

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 requires the Administrator to appoint one or more
- 9 advisory boards to assist the Administrator in carrying out his or her duties relating



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to the regulation of professions and occupations regulated by the Division for the protection of the public health and safety and the general welfare of the people of this State. **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 a majority of the members 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 13 and 16** require the Division to consider input from licensees when developing and making certain recommendations and adopting 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; (3) State Board of Oriental Medicine; (4) Board of Athletic Trainers; and (5) Board of Massage Therapy. (Chapters 630A, 631, 634A, 640B and 640C of NRS) **Sections 26-144, 154-176, 192-253 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 and 640C 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 shall appoint one or more advisory boards to assist the Administrator in carrying out his or her duties relating to the regulation of professions and occupations regulated by the Division for the protection of the public health and safety and the general welfare of the people in this State.*



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;

(c) Assist the Administrator in reviewing and administering examinations required for the issuance of licenses;

(d) Review industry standards and make recommendations to the Administrator for regulatory changes;

(e) Assist the Administrator in investigating possible violations of applicable laws by licensees and make recommendations to the Administrator regarding any proposed action to be taken in response to such violations; and

(f) 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, a majority of the members 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 revocation of a license or other disciplinary action to be taken against a licensee.*

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

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

(a) Cooperate fully with the Division;

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

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

Sec. 13. 1. *The Division may develop and make recommendations to the Legislature concerning:*

(a) The abolishment of any board that regulates a profession or occupation pursuant to this title and the transfer of the powers and duties of that board to the Division based on a review conducted pursuant to section 12 of this act;

(b) Measures to improve and standardize the procedures for the issuance of licenses by the Division;

(c) Measures to improve and standardize the procedures used by the Division for the imposition of disciplinary action against licensees; and

(d) Any other matter concerning the licensure and regulation of professions and occupations regulated by the Division.



2. *In developing and making recommendations pursuant to subsection 1, the Division shall consider input provided by licensees of the applicable board or boards.*

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

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

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

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

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

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

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. In adopting any regulations pursuant to this section, the Division shall consider input provided by licensees.*

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



1 immediately notify the appropriate health authority for the purposes
2 of NRS 439.970.

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

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

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

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

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

22 6. A health care licensing board or an officer or employee of
23 the health care licensing board is immune from any civil liability for
24 any decision or action taken in good faith and without malicious
25 intent in carrying out the provisions of this section.

26 7. As used in this section:

27 (a) "Health care facility" means any facility licensed pursuant to
28 chapter 449 of NRS.

29 (b) "Health care licensing board" means:

30 (1) A board created pursuant to chapter 630, ~~{630A, 631,}~~
31 632, 633, 634, ~~{634A,}~~ 635, 636, 637, 637B, 639, 640, 640A,
32 ~~{640B, 640C,}~~ 640D, 640E, 641, 641A, 641B or 641C of NRS.

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

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

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

38 629.086 1. A person shall not inject dermal or soft tissue
39 fillers:

40 (a) Unless the person is:

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

43 (2) A dentist who has successfully completed the training
44 prescribed by the ~~{Board of Dental Examiners of Nevada}~~ *Division*



1 *of Occupational Licensing of the Department of Business and*
2 *Industry* pursuant to NRS 631.391;

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

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

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

9 (b) Outside his or her scope of practice.

10 (c) At a location other than a medical facility or the office of a
11 physician or physician assistant licensed pursuant to chapter 630 or
12 633 of NRS, dentist, advanced practice registered nurse or podiatric
13 physician.

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

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

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

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

24 629.097 1. If the Governor must appoint to a board a person
25 who is a member of a profession being regulated by that board, the
26 Governor shall solicit nominees from one or more applicable
27 professional associations in this State.

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

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

34 4. As used in this section, "board" refers to a board created
35 pursuant to chapter 630, ~~630A, 631,~~ 632, 633, 634, ~~634A,~~ 635,
36 636, 637, 637B, 639, 640, 640A, ~~640B, 640C,~~ 641, 641A, 641B or
37 641C of NRS.

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

40 *The Board shall comply with:*

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

43 *2. Any requirements concerning the creation, retention and*
44 *public disclosure of records of the activities of the Board*
45 *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 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 two members of the Board must be persons who have resided in this State for at least 5 years and who:

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

(b) Are 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;

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

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

~~4-1~~ 5. The members of the Board must be selected without regard to their individual political beliefs.

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

630.110 1. Out of the money coming into the possession of the Board, each member and advisory 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



1 must not exceed the rate provided for state officers and employees
2 generally.

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

7 3. Expenses of the Board and the expenses and salaries of its
8 members and employees must be paid from the fees received by the
9 Board pursuant to the provisions of this chapter, and no part of the
10 salaries or expenses of the Board may be paid out of the State
11 General Fund or from the penalties imposed by the Board pursuant
12 to this chapter.

13 4. ~~[AH]~~ *Except as otherwise provided in subsection 5, all*
14 money received by the Board from:

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

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

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

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

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

30 **Sec. 27.** NRS 630A.010 is hereby amended to read as follows:
31 630A.010 As used in this chapter, unless the context otherwise
32 requires, the words and terms defined in NRS 630A.015 to
33 630A.075, inclusive, *and section 26 of this act*, have the meanings
34 ascribed to them in those sections.

