otherwise provided in subsection**
10 **2, all** money coming into possession of the Board must be kept or
11 deposited by the Secretary-Treasurer in banks, credit unions,
12 savings and loan associations or savings banks in the State of
13 Nevada to be expended for payment of compensation and expenses
14 of board members and for other necessary or proper purposes in the
15 administration of this chapter.

16 **2. Five percent of the fees received by the Board pursuant to**
17 **the provisions of this chapter must be deposited with the State**
18 **Treasurer for credit to the Occupational Licensing Account**
19 **created by section 14 of this act.**

20 **Sec. 256.** Chapter 641A of NRS is hereby amended by adding
21 thereto a new section to read as follows:

22 **The Board shall comply with:**

23 **1. The applicable provisions of chapters 239 and 241 of NRS;**
24 **and**

25 **2. Any requirements concerning the creation, retention and**
26 **public disclosure of records of the activities of the Board**
27 **established by regulation of the Division of Occupational**
28 **Licensing of the Department of Business and Industry pursuant to**
29 **section 15 of this act.**

30 **Sec. 257.** NRS 641A.205 is hereby amended to read as
31 follows:

32 641A.205 ~~[A11]~~ **1. Except as otherwise provided in**
33 **subsection 2, all** money coming into possession of the Board must
34 be kept or deposited by the Secretary-Treasurer in banks, credit
35 unions, savings and loan associations or savings banks in the State
36 of Nevada to be expended for payment of compensation and
37 expenses of the members and employees of the Board and for other
38 necessary or proper purposes in the administration of this chapter.

39 **2. Five percent of the fees received by the Board pursuant to**
40 **the provisions of this chapter must be deposited with the State**
41 **Treasurer for credit to the Occupational Licensing Account**
42 **created by section 14 of this act.**

43 **Sec. 258.** Chapter 641B of NRS is hereby amended by adding
44 thereto a new section to read as follows:

45 **The Board shall comply with:**



1 **1. The applicable provisions of chapters 239 and 241 of NRS;**
2 **and**

3 **2. Any requirements concerning the creation, retention and**
4 **public disclosure of records of the activities of the Board**
5 **established by regulation of the Division of Occupational**
6 **Licensing of the Department of Business and Industry pursuant to**
7 **section 15 of this act.**

8 **Sec. 259.** NRS 641B.150 is hereby amended to read as
9 follows:

10 641B.150 1. Except as otherwise provided in subsection 4,
11 all reasonable expenses incurred by the Board in carrying out the
12 provisions of this chapter must be paid from the money which it
13 receives. No part of the salaries or expenses of the Board may be
14 paid out of the State General Fund.

15 2. ~~IAH~~ **Except as otherwise provided in subsection 5, all**
16 **money received by the Board must be deposited in qualified banks,**
17 **credit unions, savings and loan associations or savings banks in this**
18 **State and paid out on its order for its expenses.**

19 3. In a manner consistent with the provisions of chapter 622A
20 of NRS, the Board may delegate to a hearing officer or panel its
21 authority to take any disciplinary action pursuant to this chapter,
22 impose and collect fines and penalties therefor and deposit the
23 money therefrom in banks, credit unions, savings and loan
24 associations or savings banks in this State.

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

32 **5. Five percent of the fees received by the Board pursuant to**
33 **the provisions of this chapter must be deposited with the State**
34 **Treasurer for credit to the Occupational Licensing Account**
35 **created by section 14 of this act.**

36 **Sec. 260.** Chapter 641C of NRS is hereby amended by adding
37 thereto a new section to read as follows:

38 **The Board shall comply with:**

39 **1. The applicable provisions of chapters 239 and 241 of NRS;**
40 **and**

41 **2. Any requirements concerning the creation, retention and**
42 **public disclosure of records of the activities of the Board**
43 **established by regulation of the Division of Occupational**
44 **Licensing of the Department of Business and Industry pursuant to**
45 **section 15 of this act.**



1 **Sec. 261.** NRS 641C.190 is hereby amended to read as
2 follows:

3 641C.190 1. Except as otherwise provided in subsection 4,
4 all expenses incurred by the Board in carrying out the provisions of
5 this chapter must be paid from the money which it receives. No part
6 of the salaries or expenses of the Board may be paid out of the State
7 General Fund.

8 2. ~~[All]~~ *Except as otherwise provided in subsection 5, all*
9 money received by the Board must be deposited in a bank, credit
10 union or other financial institution in this State and paid out on its
11 order for its expenses.

12 3. In a manner consistent with the provisions of chapter 622A
13 of NRS, the Board may delegate to a hearing officer or panel its
14 authority to take any disciplinary action pursuant to this chapter,
15 impose and collect fines and penalties therefor and deposit the
16 money therefrom in a bank, credit union or other financial
17 institution in this State.

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

26 5. *Five percent of the fees received by the Board pursuant to*
27 *the provisions of this chapter must be deposited with the State*
28 *Treasurer for credit to the Occupational Licensing Account*
29 *created by section 14 of this act.*

30 **Sec. 262.** NRS 643.010 is hereby amended to read as follows:
31 643.010 As used in this chapter, unless the context otherwise
32 requires:

33 1. "Barber school" includes a school of barbering, college of
34 barbering and any other place or institution of instruction training
35 persons to engage in the practice of barbering.

36 2. "Barbershop" means any establishment or place of business
37 where the practice of barbering is engaged in or carried on.

38 3. ~~["Board" means the State Barbers' Health and Sanitation~~
39 ~~Board.]~~ *"Division" means the Division of Occupational Licensing*
40 *of the Department of Business and Industry.*

41 4. "Instructor" means any person who is licensed by the
42 ~~[Board]~~ *Division* pursuant to the provisions of this chapter to
43 instruct the practice of barbering in a barber school.



5. “Licensed apprentice” means a person who is licensed to engage in the practice of barbering as an apprentice pursuant to the provisions of this chapter.

6. “Licensed barber” means a person who is licensed to engage in the practice of barbering pursuant to the provisions of this chapter.

7. “Practice of barbering” means any of the following practices for cosmetic purposes:

(a) Shaving or trimming the beard, cutting or trimming the hair, or hair weaving.

(b) Giving massages of the face or scalp or treatments with oils, creams, lotions or other preparations, by hand or mechanical appliances.

(c) Singeing, shampooing or dyeing the hair, or applying hair tonics.

(d) Applying cosmetic preparations, antiseptics, powders, oils or lotions to the scalp, face or neck.

(e) Arranging, fitting, cutting, styling, cleaning, coloring or dyeing a hairpiece or wig, whether made of human hair or synthetic material. This does not restrict any establishment from setting or styling a hairpiece or wig in preparation for retail sale.

8. “Student” means a person receiving instruction in a barber school.

Sec. 263. NRS 643.050 is hereby amended to read as follows:

643.050 1. The ~~{Board}~~ **Division** may:

(a) ~~{Maintain offices in as many locations in this State as it finds necessary to carry out the provisions of this chapter.}~~

~~—(b)}~~ Employ attorneys, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties ~~{ }~~ **under this chapter.**

~~{(c)}~~ **(b)** Adopt regulations necessary to carry out the provisions of this chapter.

2. The ~~{Board}~~ **Division** shall prescribe, by regulation, sanitary requirements for barbershops and barber schools.

3. Any ~~{member of the Board or its agents or assistants}~~ **agent or employee of the Division** may enter and inspect any barbershop or barber school at any time during business hours or at any time when the practice of barbering or instruction in that practice is being carried on.