35 **Sec. 28.** NRS 630A.015 is hereby amended to read as follows:
36 630A.015 “Advanced practitioner of homeopathy” means a
37 person who has:

38 1. Complied with all of the requirements set forth in this
39 chapter and the regulations adopted by the ~~[Board]~~ *Division* for
40 advanced practitioners of homeopathy; and

41 2. Received from the ~~[Board]~~ *Division* a certificate as an
42 advanced practitioner of homeopathy.

43 **Sec. 29.** NRS 630A.035 is hereby amended to read as follows:
44 630A.035 “Homeopathic assistant” means a person who is a
45 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 regulation the methods to be used to check the background of such applicants.

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

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

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

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

630A.160 1. ~~{Out of the money coming into the possession of the Board, 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. Expenses of the Board and the expenses and salaries of the members and employees of the Board must be paid from the fees received by the Board pursuant to the provisions of this chapter. Except as otherwise provided in subsection 6, no part of the salaries or expenses of the members of the Board may be paid out of the State General Fund.

—4.] All money received by the [Board] *Division pursuant to this chapter* must be deposited [in financial institutions in this State that are federally insured or insured by a private insurer approved pursuant to NRS 672.755.

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

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

—6. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 5, the Board shall deposit the money collected from the imposition of administrative fines, court costs and attorney's fees with the State Treasurer for credit to 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.] *with the State Treasurer for credit to the Occupational Licensing Account created by section 14 of this act.*

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

630A.190 The [Board] *Division* may [:

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

—2. Employ] *employ* attorneys, investigators, hearing officers, experts, administrators, consultants and clerical personnel necessary to the discharge of its duties [:] *under this chapter.*



1 **Sec. 34.** NRS 630A.200 is hereby amended to read as follows:
2 630A.200 The ~~{Board}~~ **Division** may adopt such regulations as
3 are necessary or desirable to enable it to carry out the provisions of
4 this chapter.

5 **Sec. 35.** NRS 630A.210 is hereby amended to read as follows:
6 630A.210 1. ~~{In a manner consistent with the provisions of~~
7 ~~chapter 622A of NRS, the Board}~~ **The Division** may hold hearings
8 and conduct investigations relating to its duties under this chapter
9 and take evidence on any matter under inquiry before the ~~{Board.}~~
10 **Division.** The ~~{Secretary-Treasurer of the Board or, in the Secretary-~~
11 ~~Treasurer's absence, any member of the Board}~~ **Division** may
12 administer oaths to any witness appearing before the ~~{Board.}~~
13 **Division.** The ~~{Secretary-Treasurer or President of the Board}~~
14 **Division** may issue subpoenas to compel the attendance of witnesses
15 and the production of books, medical records, X-ray photographs
16 and other papers. ~~{The Secretary-Treasurer, President or other~~
17 ~~officer of the Board shall sign the subpoena on behalf of the Board.}~~

18 2. If any person fails to comply with a subpoena issued by the
19 ~~{Board, the Secretary-Treasurer or President of the Board}~~ **Division,**
20 **the Division** may petition the district court for an order of the court
21 compelling compliance with the subpoena.

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

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

32 **Sec. 36.** NRS 630A.225 is hereby amended to read as follows:
33 630A.225 1. The ~~{Board}~~ **Division** shall not issue a license to
34 practice homeopathic medicine or a certificate to practice as an
35 advanced practitioner of homeopathy or as a homeopathic assistant
36 to an applicant who has been licensed or certified to practice any
37 type of medicine in another jurisdiction and whose license or
38 certificate was revoked for gross medical negligence by that
39 jurisdiction.

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

44 3. The revocation of a license or certificate to practice any type
45 of medicine in another jurisdiction on grounds other than grounds



1 which would constitute gross medical negligence constitutes
2 grounds for initiating disciplinary action or denying the issuance of
3 a license or certificate.

4 4. If a license or certificate to practice any type of medicine
5 issued to an applicant in another jurisdiction has been revoked or
6 surrendered, the applicant must provide proof satisfactory to the
7 ~~{Board}~~ Division that the applicant is rehabilitated with respect to
8 the conduct that was the basis for the revocation or surrender of the
9 license or certificate when submitting an application for a license or
10 certificate to the ~~{Board}~~ Division.

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

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

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

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

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

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

32 630A.230 1. Every person desiring to practice homeopathic
33 medicine as a homeopathic physician must, before beginning to
34 practice, procure from the ~~{Board}~~ Division a license authorizing
35 such practice.

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

38 (a) Is of good moral character;

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

42 (c) Is licensed in good standing to practice allopathic or
43 osteopathic medicine in any state or country, the District of
44 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 from a medical school which at the time of his or her graduation was determined by the General Medical Council of the United Kingdom to be entitled to award primary medical qualifications, or the degree of doctor of osteopathic medicine from an osteopathic school which at the time of his or her graduation was accredited by the Bureau of Professional Education of the American Osteopathic Association;

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

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

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

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

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

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

1. A complete set of fingerprints; and



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

Sec. 40. NRS 630A.246 is hereby amended to read as follows:
630A.246 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license to practice homeopathic medicine, a certificate as an advanced practitioner of homeopathy or a certificate as a homeopathic assistant 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 homeopathic medicine, a certificate as an advanced practitioner of homeopathy or a certificate as a homeopathic assistant 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 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



1 Medical Graduates and has completed 1 year of supervised clinical
2 training approved by the ~~{Board}~~ Division.

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

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

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

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

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

20 **Sec. 52.** NRS 630A.325 is hereby amended to read as follows:

21 630A.325 1. To renew a license or certificate, other than a
22 temporary, special or limited license, issued pursuant to this chapter,
23 each person must, on or before January 1 of each year:

24 (a) Apply to the ~~{Board}~~ Division for renewal;

25 (b) Pay the annual fee for renewal set by the ~~{Board}~~ Division;

26 (c) Submit evidence to the ~~{Board}~~ Division of completion of
27 the requirements for continuing education; and

28 (d) Submit all information required to complete the renewal.

29 2. The ~~{Board}~~ Division shall, as a prerequisite for the renewal
30 or restoration of a license or certificate, other than a temporary,
31 special or limited license, require each holder of a license or
32 certificate to comply with the requirements for continuing education
33 adopted by the ~~{Board}~~ Division.

34 3. Any holder who fails to pay the annual fee for renewal and
35 submit all information required to complete the renewal after they
36 become due must be given a period of 60 days in which to pay the
37 fee and submit all required information and, failing to do so,
38 automatically forfeits the right to practice homeopathic medicine or
39 to practice as an advanced practitioner of homeopathy or as a
40 homeopathic assistant, as applicable, and his or her license to
41 practice homeopathic medicine or certificate to practice as an
42 advanced practitioner of homeopathy or as a homeopathic assistant
43 in this State is automatically suspended. The holder may, within 2
44 years after the date his or her license or certificate is suspended,
45 apply for the restoration of the license or certificate.



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

Sec. 53. NRS 630A.330 is hereby amended to read as follows:

630A.330 1. Except as otherwise provided in subsection 6, each applicant for a license to practice homeopathic medicine must:

(a) Pay a fee of \$800; and

(b) Pay the cost of obtaining such further evidence and proof of qualifications as the ~~{Board}~~ Division may require pursuant to subsection 2 of NRS 630A.240.

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

(a) Pay a fee of \$500; and

(b) Pay the cost of obtaining such further evidence and proof of qualifications as the ~~{Board}~~ Division may require pursuant to 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:

(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. 56. NRS 630A.380 is hereby amended to read as follows:

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

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

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

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

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

630A.390 1. Any person who becomes aware that a person practicing medicine or practicing as an advanced practitioner of homeopathy or as a homeopathic assistant in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action may file a written complaint with the ~~{Board}~~ **Division**. 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



1 of the complainant makes processing the complaint impossible or
2 unfair to the person who is the subject of the complaint.

3 2. Any medical society or medical facility or facility for the
4 dependent licensed in this State shall report to the ~~{Board}~~ **Division**
5 the initiation and outcome of any disciplinary action against any
6 homeopathic physician, advanced practitioner of homeopathy or
7 homeopathic assistant concerning the care of a patient or the
8 competency of the homeopathic physician, advanced practitioner of
9 homeopathy or homeopathic assistant.

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

14 (a) Is mentally ill;

15 (b) Is mentally incompetent;

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

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

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

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

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

25 630A.400 1. The ~~{Board or a committee of its members~~
26 ~~designated by the Board}~~ **Division** shall review every complaint
27 filed with the ~~{Board}~~ **Division** and conduct an investigation to
28 determine whether there is a reasonable basis for compelling a
29 homeopathic physician to take a mental or physical examination or
30 an examination of his or her competence to practice homeopathic
31 medicine.

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

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

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

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

42 ~~{4. Following an investigation, the committee shall present its~~
43 ~~evaluation and recommendations to the Board. The Board shall~~
44 ~~review the committee's findings to determine whether to take any~~
45 ~~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



1 last known address. If personal service cannot be made and if notice
2 by mail is returned undelivered, the ~~{Secretary-Treasurer of the~~
3 ~~Board}~~ **Division** shall cause notice to be published once a week for 4
4 consecutive weeks in a newspaper published in the county of the last
5 known address of the homeopathic physician, advanced practitioner
6 of homeopathy or homeopathic assistant or, if no newspaper is
7 published in that county, then in a newspaper widely distributed in
8 that county.

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

12 **Sec. 66.** NRS 630A.500 is hereby amended to read as follows:

13 630A.500 ~~{Notwithstanding the provisions of chapter 622A of~~
14 ~~NRS, in}~~ **In** any disciplinary hearing:

15 1. Proof of actual injury need not be established.

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

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

23 630A.510 1. ~~{Except as otherwise provided in NRS~~
24 ~~630A.150, any member of the Board who was not a member of the~~
25 ~~investigative committee, if one was appointed, may participate in~~
26 ~~the final order of the Board.}~~ If the ~~{Board,}~~ **Division**, after notice
27 and a hearing as required by law, determines that a violation of the
28 provisions of this chapter or the regulations adopted by the ~~{Board}~~
29 **Division** has occurred, it shall issue and serve on the person charged
30 an order, in writing, containing its findings and any sanctions
31 imposed by the ~~{Board,}~~ **Division**. If the ~~{Board}~~ **Division**
32 determines that no violation has occurred, it shall dismiss the
33 charges, in writing, and notify the person that the charges have been
34 dismissed.