4. The ~~{Board}~~ **Division** shall keep ~~{a record of its proceedings}~~ **records** relating to the issuance, refusal, renewal, suspension and revocation of licenses. ~~{The record}~~ **Such records** must contain the name, place of business and residence of each licensed barber, licensed apprentice and instructor, and the date and number of the



license. The record must be open to public inspection at all reasonable times.

5. The ~~{Board shall place on the Internet website maintained by the Board the budget of the Board and all financial reports prepared by the Board.~~

~~6. The Board~~ **Division** may approve and, by official order, establish the days and hours when barbershops may remain open for business whenever agreements fixing such opening and closing hours have been signed and submitted to the ~~{Board}~~ **Division** by any organized and representative group of licensed barbers of at least 70 percent of the licensed barbers of any county. The ~~{Board}~~ **Division** may investigate the reasonableness and propriety of the hours fixed by such an agreement, as is conferred by the provisions of this chapter, and the ~~{Board}~~ **Division** may fix hours for any portion of a county.

~~{7.}~~ 6. The ~~{Board}~~ **Division** may adopt regulations governing the conduct of barber schools and the course of study of barber schools.

Sec. 264. NRS 643.060 is hereby amended to read as follows:

643.060 ~~{1. Except as otherwise provided in subsection 3,}~~ **All** money received by the ~~{Board}~~ **Division** under this chapter must be ~~{paid to the Secretary-Treasurer of the Board, who shall deposit the money in banks, credit unions, savings and loan associations or savings banks in the State of Nevada and give a receipt for it.}~~

~~2. The money must be expended in accordance with the provisions of this chapter for all necessary and proper expenses in carrying out the provisions of this chapter and upon proper claims approved by the Board.~~

~~3. The Board shall deposit the money collected from the imposition of fines with the State Treasurer for credit to the State General Fund, and may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay an attorney's fees or the costs of an investigation, or both.}~~ **deposited with the State Treasurer for credit to the Occupational Licensing Account created by section 14 of this act.**

Sec. 265. NRS 643.070 is hereby amended to read as follows:

643.070 Any person is qualified to receive a license as a barber:

1. Who is qualified under the provisions of NRS 643.085.
2. Who is at least 18 years of age.
3. Who is of good moral character and temperate habits.
4. Who has:

(a) Practiced as a licensed apprentice for a period of 18 months under the immediate personal supervision of a licensed barber; or



(b) Complied with the requirements of NRS 643.085.

5. Who has passed an examination conducted by the ~~{Board}~~ **Division** to determine his or her fitness to practice as a licensed barber.

6. Who has had a chest X-ray, the results of which indicate he or she is not tuberculous, and a blood test, the results of which indicate he or she is not a carrier of communicable diseases.

Sec. 266. NRS 643.080 is hereby amended to read as follows:

643.080 Any person is qualified to receive a license as an apprentice:

1. Who is at least 16 1/2 years of age.

2. Who is of good moral character and temperate habits.

3. Who has graduated from a school of barbering approved by the ~~{Board}~~ **Division**.

4. Who has passed an examination conducted by the ~~{Board}~~ **Division** to determine his or her fitness to practice as a licensed apprentice.

5. Who has had a chest X-ray, the results of which indicate he or she is not tuberculous, and a blood test, the results of which indicate he or she is not a carrier of communicable diseases.

Sec. 267. NRS 643.085 is hereby amended to read as follows:

643.085 A person who:

1. Is licensed pursuant to the provisions of chapter 644A of NRS; and

2. Has completed 400 hours of specialized training at a barber school approved by the ~~{Board}~~ **Division**,

➤ may take the examination for a license as a barber without being licensed as an apprentice.

Sec. 268. NRS 643.090 is hereby amended to read as follows:

643.090 1. Each applicant for a license as a barber or an apprentice must file an application verified by him or her for an examination before the ~~{Board}~~ **Division**.

2. The application must be in a form prescribed by the ~~{Board}~~ **Division**.

3. Each application must be accompanied by the fees prescribed by subsection 4.

4. The Board shall annually fix the examination fees, which must not be more than \$100.

5. Each applicant must, at the time of filing the application, file a certificate signed by a licensed physician certifying that the applicant is free from tuberculosis and other communicable diseases.

6. Each applicant must submit all information required to complete the application.



Sec. 269. NRS 643.095 is hereby amended to read as follows:
643.095 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license as a barber, an apprentice or an instructor shall include the social security number of the applicant in the application submitted to the ~~{Board}~~ **Division**.

(b) An applicant for the issuance or renewal of a license as a barber, an apprentice or an instructor must submit to the ~~{Board}~~ **Division of Occupational Licensing** the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The ~~{Board}~~ **Division of Occupational Licensing** shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the ~~{Board}~~ **Division**.

3. A license as a barber, an apprentice or an instructor may not be issued or renewed by the ~~{Board}~~ **Division** if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the ~~{Board}~~ **Division** shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 270. NRS 643.100 is hereby amended to read as follows:

643.100 1. Not less than three times each year, at such times and places as it determines, the ~~{Board}~~ **Division** shall conduct examinations to determine the fitness of each of the following:

(a) Applicants for licenses as barbers.

(b) Applicants for licenses as apprentices.

(c) Applicants to enter barber schools.

2. The examination of applicants for licenses as barbers and apprentices must include a practical demonstration and a written and



oral test that must include the subjects usually taught in barber schools approved by the ~~{Board}~~ Division.

3. Not less than 60 days before the date of an examination described in this section, the ~~{Board}~~ Division shall provide notice of the examination on the Internet website maintained by the ~~{Board}~~ Division.

Sec. 271. NRS 643.105 is hereby amended to read as follows:

643.105 1. An applicant for a license pursuant to the provisions of this chapter who, without good cause, fails to appear for an examination of the ~~{Board}~~ Division after notification by the ~~{Board}~~ Division of eligibility to take the examination:

(a) Is not entitled to receive a refund of the fee for that examination; and

(b) Must reapply to take the examination by filing a new application and paying the fee for the examination.

2. The ~~{Board}~~ Division shall, by regulation, define "good cause" for the purposes of this section.

Sec. 272. NRS 643.110 is hereby amended to read as follows:

643.110 1. Except as otherwise provided in subsection 2, an applicant for a license as a barber who fails to pass the examination conducted by the ~~{Board}~~ Division must continue to practice as a licensed apprentice for an additional 3 months before he or she may retake the examination for a license as a barber.

2. An applicant for a license as a barber who is a cosmetologist licensed pursuant to the provisions of chapter 644A of NRS and who fails to pass the examination conducted by the ~~{Board}~~ Division must complete further study as prescribed by the ~~{Board}~~ Division, not exceeding 250 hours, in a barber school approved by the ~~{Board}~~ Division before he or she may retake the examination for a license as a barber.

3. An applicant for a license as an apprentice who fails to pass the examination provided for in NRS 643.080 must complete further study as prescribed by the ~~{Board}~~ Division in a barber school approved by the ~~{Board}~~ Division before he or she may retake the examination for a license as an apprentice.

4. An applicant for a license as an instructor who fails to pass the examination provided for in NRS 643.1775 may retake the examination for a license as an instructor. If the applicant retakes the examination:

(a) Not later than 1 year after taking the initial examination, the applicant is not required to complete further study in a barber school before he or she may retake the examination; and

(b) Later than 1 year after taking the initial examination, the applicant must complete 250 hours of further study in a barber



1 school approved by the ~~{Board}~~ Division each time before he or she
2 may retake the examination for a license as an instructor.