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

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

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

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

42 (d) Suspend the license or certificate of the person for a
43 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.**



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

7 ~~{2-}~~ 4. The ~~{Board}~~ *Division* shall not commence an
8 investigation, impose any disciplinary action or take any other
9 adverse action against a homeopathic physician for:

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

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

16 ~~{3-}~~ 5. As used in this section, "governmental entity" includes,
17 without limitation:

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

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

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

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

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

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

32 630A.543 1. If the ~~{Board}~~ *Division* receives a copy of a
33 court order issued pursuant to NRS 425.540 that provides for the
34 suspension of all professional, occupational and recreational
35 licenses, certificates and permits issued to a person who is the
36 holder of a license to practice homeopathic medicine or a certificate
37 to practice as an advanced practitioner of homeopathy or as a
38 homeopathic assistant, the ~~{Board}~~ *Division* shall deem the license
39 or certificate issued to that person to be suspended at the end of the
40 30th day after the date on which the court order was issued unless
41 the ~~{Board}~~ *Division* receives a letter issued to the holder of the
42 license or certificate by the district attorney or other public agency
43 pursuant to NRS 425.550 stating that the holder of the license or
44 certificate has complied with the subpoena or warrant or has
45 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.

Sec. 72. NRS 630A.545 is hereby amended to read as follows:

630A.545 1. Any disciplinary action taken by a hearing officer or panel pursuant to NRS 630A.160 is subject to the same procedural requirements which apply to disciplinary actions taken by the ~~{Board}~~ *Division*, and the officer or panel has the powers and duties given to the ~~{Board}~~ *Division* in relation thereto.

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

Sec. 73. NRS 630A.550 is hereby amended to read as follows:

630A.550 The filing and review of a complaint, its dismissal without further action or its transmittal to the Attorney General, and any subsequent disposition by the ~~{Board}~~ *Division*, the Attorney General or any reviewing court do not preclude:

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

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

Sec. 74. NRS 630A.555 is hereby amended to read as follows:

630A.555 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



1 written statement to the ~~{Board}~~ **Division**, requesting that such
2 documents and information be made public records.

3 2. ~~{The}~~ **Any** charging documents filed with the ~~{Board}~~
4 **Division** to initiate disciplinary action ~~{pursuant to chapter 622A of~~
5 ~~NRS}~~ and all documents and information considered by the ~~{Board}~~
6 **Division** when determining whether to impose discipline are public
7 records.

8 3. The ~~{Board}~~ **Division** shall, to the extent feasible,
9 communicate or cooperate with or provide any documents or other
10 information to any other licensing ~~{board}~~ **entity** or any other agency
11 that is investigating a person, including, without limitation, a law
12 enforcement agency.

13 **Sec. 75.** NRS 630A.557 is hereby amended to read as follows:

14 630A.557 Any ~~{member or}~~ agent **or employee** of the ~~{Board}~~
15 **Division** may enter any premises in this State where a person who
16 holds a license or certificate issued pursuant to the provisions of this
17 chapter practices homeopathic medicine and inspect it to determine
18 whether a violation of any provision of this chapter has occurred,
19 including, without limitation, an inspection to determine whether
20 any person at the premises is practicing homeopathic medicine
21 without the appropriate license or certificate issued pursuant to the
22 provisions of this chapter.

23 **Sec. 76.** NRS 630A.560 is hereby amended to read as follows:

24 630A.560 ~~{In a manner consistent with the provisions of~~
25 ~~chapter 622A of NRS, the Board}~~ **The Division** is authorized to
26 prosecute all persons guilty of violation of the provisions of this
27 chapter and may employ investigators and such other assistants as
28 may be necessary to carry out the provisions of this chapter . ~~{and~~
29 ~~chapter 622A of NRS, but any expenses so incurred must not be~~
30 ~~paid out of the State General Fund.}~~

31 **Sec. 77.** NRS 630A.565 is hereby amended to read as follows:

32 630A.565 1. In addition to any other remedy provided by
33 law, the ~~{Board, through its President or Secretary Treasurer or the~~
34 ~~Attorney General.}~~ **Division** may apply to any court of competent
35 jurisdiction to:

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

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

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

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

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



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

(c) Pending proceedings for disciplinary action by the ~~[Board.]~~ **Division.**

Sec. 78. NRS 630A.570 is hereby amended to read as follows:

630A.570 1. The ~~[Board through its President or Secretary-Treasurer or the Attorney General]~~ **Division** may maintain in any court of competent jurisdiction a suit for an injunction against any person or persons practicing homeopathic medicine without a license or practicing as an advanced practitioner of homeopathy or as a homeopathic assistant without the appropriate certificate.

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



1 medicine without a license or certificate issued pursuant to this
2 chapter, the ~~{Board}~~ *Division* may:

3 (a) Issue and serve on the person an order to cease and desist
4 until the person obtains from the ~~{Board}~~ *Division* the proper license
5 or certificate or otherwise demonstrates that he or she is no longer in
6 violation of subsection 1. An order to cease and desist must include
7 a telephone number with which the person may contact the ~~{Board-}~~
8 *Division*.

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

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

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

21 **Sec. 81.** Chapter 631 of NRS is hereby amended by adding
22 thereto a new section to read as follows:

23 *"Division" means the Division of Occupational Licensing of*
24 *the Department of Business and Industry.*

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

26 631.005 As used in this chapter, unless the context otherwise
27 requires, the words and terms defined in NRS 631.015 to 631.105,
28 inclusive, *and section 81 of this act*, have the meanings ascribed to
29 them in those sections.

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

31 631.070 "License" means a certificate issued by the ~~{Board}~~
32 *Division* to any applicant upon completion of requirements for
33 admission to practice dental hygiene, dental therapy or dentistry, or
34 any of the special branches of dentistry, as provided by the license.

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

36 631.100 "Renewal certificate" means the certificate of renewal
37 of a license issued by the ~~{Board-}~~ *Division*.

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

39 631.170 ~~{1. The Board shall meet whenever necessary to~~
40 ~~examine applicants.}~~ The dates of the examinations *of applicants*
41 must be fixed by the ~~{Board-}~~ *Division*. The ~~{Board}~~ *Division* may
42 conduct examinations outside this State, and for this purpose may
43 use the facilities of dental colleges.

44 ~~{2. The members who are dental hygienists or dental therapists~~
45 ~~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.* Except as otherwise provided in NRS 631.368, the records must be open to public inspection.

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

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

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

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

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

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

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

(d) Extracts teeth;

(e) Corrects malpositions of the teeth or jaws;

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

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

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

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



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

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

(l) Determines:

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

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

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

(1) Dispensing or using a product that may be purchased 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(l)(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



1 the Department of Health and Human Services pursuant to NRS
2 425.520. The statement must be completed and signed by the
3 applicant.

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

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

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

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

12 (a) Fails to submit the statement required pursuant to subsection
13 1; or

14 (b) Indicates on the statement submitted pursuant to subsection
15 1 that the applicant is subject to a court order for the support of a
16 child and is not in compliance with the order or a plan approved by
17 the district attorney or other public agency enforcing the order for
18 the repayment of the amount owed pursuant to the order.

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

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

29 631.230 1. Any person is eligible to apply for a license to
30 practice dentistry in the State of Nevada who:

31 (a) Is over the age of 21 years;

32 (b) Is a graduate of an accredited dental school or college; and

33 (c) Is of good moral character.

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

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

40 631.240 1. Any person desiring to obtain a license to practice
41 dentistry in this State, after having complied with the regulations of
42 the ~~{Board}~~ *Division* to determine eligibility:

43 (a) Except as otherwise provided in NRS 622.090, must present
44 to the ~~{Board}~~ *Division* a certificate granted by the Joint
45 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 unless the dentist or person has been issued a permit authorizing him or her to do so by the ~~[Board]~~ *Division*.

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

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

631.271 1. The ~~[Board]~~ *Division* shall, without a clinical examination required by NRS 631.240, 631.300 or 631.3121, issue a limited license to practice dentistry, dental hygiene or dental therapy to a person who:

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

(b) Pays the required application fee;

(c) Has entered into a contract with:

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

(2) An accredited program of dentistry, dental hygiene or dental therapy of an institution which is accredited by a regional educational accrediting organization that is recognized by the United States Department of Education to provide services as a dental intern, dental resident or instructor of dentistry, dental hygiene or dental therapy at an educational or outpatient clinic, hospital or other facility of the institution and accredited by the



Commission on Dental Accreditation of the American Dental Association or its successor specialty accrediting organization;

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

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

(1) 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;

(2) Presents to the ~~{Board}~~ Division a certificate granted by the Western Regional Examining Board which contains a notation that the person has passed, within the 5 years immediately preceding the date of the application, a clinical examination administered by 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 entities other than the Nevada System of Higher Education or an accredited program of dentistry, dental hygiene or dental therapy with whom the person is under contract pursuant to paragraph (c) of subsection 1. The ~~{Board}~~ *Division* shall, by regulation, prescribe the standards, conditions and other requirements for the issuance of a permit.

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

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

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

8. The ~~{Board}~~ *Division* may revoke a limited license and a permit issued pursuant to this section, if any, 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. 99. NRS 631.2715 is hereby amended to read as follows:

631.2715 1. The ~~{Board}~~ *Division* shall, without a clinical examination required by NRS 631.240 or 631.300, issue a limited license to a person to supervise courses of continuing education



1 involving live patients at an institute or organization with a
2 permanent facility registered with the ~~{Board}~~ Division for the sole
3 purpose of providing postgraduate continuing education in dentistry
4 if the person has received a degree from a dental school or college
5 accredited by the Commission on Dental Accreditation of the
6 American Dental Association or its successor.

7 2. A limited license issued pursuant to this section expires 1
8 year after the date of its issuance and may be renewed annually
9 upon submission of proof acceptable to the ~~{Board}~~ Division of
10 compliance with subsection 1 and payment of any fee required
11 pursuant to subsection 3.

12 3. The ~~{Board}~~ Division may impose a fee of not more than
13 \$100 for the issuance and each renewal of a limited license issued
14 pursuant to this section.