3 **Sec. 273.** NRS 643.120 is hereby amended to read as follows:

4 643.120 Except as otherwise provided in NRS 643.130, any
5 person who has a license or certificate as a barber or an apprentice
6 from another state, the District of Columbia or a country which has
7 substantially the same requirements for licensing barbers and
8 apprentices as are required by the provisions of this chapter must be
9 admitted to practice as a licensed barber or apprentice pursuant to
10 the regulations adopted by the ~~{Board}~~ Division.

11 **Sec. 274.** NRS 643.130 is hereby amended to read as follows:

12 643.130 1. A license as a barber or an apprentice must be
13 issued by the ~~{Board}~~ Division to any applicant who:

14 (a) Passes an examination as provided for in NRS 643.070 and
15 643.080;

16 (b) Possesses the other qualifications required by the provisions
17 of this chapter;

18 (c) Complies with the requirements set forth in the regulations
19 of the ~~{Board}~~ Division; and

20 (d) Submits all information required to complete an application
21 for a license.

22 2. A person who has a license or certificate as a barber from
23 another state or the District of Columbia, who has applied for an
24 examination before the ~~{Board}~~ Division and who meets the
25 qualifications set forth in NRS 643.070, except subsection 5 thereof,
26 is temporarily exempt from licensure and may engage in the practice
27 of barbering during the period of the temporary exemption if:

28 (a) The person has submitted a completed application for
29 licensure for the first time and the application has been approved by
30 the ~~{Board}~~ Division;

31 (b) The ~~{Board}~~ Division has approved the person to sit for the
32 examination required pursuant to NRS 643.100;

33 (c) The person has not previously failed an examination for
34 licensure as a barber;

35 (d) The person engages in the practice of barbering under the
36 supervision of a barber licensed pursuant to this chapter and in
37 accordance with the provisions of this chapter and the regulations of
38 the ~~{Board}~~ Division; and

39 (e) The person complies with any other requirements of the
40 ~~{Board}~~ Division to engage in the practice of barbering during the
41 period of the temporary exemption.

42 3. The temporary exemption authorized pursuant to subsection
43 2 begins on the date on which the ~~{Board}~~ Division notifies the
44 person that he or she may engage in the practice of barbering under
45 the temporary exemption and continues until the date of the



1 examination if the person does not take the examination or until the
2 date on which the ~~{Board}~~ Division notifies the person of the results
3 of the examination. During the period of the temporary exemption,
4 the person is subject to the regulatory and disciplinary authority of
5 the ~~{Board}~~ Division to the same extent as a licensed barber.

6 **Sec. 275.** NRS 643.140 is hereby amended to read as follows:

7 643.140 1. Each licensed barber and each licensed apprentice
8 who continues in active practice or service shall biennially, on or
9 before April 1 of each even-numbered year, renew the license and
10 pay the required fee. The ~~{Board}~~ Division shall fix the fee for
11 renewal of a license, which must not be more than \$60. All
12 information required to complete the renewal must be submitted
13 with the fee. Every license which has not been renewed before May
14 1 of an even-numbered year expires on that date.

15 2. A licensed barber or a licensed apprentice whose license has
16 expired may have the license restored immediately upon payment of
17 the required restoration fee and submission of all required
18 information at any time within 2 years after the expiration of the
19 license. The ~~{Board}~~ Division shall fix the restoration fee, which
20 must not be more than \$120.

21 **Sec. 276.** NRS 643.150 is hereby amended to read as follows:

22 643.150 1. Each licensed barber and licensed apprentice shall
23 display the license in a conspicuous place adjacent to or near his or
24 her work chair.

25 2. A copy of the regulations adopted by the ~~{Board}~~ Division
26 must be:

27 (a) Provided to the owner or manager of each barbershop or
28 barber school; and

29 (b) Displayed in a conspicuous place in the barbershop or barber
30 school.

31 **Sec. 277.** NRS 643.170 is hereby amended to read as follows:

32 643.170 1. The ~~{Board}~~ Division shall not refuse to issue or
33 renew any license, unless:

34 (a) Before taking that action the ~~{Board}~~ Division gives written
35 notice thereof to the accused stating the specific reason for its
36 adverse action; and

37 (b) The accused is granted the opportunity to appear before the
38 ~~{Board}~~ Division for a hearing within 20 days after the date of the
39 notice.

40 2. The ~~{Board}~~ Division may:

41 (a) Summon witnesses.

42 (b) Require the production of books, records and papers for the
43 hearing.

44 3. Subpoenas must be issued by the ~~{Secretary-Treasurer of the}~~
45 ~~Board}~~ Division directed to the sheriff of the proper county to be



served and returned in the same manner as subpoenas in criminal cases. The fees and mileage of the sheriff and witnesses must be the same as is allowed in criminal cases and must be paid from the money of the ~~{Board}~~ **Division** as other expenses of the ~~{Board}~~ **Division** are paid.

4. If the accused prevails at the hearing, the ~~{Board}~~ **Division** shall grant him or her the proper relief without delay.

~~{5. Any investigation, inquiry or hearing thus authorized may be entertained or held by or before a member or members of the Board, and the finding or order of the member or members, when approved and confirmed by the Board, shall be deemed the finding or order of the Board.}~~

Sec. 278. NRS 643.171 is hereby amended to read as follows:

643.171 No person may operate a barbershop unless the ~~{Board}~~ **Division** has issued a license to operate a barbershop to that person.

Sec. 279. NRS 643.1711 is hereby amended to read as follows:

643.1711 An applicant for a license to operate a barbershop shall file an application with the ~~{Board}~~ **Division** on forms prescribed by the ~~{Board}~~ **Division** accompanied by the fee specified in NRS 643.1714.

Sec. 280. NRS 643.1712 is hereby amended to read as follows:

643.1712 The ~~{Board}~~ **Division** shall issue a license to operate an existing barbershop upon receipt of such application and fee if the applicant complies with the applicable provisions of this chapter.

Sec. 281. NRS 643.1713 is hereby amended to read as follows:

643.1713 1. An applicant for a license to operate a new barbershop shall submit an application and an inspection fee to the ~~{Secretary of the Board.}~~ **Division**.

2. ~~{A member of the Board}~~ **The Division** shall then, within 6 days, inspect such shop and issue a temporary license to the applicant which is valid for 20 days if such applicant complies with the applicable provisions of this chapter and the regulations adopted by the ~~{Board.}~~ **Division**.

3. The ~~{Board}~~ **Division** shall issue a regular license to the applicant before the expiration of such 20-day period.

Sec. 282. NRS 643.1714 is hereby amended to read as follows:

643.1714 1. The ~~{Board}~~ **Division** shall establish the fee for an inspection, which must not be more than \$50. The fee for a license to operate a barbershop or for the renewal of the license must not be more than \$50.



2. Each license to operate a barbershop must be renewed biennially, during April of each odd-numbered year. Each licensee shall pay the biennial fee for registration which must be prorated for the period from the date the license is issued to the end of the biennium. Each such license which has not been renewed in April of an odd-numbered year expires on May 1 of that year. An expired license may be restored upon payment of:

(a) The license fee; and

(b) A restoration fee established by the ~~{Board,}~~ **Division**, which must not be more than \$50.