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

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

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

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

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

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

29 (b) Any incident which:

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

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

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

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

37 631.272 1. Except as otherwise provided in this section, the
38 ~~{Board}~~ Division shall, without a clinical examination required by
39 NRS 631.240, issue a temporary license to practice dentistry to a
40 person who:

41 (a) Has a license to practice dentistry issued pursuant to the laws
42 of another state or territory of the United States, or the District of
43 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



1 NRS 631.3121, issue a temporary license to practice dental therapy
2 to a person who:

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

6 (b) Satisfies the requirements of NRS 631.312;

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

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

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

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

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

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

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

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

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

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

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

39 5. Any person who, on July 1, 2021, holds a temporary license
40 to practice dental therapy issued pursuant to this section may,
41 subject to the regulatory and disciplinary authority of the ~~{Board}~~ **Division**,
42 practice dental therapy under the temporary license until
43 July 1, 2023, or until the person is qualified to apply for and is
44 issued or denied a permanent license to practice dental therapy in
45 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 ~~{Board}~~ 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 the holder no longer satisfies the requirements for the restricted license. The holder of a restricted license may, upon compliance with the applicable requirements set forth in NRS 631.330 and the completion of a review conducted at the discretion of the ~~{Board}~~ Division of Professional Licensing be granted a renewal certificate that authorizes the continuation of practice pursuant to the restricted license for 1 year.

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

6. The ~~{Board}~~ Division may revoke a restricted 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. 104. NRS 631.280 is hereby amended to read as follows:

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

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

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

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



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

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

(a) Is of good moral character;

(b) Is over 18 years of age; and

(c) Is a graduate of a program of dental hygiene 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 hygiene 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 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.]~~



1 **Sec. 108.** NRS 631.310 is hereby amended to read as follows:
2 631.310 1. Except as otherwise provided in NRS 631.271
3 and 631.287, the holder of a license or renewal certificate to practice
4 dental hygiene may practice dental hygiene in this State in the
5 following places:

6 (a) In the office of any licensed dentist.

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

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

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

16 (e) In an accredited school of dental hygiene.

17 (f) In other places if specified in a regulation adopted by the
18 ~~[Board]~~ *Division*.

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

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

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

28 631.312 1. Any person is eligible to apply for a license to
29 practice dental therapy in this State who:

30 (a) Is of good moral character;

31 (b) Is over 18 years of age;

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

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

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

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

44 2. To determine whether a person has good moral character,
45 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 . ~~[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
Application fee for an initial license to practice dental hygiene	750
Application fee for an initial license to practice dental therapy	1,000
Application fee for a specialist's license to practice dentistry.....	300
Application fee for a limited license or restricted license to practice dentistry, dental hygiene or dental therapy	300
Fee for administering a clinical examination in dentistry.....	2,500
Fee for administering a clinical examination in dental hygiene or dental therapy	1,500
Application and examination fee for a permit to administer general anesthesia, minimal sedation, moderate sedation or deep sedation	750
Fee for any reinspection required by the {Board} <i>Division</i> to maintain a permit to administer general anesthesia, minimal sedation, moderate sedation or deep sedation	500
Biennial renewal fee for a permit to administer general anesthesia, minimal sedation, moderate sedation or deep sedation	600
Fee for the inspection of a facility required by the {Board} <i>Division</i> to renew a permit to administer general anesthesia, minimal sedation, moderate sedation or deep sedation	350
Fee for the inspection of a facility required by the {Board} <i>Division</i> to ensure compliance with infection control guidelines.....	500
Biennial license renewal fee for a general license, specialist's license, temporary license or restricted geographical license to practice dentistry.....	1,000



Annual license renewal fee for a limited license or restricted license to practice dentistry	\$300
Biennial license renewal fee for a general license, temporary license or restricted geographical license to practice dental hygiene or dental therapy	600
Annual license renewal fee for a limited license to practice dental hygiene or dental therapy	300
Biennial license renewal fee for an inactive dentist	400
Biennial license renewal fee for a dentist who is 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



1 NRS 631.215, the ~~{Board}~~ *Division* may seek revocation of any
2 state business license held by that person by submitting a request for
3 such revocation to the Secretary of State.

4 2. Upon receipt of a request for a revocation of a state business
5 license pursuant to subsection 1, the Secretary of State shall revoke
6 that license in accordance with the provisions of this section and in
7 the manner provided in NRS 76.170 as if the holder of the license
8 had failed to comply with a provision of chapter 76 of NRS.

9 3. The Secretary of State shall not issue a new license to the
10 former holder of a state business license revoked pursuant to this
11 section unless the Secretary of State receives notification from the
12 ~~{Board}~~ *Division* that the ~~{Board}~~ *Division* is satisfied that the
13 person:

14 (a) Will comply with any regulations of the ~~{Board}~~ *Division*
15 adopted pursuant to the provisions of this chapter; and

16 (b) Will not commit any act described in subparagraph (1) or (2)
17 of paragraph (i) of subsection 2 of NRS 631.215 or any act
18 prohibited by regulations of the ~~{Board}~~ *Division* adopted pursuant
19 to the provisions of this chapter.