Sec. 283. NRS 643.1716 is hereby amended to read as follows:

643.1716 A person may not operate any barbershop unless he or she complies with all the applicable requirements of NRS 643.200 and the regulations adopted by the ~~{Board,}~~ **Division**.

Sec. 284. NRS 643.1717 is hereby amended to read as follows:

643.1717 ~~{1.}~~ The ~~{Board}~~ **Division** may immediately suspend a license to operate a barbershop for violation of any of the applicable provisions of this chapter or regulations adopted by the ~~{Board}~~ **Division** until the violation is cured.

~~2. {Except for immediate suspensions authorized pursuant to subsection 1, the Board may suspend or revoke a license to operate a barbershop for a violation of the provisions of this chapter or any regulation adopted by the Board only in a manner consistent with the provisions of chapter 622A of NRS.~~

~~—3.~~ When a license to operate a barbershop has been suspended or revoked for a violation of the provisions of this chapter or the sanitary requirements of the ~~{Board,}~~ **Division**, the ~~{Board}~~ **Division** shall post a notice on the shop stating the fact of suspension or revocation and the reason therefor.

Sec. 285. NRS 643.172 is hereby amended to read as follows:

643.172 It is unlawful for any person to operate a barber school unless the ~~{Board}~~ **Division** has issued a license to the person to operate the barber school.

Sec. 286. NRS 643.173 is hereby amended to read as follows:

643.173 An applicant for a license to operate a barber school shall file an application with the ~~{Board}~~ **Division** in such form as the ~~{Board}~~ **Division** may prescribe accompanied by the fee required by this chapter.

Sec. 287. NRS 643.174 is hereby amended to read as follows:

643.174 Upon receipt of an application to operate a barber school, the ~~{Board}~~ **Division** shall require the applicant, if the applicant is a sole proprietor, or a member, partner or officer, if the applicant is a firm, partnership or corporation, to appear personally



1 before the ~~{Board}~~ Division and submit information in such form as
2 the ~~{Board}~~ Division may by regulation prescribe showing:

3 1. The location of the proposed barber school and its physical
4 facilities and equipment;

5 2. The proposed maximum number of students to be trained at
6 any one time and the number of instructors to be provided;

7 3. The nature and terms of the applicant's right of possession
8 of the proposed premises, whether by lease, ownership or otherwise;

9 4. The financial ability of the applicant to operate the barber
10 school in accordance with the requirements of this chapter and the
11 regulations of the ~~{Board;}~~ Division;

12 5. That the barber school will have at least two instructors who
13 provide instruction at the school; and

14 6. Such other information as the ~~{Board}~~ Division considers
15 necessary.

16 **Sec. 288.** NRS 643.176 is hereby amended to read as follows:

17 643.176 1. The ~~{Board}~~ Division may adopt and enforce
18 reasonable regulations governing:

19 (a) The conduct of barber schools;

20 (b) The course of study of barber schools;

21 (c) Except as otherwise provided in NRS 643.1777, the
22 examination of instructors;

23 (d) The fee for the examination of instructors, which may not
24 exceed \$100; and

25 (e) The fee for the issuance and renewal of an instructor's
26 license, which must not exceed \$250.

27 2. The ~~{Board}~~ Division shall require, as a prerequisite for the
28 renewal of an instructor's license, continuing education in the form
29 of seminars or other training.

30 **Sec. 289.** NRS 643.1775 is hereby amended to read as
31 follows:

32 643.1775 The ~~{Board}~~ Division shall license any person as an
33 instructor who:

34 1. Has applied to the ~~{Board}~~ Division in writing on the form
35 prescribed by the ~~{Board;}~~ Division;

36 2. Holds a high school diploma or its equivalent;

37 3. Has paid the applicable fees;

38 4. Holds a license as a barber issued by the ~~{Board;}~~ Division;

39 5. Submits all information required to complete the
40 application;

41 6. Has practiced not less than 3 years as a full-time licensed
42 barber in this State, the District of Columbia or in any other state or
43 country whose requirements for licensing barbers are substantially
44 equivalent to those in this State;



7. Has successfully completed a training program for instructors conducted by a licensed barber school which consists of not less than 600 hours of instruction within a 6-month period; and

8. Has passed an examination for instructors administered in accordance with NRS 643.1777.

Sec. 290. NRS 643.1777 is hereby amended to read as follows:

643.1777 1. The examination of an applicant for a license as an instructor must include a practical demonstration and a written test that must include the subjects usually taught in barber schools approved by the ~~{Board}~~ **Division**.

2. The ~~{Board}~~ **Division** shall oversee the examination for a license as an instructor but shall not administer any aspect of the examination, including, without limitation, the practical demonstration or written test.

3. The ~~{Board}~~ **Division** shall:

(a) Except as otherwise provided in paragraph (c), contract with the National-Interstate Council of State Boards of Cosmetology, Inc., or any other national organization approved by the ~~{Board}~~ **Division** to administer the examination for a license as an instructor;

(b) Include as a term of any contract entered into pursuant to paragraph (a), a requirement that the organization provide the results of the examination to the applicant within 10 working days after the date of the examination; and

(c) Use only proctors who meet the requirements of subsection 4 to administer the practical demonstration portion of the examination for a license as an instructor.

4. To administer the practical demonstration portion of the examination for a license as an instructor, a proctor must be:

(a) An instructor; and

(b) Approved by the National-Interstate Council of State Boards of Cosmetology, Inc., or any other national organization approved by the ~~{Board}~~ **Division** to administer a practical examination for persons who wish to instruct students in the practice of barbering.

Sec. 291. NRS 643.179 is hereby amended to read as follows:

643.179 1. The ~~{Board}~~ **Division** shall not refuse to issue or renew any license to operate a barber school except upon 20 days' notice in writing to the interested parties.

2. The notice must contain a brief statement of the reasons for the contemplated action of the ~~{Board}~~ **Division** and shall designate a proper time and place for the hearing of all interested parties before any final action is taken.

3. Due notice, within the provisions of subsection 1, shall be deemed to have been given when the ~~{Board}~~ **Division** deposits with the United States Postal Service a copy of the notice, addressed to



1 the designated or last known residence of the person applying for
2 the license or to whom the license has already been issued.

3 **Sec. 292.** NRS 643.182 is hereby amended to read as follows:

4 643.182 1. The ~~{Board}~~ **Division** may by regulation require a
5 licensed barber to maintain a barbershop licensed by the ~~{Board}~~
6 **Division** as his or her primary base of operation for the performance
7 of barbering services.

8 2. The provisions of this section do not prevent a licensed
9 barber who complies with regulations adopted pursuant to
10 subsection 1 from providing barbering services to customers away
11 from his or her shop as a matter of convenience to those customers.

12 **Sec. 293.** NRS 643.184 is hereby amended to read as follows:

13 643.184 A person who is required to display a license issued
14 pursuant to the provisions of this chapter shall, upon the request of
15 an authorized representative of the ~~{Board,}~~ **Division**, provide to that
16 representative identification in the form of a driver's license,
17 identification card or permanent resident card with a photograph that
18 has been issued by a state, the District of Columbia or the United
19 States or a tribal identification card issued by a tribal government
20 which satisfies the requirements of subsection 3 of NRS 232.006.

21 **Sec. 294.** NRS 643.185 is hereby amended to read as follows:

22 643.185 1. The following are grounds for disciplinary action
23 by the ~~{Board,}~~ **Division**:

24 (a) Violation by any person licensed pursuant to the provisions
25 of this chapter of any provision of this chapter or the regulations
26 adopted by the ~~{Board,}~~ **Division**.

27 (b) Conviction of a felony relating to the practice of barbers.

28 (c) Malpractice or incompetency.

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

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

33 (f) Having an alcohol or other substance use disorder.

34 2. If the ~~{Board}~~ **Division** determines that a violation of this
35 section has occurred, it may:

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

37 (b) Revoke or suspend a license; and

38 (c) Impose a fine of not more than \$1,000.

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

41 **Sec. 295.** NRS 643.188 is hereby amended to read as follows:

42 643.188 1. If the ~~{Board}~~ **Division** receives a copy of a court
43 order issued pursuant to NRS 425.540 that provides for the
44 suspension of all professional, occupational and recreational
45 licenses, certificates and permits issued to a person who is licensed



1 as a barber, an apprentice or an instructor, the ~~{Board}~~ Division shall
2 deem the license issued to that person to be suspended at the end of
3 the 30th day after the date on which the court order was issued
4 unless the ~~{Board}~~ Division receives a letter issued to the holder of
5 the license by the district attorney or other public agency pursuant to
6 NRS 425.550 stating that the holder of the license has complied
7 with the subpoena or warrant or has satisfied the arrearage pursuant
8 to NRS 425.560.

9 2. The ~~{Board}~~ Division shall reinstate a license that has been
10 suspended by a district court pursuant to NRS 425.540 if the
11 ~~{Board}~~ Division receives a letter issued by the district attorney or
12 other public agency pursuant to NRS 425.550 to the person whose
13 license was suspended stating that the person whose license was
14 suspended has complied with the subpoena or warrant or has
15 satisfied the arrearage pursuant to NRS 425.560.

16 **Sec. 296.** NRS 643.189 is hereby amended to read as follows:

17 643.189 1. Except as otherwise provided in this section and
18 NRS 239.0115, a complaint filed with the ~~{Board}~~ Division, all
19 documents and other information filed with the complaint and all
20 documents and other information compiled as a result of an
21 investigation conducted to determine whether to initiate disciplinary
22 action against a person are confidential, unless the person submits a
23 written statement to the ~~{Board}~~ Division requesting that such
24 documents and information be made public records.

25 2. ~~{The}~~ Any charging document filed with the ~~{Board}~~
26 Division to initiate disciplinary action ~~{pursuant to chapter 622A of~~
27 ~~NRS}~~ and all documents and information considered by the ~~{Board}~~
28 Division when determining whether to impose discipline are public
29 records.

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

35 **Sec. 297.** NRS 643.190 is hereby amended to read as follows:

36 643.190 It is unlawful:

37 1. For any person to engage in the practice of barbering or
38 attempt to engage in the practice of barbering without a license as a
39 barber or an apprentice issued by the ~~{Board}~~ Division pursuant to
40 this chapter.

41 2. For any owner or manager of any barbershop to hire or
42 employ a barber or an apprentice who does not have a license issued
43 by the ~~{Board}~~ Division pursuant to this chapter or whose
44 barbershop does not meet the sanitary requirements of the ~~{Board}~~
45 Division.



3. For any person to serve as an apprentice under a licensed barber without a license as an apprentice issued by the ~~{Board}~~ **Division** pursuant to this chapter.

4. For any person to operate a barbershop unless the barbershop is at all times under the direct supervision and management of a licensed barber.

5. For any person to hire or employ any person to engage in the practice of barbering or attempt to engage in the practice of barbering unless the person holds a license as a barber or an apprentice issued by the ~~{Board}~~ **Division** pursuant to this chapter.

6. For any person licensed pursuant to chapter 644A of NRS or any other person to:

(a) Hold himself or herself out to the public, solicit business or advertise as a licensed barber or as operating a licensed barbershop;

(b) Use the title or designation "barber" or "barbershop" under circumstances which would create or tend to create the impression to members of the general public that the person is a licensed barber or is operating a licensed barbershop; or

(c) Engage in any other act or practice which would create or tend to create the impression to members of the general public that the person is a licensed barber or is operating a licensed barbershop, unless the person holds, as appropriate, a license as a barber or a license to operate a barbershop issued by the ~~{Board}~~ **Division** pursuant to this chapter or the person is operating a licensed cosmetological establishment that is leasing space to or employing a licensed barber pursuant to NRS 644A.615.

7. For any person licensed pursuant to chapter 644A of NRS or any other person to place a barber pole in a location which would create or tend to create the impression to members of the general public that a business located near the barber pole is a barbershop unless the operator of the business holds a license to operate a barbershop issued by the ~~{Board}~~ **Division** pursuant to this chapter or the business is a licensed cosmetological establishment that is leasing space to or employing a licensed barber pursuant to NRS 644A.615. As used in this subsection, "barber pole" means:

(a) A red and white striped vertical cylinder with a ball located on top of the cylinder; or

(b) Any object of a similar nature, regardless of its actual shape or coloring, which would create or tend to create the impression to members of the general public that a business located near the object is a barbershop.

Sec. 298. NRS 643.203 is hereby amended to read as follows:

643.203 1. It is unlawful for a person to engage in the practice of barbering unless he or she is wearing clean outer



garments which are suitable to allow the safe and hygienic practice of barbering.

2. The ~~{Board}~~ Division shall adopt regulations which prescribe standards for the garments required by subsection 1.

Sec. 299. NRS 643.205 is hereby amended to read as follows:

643.205 It is unlawful for any person to instruct the practice of barbering in a barber school unless the person is licensed by the ~~{Board}~~ Division to do so.

Sec. 300. NRS 643.220 is hereby amended to read as follows:

643.220 1. In addition to any other remedy or penalty:

(a) The ~~{Board}~~ Division may issue a citation to a person who has engaged in any act or practice which constitutes a violation of any provision of NRS 643.190. A citation issued pursuant to this paragraph must be in writing and describe with particularity the nature of the violation. The citation also must inform the person of the provisions of subsection 2. A separate citation must be issued for each violation. If appropriate, the citation may contain an order to cease and desist.

(b) Upon finding that a person has engaged in any act or practice which constitutes a violation of any provision of NRS 643.190, the ~~{Board}~~ Division shall assess an administrative fine of:

(1) For the first violation, \$1,000.

(2) For the second violation, \$1,500.

(3) For the third or subsequent violation, \$2,000.

2. To appeal a finding of a violation pursuant to this section, the person must request a hearing by written notice of appeal to the ~~{Board}~~ Division within 30 days after the date on which the citation is issued.

Sec. 301. NRS 643.230 is hereby amended to read as follows:

643.230 1. In addition to any other remedy or penalty, if a person has engaged in any act or practice which constitutes a violation of any provision of this chapter, the district court of any county, on application of the ~~{Board}~~ Division, may issue an injunction or other appropriate order restraining the act or practice, without a showing of actual harm.

2. A proceeding under this section is governed by Rule 65 of the Nevada Rules of Civil Procedure.

Sec. 302. NRS 644A.615 is hereby amended to read as follows:

644A.615 1. Every holder of a license issued by the Board to operate a cosmetological establishment shall display the license or a duplicate of the license in plain view of members of the general public in the principal office or place of business of the holder.