20 4. As used in this section, “state business license” has the
21 meaning ascribed to it in NRS 76.030.

22 **Sec. 122.** NRS 631.347 is hereby amended to read as follows:

23 631.347 Participating in any plan or practice in which patients
24 are required to select a dentist from a preselected group constitutes
25 unprofessional conduct unless those patients are also offered a plan
26 which provides them with a reasonable opportunity to select a
27 dentist of their own choice. The ~~{Board}~~ *Division* may not revoke
28 the license of a person who participates in such a plan or practice
29 but may take any other action authorized in this chapter regarding
30 unprofessional conduct.

31 **Sec. 123.** NRS 631.3475 is hereby amended to read as
32 follows:

33 631.3475 The following acts, among others, constitute
34 unprofessional conduct:

35 1. Malpractice;

36 2. Professional incompetence;

37 3. Suspension or revocation of a license to practice dentistry,
38 the imposition of a fine or other disciplinary action by any agency of
39 another state authorized to regulate the practice of dentistry in that
40 state;

41 4. More than one act by the dentist, dental hygienist or dental
42 therapist constituting substandard care in the practice of dentistry,
43 dental hygiene or dental therapy;



1 5. Administering, dispensing or prescribing any controlled
2 substance or any dangerous drug as defined in chapter 454 of NRS,
3 if it is not required to treat the dentist's patient;

4 6. Knowingly procuring or administering a controlled
5 substance or a dangerous drug as defined in chapter 454 of NRS that
6 is not approved by the United States Food and Drug Administration,
7 unless the unapproved controlled substance or dangerous drug:

8 (a) Was procured through a retail pharmacy licensed pursuant to
9 chapter 639 of NRS;

10 (b) Was procured through a Canadian pharmacy which is
11 licensed pursuant to chapter 639 of NRS and which has been
12 recommended by the State Board of Pharmacy pursuant to
13 subsection 4 of NRS 639.2328; or

14 (c) Is cannabis being used for medical purposes in accordance
15 with chapter 678C of NRS;

16 7. Having an alcohol or other substance use disorder to such an
17 extent as to render the person unsafe or unreliable as a practitioner,
18 or such gross immorality as tends to bring reproach upon the dental
19 profession;

20 8. Conviction of a felony or misdemeanor involving moral
21 turpitude or which relates to the practice of dentistry in this State, or
22 conviction of any criminal violation of this chapter;

23 9. Conviction of violating any of the provisions of NRS
24 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
25 inclusive;

26 10. Failure to comply with the provisions of NRS 453.163,
27 453.164, 453.226, 639.23507, 639.23535 and 639.2391 to
28 639.23916, inclusive, and any regulations adopted by the State
29 Board of Pharmacy pursuant thereto.

30 11. Fraudulent, illegal, unauthorized or otherwise inappropriate
31 prescribing, administering or dispensing of a controlled substance
32 listed in schedule II, III or IV;

33 12. Failure to comply with the provisions of NRS 454.217 or
34 629.086;

35 13. Failure to obtain any training required by the ~~[Board]~~
36 **Division** pursuant to NRS 631.344; or

37 14. Operation of a medical facility, as defined in NRS
38 449.0151, at any time during which:

39 (a) The license of the facility is suspended or revoked; or

40 (b) An act or omission occurs which results in the suspension or
41 revocation of the license pursuant to NRS 449.160.

42 ➤ This subsection applies to an owner or other principal responsible
43 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**



1 receives a report pursuant to subsection 5 of NRS 228.420, a hearing
2 must be held within 30 days after receiving the report.

3 4. The ~~{Board}~~ *Division* may compel the attendance of
4 witnesses or the production of documents or objects by subpoena.
5 ~~{The Board may adopt regulations that set forth a procedure~~
6 ~~pursuant to which the Executive Director may issue subpoenas on~~
7 ~~behalf of the Board.}~~ Any person who is subpoenaed pursuant to this
8 subsection may request the ~~{Board}~~ *Division* to modify the terms of
9 the subpoena or grant additional time for compliance.

10 5. The ~~{Board}~~ *Division* may obtain a search warrant from a
11 magistrate upon a showing that the warrant is needed for an
12 investigation or hearing being conducted by the ~~{Board}~~ *Division*
13 and that reasonable cause exists to issue the warrant.

14 6. ~~{If the Board is not sitting at the time and place fixed in the~~
15 ~~notice, or at the time and place to which the hearing has been~~
16 ~~continued, the Board shall continue the hearing for a period not to~~
17 ~~exceed 30 days.~~

18 —7.} The ~~{Board}~~ *Division* shall retain all complaints received by
19 the ~~{Board}~~ *Division* pursuant to this section for at least 10 years,
20 including, without limitation, any complaints not acted upon.

21 **Sec. 130.** NRS 631.363 is hereby amended to read as follows:

22 631.363 1. The ~~{Board}~~ *Division* may ~~{appoint one of its~~
23 ~~members and}~~ *designate* any of its employees, investigators or other
24 agents to conduct an investigation and informal hearing concerning
25 any practice by a person constituting a violation of the provisions of
26 this chapter or the regulations of the ~~{Board.}~~ *Division*.