2. Except as otherwise provided in this section, the operator of a cosmetological establishment may lease space to or employ only



1 licensed or registered, as applicable, nail technologists,
2 electrologists, estheticians, hair designers, shampoo technologists,
3 hair braiders, demonstrators of cosmetics and cosmetologists at the
4 establishment to provide services relating to the practice of
5 cosmetology. This subsection does not prohibit an operator of a
6 cosmetological establishment from:

7 (a) Leasing space to or employing a barber. Such a barber
8 remains under the jurisdiction of the ~~{State Barbers' Health and~~
9 ~~Sanitation Board}~~ *Division of Occupational Licensing of the*
10 *Department of Business and Industry* and remains subject to the
11 laws and regulations of this State applicable to his or her business or
12 profession.

13 (b) Leasing space to any other professional, including, without
14 limitation, a provider of health care pursuant to subsection 3. Each
15 such professional remains under the jurisdiction of the regulatory
16 body which governs his or her business or profession and remains
17 subject to the laws and regulations of this State applicable to such
18 business or profession.

19 3. The operator of a cosmetological establishment may lease
20 space at the cosmetological establishment to a provider of health
21 care for the purpose of providing health care within the scope of his
22 or her practice. The provider of health care shall not use the leased
23 space to provide such health care at the same time a cosmetologist
24 uses that space to engage in the practice of cosmetology. A provider
25 of health care who leases space at a cosmetological establishment
26 pursuant to this subsection remains under the jurisdiction of the
27 regulatory body which governs his or her business or profession and
28 remains subject to the laws and regulations of this State applicable
29 to such business or profession.

30 4. As used in this section:

31 (a) "Provider of health care" means a person who is licensed,
32 certified or otherwise authorized by the law of this State to
33 administer health care in the ordinary course of business or practice
34 of a profession.

35 (b) "Space" includes, without limitation, a separate room in the
36 cosmetological establishment.

37 **Sec. 303.** NRS 644A.880 is hereby amended to read as
38 follows:

39 644A.880 1. If the Board determines that a complaint filed
40 with the Board concerns a matter within the jurisdiction of another
41 licensing board, the Board shall refer the complaint to the other
42 licensing board within 5 days after making the determination.

43 2. The Board may refer a complaint pursuant to subsection 1
44 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 of this section.

6. As used in this section, "licensing board" means:

(a) A board created pursuant to chapter 630, ~~630A, 631,~~ 632, 633, 634, ~~634A,~~ 635, 636, 637, 637B, 639, 640, 640A, ~~640B, 640C,~~ 640D, 640E, 641, 641A, 641B, 641C, ~~643,~~ 644A or 654 of NRS; ~~and~~

(b) The Division of Public and Behavioral Health of the Department of Health and Human Services ~~;~~ **and**

(c) The Division of Occupation Licensing of the Department of Business and Industry.

Sec. 304. NRS 654.185 is hereby amended to read as follows:

654.185 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.

6. As used in this section, "licensing board" means:

(a) A board created pursuant to chapter 630, ~~630A, 631,~~ 632, 633, 634, ~~634A,~~ 635, 636, 637, 637B, 639, 640, 640A, ~~640B, 640C,~~ 640D, 640E, 641, 641A, 641B, 641C, ~~643,~~ 644A or 654 of NRS; ~~and~~

(b) The Division of Public and Behavioral Health of the Department of Health and Human Services ~~;~~ **and**

(c) The Division of Occupational Licensing of the Department of Business and Industry.

Sec. 305. NRS 179A.100 is hereby amended to read as follows:

179A.100 1. The following records of criminal history may be disseminated by an agency of criminal justice without any restriction pursuant to this chapter:

(a) Any which reflect records of conviction only; and

(b) Any which pertain to an incident for which a person is currently within the system of criminal justice, including parole or probation.

2. Without any restriction pursuant to this chapter, a record of criminal history or the absence of such a record may be:

(a) Disclosed among agencies which maintain a system for the mutual exchange of criminal records.

(b) Furnished by one agency to another to administer the system of criminal justice, including the furnishing of information by a police department to a district attorney.

(c) Reported to the Central Repository.

3. An agency of criminal justice shall disseminate to a prospective employer, upon request, records of criminal history concerning a prospective employee or volunteer which are the result of a name-based inquiry and which:

(a) Reflect convictions only; or

(b) Pertain to an incident for which the prospective employee or volunteer is currently within the system of criminal justice, including parole or probation.

4. Records of criminal history must be disseminated by an agency of criminal justice, upon request, to the following persons or governmental entities:

(a) The person who is the subject of the record of criminal history for the purposes of NRS 179A.150.

(b) The person who is the subject of the record of criminal history when the subject is a party in a judicial, administrative,



1 licensing, disciplinary or other proceeding to which the information
2 is relevant.

3 (c) The Nevada Gaming Control Board.

4 (d) The State Board of Nursing.

5 (e) The Private Investigator's Licensing Board to investigate an
6 applicant for a license.

7 (f) A public administrator or a person employed or contracted
8 with pursuant to NRS 253.125, as applicable, to carry out the duties
9 as prescribed in chapter 253 of NRS.

10 (g) A public guardian to investigate a protected person or
11 proposed protected person or persons who may have knowledge of
12 assets belonging to a protected person or proposed protected person.

13 (h) Any agency of criminal justice of the United States or of
14 another state or the District of Columbia.

15 (i) Any public utility subject to the jurisdiction of the Public
16 Utilities Commission of Nevada when the information is necessary
17 to conduct a security investigation of an employee or prospective
18 employee or to protect the public health, safety or welfare.

19 (j) Persons and agencies authorized by statute, ordinance,
20 executive order, court rule, court decision or court order as
21 construed by appropriate state or local officers or agencies.

22 (k) Any person or governmental entity which has entered into a
23 contract to provide services to an agency of criminal justice relating
24 to the administration of criminal justice, if authorized by the
25 contract, and if the contract also specifies that the information will
26 be used only for stated purposes and that it will be otherwise
27 confidential in accordance with state and federal law and regulation.

28 (l) Any reporter or editorial employee who is employed or
29 affiliated with a newspaper, press association or commercially
30 operated, federally licensed radio or television station who requests
31 a record of a named person or aggregate information for statistical
32 purposes, excluding any personal identifying information, in a
33 professional capacity for communication to the public.

34 (m) Prospective employers if the person who is the subject of
35 the information has given written consent to the release of that
36 information by the agency which maintains it.

37 (n) For the express purpose of research, evaluative or statistical
38 programs pursuant to an agreement with an agency of criminal
39 justice.

40 (o) An agency which provides child welfare services, as defined
41 in NRS 432B.030.

42 (p) The Division of Welfare and Supportive Services of the
43 Department of Health and Human Services or its designated
44 representative, as needed to ensure the safety of investigators and
45 caseworkers.



(q) The Aging and Disability Services Division of the Department of Health and Human Services or its designated representative, as needed to ensure the safety of investigators and caseworkers.

(r) An agency of this or any other state or the Federal Government that is conducting activities pursuant to Part D of Subchapter IV of Chapter 7 of Title 42 of the Social Security Act, 42 U.S.C. §§ 651 et seq.

(s) The Commissioner of Insurance.

(t) The Board of Medical Examiners.

(u) The State Board of Osteopathic Medicine.

(v) The ~~Board of Massage Therapy and its Executive Director.~~
Division of Occupational Licensing of the Department of Business and Industry.

(w) The Board of Examiners for Social Workers.

(x) The State Board of Cosmetology and its Executive Director.

(y) The Committee on Domestic Violence appointed pursuant to NRS 228.470 when, pursuant to NRS 228.495, the Committee is reviewing the death of the victim of a crime that constitutes domestic violence pursuant to NRS 33.018.

(z) A county coroner or medical examiner, as needed to conduct an investigation of the death of a person.

5. Agencies of criminal justice in this State which receive information from sources outside this State concerning transactions involving criminal justice which occur outside Nevada shall treat the information as confidentially as is required by the provisions of this chapter.

Sec. 306. NRS 232.510 is hereby amended to read as follows:

232.510 1. The Department of Business and Industry is hereby created.

2. The Department consists of a Director and the following:

(a) Consumer Affairs Division.

(b) Division of Financial Institutions.

(c) Housing Division.

(d) Real Estate Division.

(e) Division of Insurance.

(f) Division of Industrial Relations.

(g) Office of Labor Commissioner.

(h) Taxicab Authority.

(i) Office of the Nevada Attorney for Injured Workers.

(j) Nevada Transportation Authority.

(k) Division of Mortgage Lending.

(l) *Division of Occupational Licensing.*

(m) Any other office, commission, board, agency or entity created or placed within the Department pursuant to a specific



statute, the budget approved by the Legislature or an executive order, or an entity whose budget or activities have been placed within the control of the Department by a specific statute.

Sec. 307. NRS 232.520 is hereby amended to read as follows:
232.520 The Director:

1. Shall appoint a chief or executive director, or both of them, of each of the divisions, offices, commissions, boards, agencies or other entities of the Department, unless the authority to appoint such a chief or executive director, or both of them, is expressly vested in another person, board or commission by a specific statute. In making the appointments, the Director may obtain lists of qualified persons from professional organizations, associations or other groups recognized by the Department, if any. The chief of the Consumer Affairs Division is the Commissioner of Consumer Affairs, the chief of the Division of Financial Institutions is the Commissioner of Financial Institutions, the chief of the Housing Division is the Administrator of the Housing Division, the chief of the Real Estate Division is the Real Estate Administrator, the chief of the Division of Insurance is the Commissioner of Insurance, the chief of the Division of Industrial Relations is the Administrator of the Division of Industrial Relations, the chief of the Office of Labor Commissioner is the Labor Commissioner, the chief of the Taxicab Authority is the Taxicab Administrator, the chief of the Nevada Transportation Authority is the Chair of the Authority, the chief of the Division of Mortgage Lending is the Commissioner of Mortgage Lending , *the chief of the Division of Occupational Licensing is the Administrator of the Division of Occupational Licensing* and the chief of any other entity of the Department has the title specified by the Director, unless a different title is specified by a specific statute.

2. Is responsible for the administration of all provisions of law relating to the jurisdiction, duties and functions of all divisions and other entities within the Department. The Director may, if he or she deems it necessary to carry out his or her administrative responsibilities, be considered as a member of the staff of any division or other entity of the Department for the purpose of budget administration or for carrying out any duty or exercising any power necessary to fulfill the responsibilities of the Director pursuant to this subsection. This subsection does not allow the Director to preempt any authority or jurisdiction granted by statute to any division or other entity within the Department or to act or take on a function that would contravene a rule of court or a statute.

3. May:

(a) Establish uniform policies for the Department, consistent with the policies and statutory responsibilities and duties of the



1 divisions and other entities within the Department, relating to
2 matters concerning budgeting, accounting, planning, program
3 development, personnel, information services, dispute resolution,
4 travel, workplace safety, the acceptance of gifts or donations, the
5 management of records and any other subject for which a uniform
6 departmental policy is necessary to ensure the efficient operation of
7 the Department.

8 (b) Provide coordination among the divisions and other entities
9 within the Department, in a manner which does not encroach upon
10 their statutory powers and duties, as they adopt and enforce
11 regulations, execute agreements, purchase goods, services or
12 equipment, prepare legislative requests and lease or use office space.

13 (c) Define the responsibilities of any person designated to carry
14 out the duties of the Director relating to financing, industrial
15 development or business support services.

16 4. May, within the limits of the financial resources made
17 available to the Director, promote, participate in the operation of,
18 and create or cause to be created, any nonprofit corporation,
19 pursuant to chapter 82 of NRS, which he or she determines is
20 necessary or convenient for the exercise of the powers and duties of
21 the Department. The purposes, powers and operation of the
22 corporation must be consistent with the purposes, powers and duties
23 of the Department.

24 5. For any bonds which the Director is otherwise authorized to
25 issue, may issue bonds the interest on which is not exempt from
26 federal income tax or excluded from gross revenue for the purposes
27 of federal income tax.

28 6. May, except as otherwise provided by specific statute, adopt
29 by regulation a schedule of fees and deposits to be charged in
30 connection with the programs administered by the Director pursuant
31 to chapters 348A and 349 of NRS. Except as otherwise provided by
32 specific statute, the amount of any such fee or deposit must not
33 exceed 2 percent of the principal amount of the financing.

34 7. May designate any person within the Department to perform
35 any of the duties or responsibilities, or exercise any of the authority,
36 of the Director on his or her behalf.

37 8. May negotiate and execute agreements with public or private
38 entities which are necessary to the exercise of the powers and duties
39 of the Director or the Department.

40 9. May establish a trust account in the State Treasury for
41 depositing and accounting for money that is held in escrow or is on
42 deposit with the Department for the payment of any direct expenses
43 incurred by the Director in connection with any bond programs
44 administered by the Director. The interest and income earned on
45 money in the trust account, less any amount deducted to pay for



applicable charges, must be credited to the trust account. Any balance remaining in the account at the end of a fiscal year may be:

(a) Carried forward to the next fiscal year for use in covering the expense for which it was originally received; or

(b) Returned to any person entitled thereto in accordance with agreements or regulations of the Director relating to those bond programs.

Sec. 308. NRS 454.217 is hereby amended to read as follows:

454.217 1. A person shall not inject a neuromodulator that is derived from Clostridium botulinum or is biosimilar to or the bioequivalent of such a neuromodulator:

(a) Unless the person is:

(1) A physician or physician assistant licensed pursuant to chapter 630 of NRS;

(2) A dentist who has successfully completed the training prescribed by the ~~{Board of Dental Examiners of Nevada}~~ *Division of Occupational Licensing of the Department of Business and Industry* pursuant to NRS 631.391;

(3) A registered nurse or advanced practice registered nurse;

(4) A physician or physician assistant licensed pursuant to chapter 633 of NRS; or

(5) A podiatric physician who has successfully completed the training prescribed by the State Board of Podiatry pursuant to NRS 635.086.

(b) Outside his or her scope of practice.

(c) At a location other than a medical facility, as defined in NRS 449.0151, or the office of a physician or physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, advanced practice registered nurse or podiatric physician.

2. A person who is authorized by subsection 1 to inject a neuromodulator described in that subsection shall not delegate such injection to a person who is prohibited by subsection 1 from injecting such a neuromodulator.

Sec. 309. NRS 703.175 is hereby amended to read as follows:

703.175 1. Upon receiving a request to disconnect a telephone number from the State Contractors' Board pursuant to NRS 624.720, the ~~{Board of Massage Therapy}~~ *Division of Occupational Licensing of the Department of Business and Industry* pursuant to NRS 640C.930 or the Nevada Transportation Authority pursuant to NRS 706.758, the Commission shall issue an order to the appropriate provider of telephone service to disconnect the telephone number.

2. Compliance in good faith by a provider of telephone service with an order of the Commission to terminate service issued pursuant to this section shall constitute a complete defense to any



1 civil or criminal action brought against the provider of telephone
2 service arising from the termination of service.

3 3. As used in this section, "provider of telephone service" has
4 the meaning ascribed to it in NRS 707.355.

5 **Sec. 310.** NRS 707.355 is hereby amended to read as follows:

6 707.355 1. Each provider of telephone service in this State
7 shall, when notified that:

8 (a) A court has ordered the disconnection of a telephone number
9 pursuant to NRS 706.2855; or

10 (b) The Public Utilities Commission of Nevada has ordered the
11 disconnection of a telephone number pursuant to NRS 703.175, after
12 receiving a request to disconnect the telephone number from the
13 State Contractors' Board pursuant to NRS 624.720, the ~~Board of~~
14 ~~Massage Therapy~~ *Division of Occupational Licensing of the*
15 *Department of Business and Industry* pursuant to NRS 640C.930
16 or the Nevada Transportation Authority pursuant to NRS 706.758,
17 ➤ take such action as is necessary to carry out the order of the court
18 or the Public Utilities Commission of Nevada.

19 2. A provider of telephone service shall not:

20 (a) Forward or offer to forward the telephone calls of a
21 telephone number disconnected from service pursuant to the
22 provisions of this section; or

23 (b) Provide or offer to provide a recorded message that includes
24 the new telephone number for a business whose telephone number
25 was disconnected from service pursuant to the provisions of this
26 section.

27 3. As used in this section, "provider of telephone service"
28 includes, but is not limited to:

29 (a) A public utility furnishing telephone service.

30 (b) A provider of cellular or other service to a telephone that is
31 installed in a vehicle or is otherwise portable.

32 **Sec. 311.** 1. Any administrative regulations adopted by an
33 officer or an agency whose name has been changed or whose
34 responsibilities have been transferred pursuant to the provisions of
35 this act to another officer or agency remain in force until amended
36 by the officer or agency to which the responsibility for the adoption
37 of the regulations has been transferred.

38 2. Any contracts or other agreements entered into by an officer
39 or agency whose name has been changed or whose responsibilities
40 have been transferred pursuant to the provisions of this act to
41 another officer or agency are binding upon the officer or agency to
42 which the responsibility for the administration of the provisions of
43 the contract or other agreement has been transferred. Such contracts
44 and other agreements may be enforced by the officer or agency to



1 which the responsibility for the enforcement of the provisions of the
2 contract or other agreement has been transferred.

3 3. Any action taken by an officer or agency whose name has
4 been changed or whose responsibilities have been transferred
5 pursuant to the provisions of this act to another officer or agency
6 remains in effect as if taken by the officer or agency to which the
7 responsibility for the enforcement of such actions has been
8 transferred.

9 **Sec. 312.** Any person who, on December 31, 2021, serves as a
10 member of the:

11 1. Nevada Board of Homeopathic Medical Examiners pursuant
12 to chapter 630A of NRS;

13 2. Board of Dental Examiners of Nevada pursuant to chapter
14 631 of NRS;

15 3. State Board of Oriental Medicine pursuant to chapter 634A
16 of NRS;

17 4. Board of Athletic Trainers pursuant to chapter 640B of
18 NRS;

19 5. Board of Massage Therapy pursuant to chapter 640C of
20 NRS; or

21 6. State Barbers' Health and Sanitation Board pursuant to
22 chapter 643 of NRS,

23 ➤ shall be deemed to be a member of an advisory board appointed
24 by the Administrator of the Division of Occupational Licensing of
25 the Department of Business and Industry pursuant to section 9 of
26 this act on January 1, 2022.

27 **Sec. 313.** The Legislative Counsel shall:

28 1. In preparing the reprint and supplements to the Nevada
29 Revised Statutes, appropriately change any references to an officer,
30 agency or other entity whose name is changed or whose
31 responsibilities are transferred pursuant to the provisions of this act
32 to refer to the appropriate officer, agency or other entity.

33 2. In preparing supplements to the Nevada Administrative
34 Code, appropriately change any references to an officer, agency or
35 other entity whose name is changed or whose responsibilities are
36 transferred pursuant to the provisions of this act to refer to the
37 appropriate officer, agency or other entity.

38 **Sec. 314.** NRS 630A.020, 630A.100, 630A.110, 630A.120,
39 630A.130, 630A.135, 630A.140, 630A.150, 630A.170, 630A.175,
40 630A.180, 631.020, 631.120, 631.130, 631.140, 631.150, 631.195,
41 631.205, 634A.030, 634A.040, 634A.050, 634A.060, 640B.025,
42 640B.170, 640B.190, 640B.200, 640B.210, 640C.030, 640C.150,
43 640C.160, 640C.170, 640C.180, 640C.190, 640C.200, 640C.230,
44 643.020, 643.030, 643.040 and 643.055 are hereby repealed.



Sec. 315. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 314, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2022, for all other purposes.

3. Sections 40, 71, 91, 125, 161, 169, 205, 210, 228, 244, 269 and 295 of this act expire by limitation 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

↪ are repealed by the Congress of the United States.

LEADLINES OF REPEALED SECTIONS

630A.020 “Board” defined.

630A.100 Number, appointment and terms of members.

630A.110 Qualifications of members.

630A.120 Expiration of term; removal of member; replacement of removed member.

630A.130 Oaths or affirmations of office.

630A.135 Acknowledgment of statutory ethical standards.

630A.140 Officers; Secretary-Treasurer to receive applications for licenses and certificates; salary of Secretary-Treasurer.

630A.150 Meetings; quorum; vote by President only in case of tie.

630A.170 Seal; licenses and certificates to bear seal and signatures.

630A.175 Unauthorized use of seal or designation of Board or license or certificate issued by Board.

630A.180 Fiscal year.

631.020 “Board” defined.

631.120 Creation.

631.130 Qualifications of members.



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- 631.140 Appointment of members from particular areas of State.
- 631.150 Grounds for removal of member from office.
- 631.160 Officers and Executive Director.
- 631.195 Fiscal year.
- 631.205 Creation; membership; powers and duties.
- 634A.040 Qualifications of members.
- 634A.050 Salary of members; per diem allowance and travel expenses of members and employees.
- 634A.060 Officers.
- 640B.025 “Board” defined.
- 640B.170 Creation; appointment and qualifications of members; terms, vacancies and removal from office; limitations on civil liability.
- 640B.190 Election of Chair; meetings; quorum.
- 640B.200 Employment of Executive Secretary and other personnel; members of Board not entitled to salary; per diem allowance and travel expenses of members and employees.
- 640B.210 Fiscal year.
- 640C.030 “Board” defined.
- 640C.150 Creation; appointment and qualifications of voting members; terms, vacancies and removal from office.
- 640C.160 Appointment of nonvoting advisory member.
- 640C.170 Salary of members; per diem allowance and travel expenses of members and employees.
- 640C.180 Election of Chair, Vice Chair and Secretary-Treasurer; meetings; quorum.
- 640C.190 Attorneys for Board.
- 640C.200 Employment of Executive Director.
- 640C.230 Fiscal year.
- 643.020 Creation; qualifications and removal of members.
- 643.030 Election of officers; salary of officers and members; per diem allowance and travel expenses of officers, members and employees; duties of Secretary-Treasurer.
- 643.040 Meetings; quorum; seal; quarters.
- 643.055 Fiscal year.