27 2. The ~~{investigator}~~ *person* designated by the ~~{Board to~~
28 ~~conduct a hearing}~~ *Division pursuant to subsection 1* shall notify
29 the person being investigated at least 10 days before the date set for
30 the hearing. The notice must describe the reasons for the
31 investigation and must be served personally on the person being
32 investigated or by mailing it by registered or certified mail to his or
33 her last known address.

34 3. If, after the hearing, the ~~{investigator}~~ *person designated by*
35 *the Division pursuant to subsection 1* determines that the ~~{Board}~~
36 *Division* should take further action concerning the matter, the
37 ~~{investigator}~~ *person* shall prepare written findings of fact and
38 conclusions and submit them to the ~~{Board.}~~ *Division*. A copy of the
39 report must be sent to the person being investigated.

40 4. If the ~~{Board.}~~ *Division*, after receiving the report of ~~{its~~
41 ~~investigator}~~ *the person designated* pursuant to ~~{this section,}~~
42 *subsection 1*, holds its own hearing on the matter pursuant to NRS
43 631.360, it may consider the ~~{investigator's}~~ *report of the person*
44 but is not bound by his or her findings or conclusions. The
45 ~~{investigator}~~ *person* and any member of a review panel appointed



pursuant to NRS 631.3635 shall not participate in the hearing conducted by the ~~[Board]~~ *Division*.

5. If the person who was investigated agrees in writing to the findings and conclusions of the ~~[investigator,]~~ *person designated pursuant to subsection 1*, the ~~[Board]~~ *Division* may adopt that report as its final order and take such action as is necessary without conducting its own hearing on the matter.

Sec. 131. NRS 631.3635 is hereby amended to read as follows:

631.3635 1. The ~~[Board]~~ *Division* shall appoint a panel to review an investigation or informal hearing conducted pursuant to NRS 631.363. ~~[Such]~~ *The Administrator shall determine the number of members and qualifications of the members of such a panel. [must consist of:*

~~—(a) If the subject of the investigation or informal hearing is a holder of a license to practice dental hygiene, one member of the Board who is a holder of a license to practice dentistry, one member of the Board who is a holder of a license to practice dental hygiene and one holder of a license to practice dental hygiene who is not a member of the Board and is not the subject of the investigation or informal hearing.~~

~~—(b) If the subject of the investigation or informal hearing is a holder of a license to practice dentistry or any other person not described in paragraph (a), one member of the Board who is a holder of a license to practice dentistry, one member of the Board who is a holder of a license to practice dental hygiene and one holder of a license to practice dentistry who is not a member of the Board and is not the subject of the investigation or informal hearing.]~~

2. A review panel appointed pursuant to subsection 1 shall, in conducting a review of an investigation or informal hearing conducted pursuant to NRS 631.363, review and consider, without limitation:

(a) All files and records collected or produced by the investigator;

(b) Any written findings of fact and conclusions prepared by the investigator; and

(c) Any other information deemed necessary by the review panel.

3. The investigator who conducted the investigation or informal hearing pursuant to NRS 631.363 shall not participate in a review conducted pursuant to subsection 1.

4. Before the ~~[Board]~~ *Division* takes any action or makes any disposition relating to a complaint, the review panel appointed pursuant to subsection 1 to conduct a review of the investigation or



informal hearing relating to the complaint shall present to the ~~{Board}~~ **Division** its findings and recommendation relating to the investigation or informal hearing, and the ~~{Board}~~ **Division** shall review and consider those findings and recommendations.

5. Meetings held by a review panel appointed pursuant to subsection 1 are not subject to the provisions of chapter 241 of NRS.

Sec. 132. NRS 631.364 is hereby amended to read as follows:

631.364 1. The ~~{Executive Director of the Board or his or her designee}~~ **Division of Professional Licensing** shall review and evaluate any complaint or information received from the Investigation Division of the Department of Public Safety or the State Board of Pharmacy, including, without limitation, information 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,



1 illegal, unauthorized or otherwise inappropriate prescription, the
2 ~~{Board}~~ **Division** must impose appropriate disciplinary action.

3 5. When deemed appropriate, the ~~{Executive Director of the}~~
4 ~~Board}~~ **Division** may:

5 (a) Refer information acquired during a review and evaluation
6 conducted pursuant to subsection 1 to another professional licensing
7 ~~{board,}~~ **entity**, law enforcement agency or other appropriate
8 governmental entity for investigation and criminal or administrative
9 proceedings.

10 (b) Postpone any notification, review or part of such a review
11 required by this section if ~~{he or she}~~ **the Division** determines that it
12 is necessary to avoid interfering with any pending administrative or
13 criminal investigation into the suspected fraudulent, illegal,
14 unauthorized or otherwise inappropriate prescribing, dispensing or
15 use of a controlled substance.

16 6. The ~~{Board}~~ **Division** shall:

17 (a) Adopt regulations providing for disciplinary action against a
18 licensee for inappropriately prescribing a controlled substance listed
19 in schedule II, III or IV or violating the provisions of NRS 639.2391
20 to 639.23916, inclusive, and any regulations adopted by the State
21 Board of Pharmacy pursuant thereto. Such disciplinary action must
22 include, without limitation, requiring the licensee to complete
23 additional continuing education concerning prescribing controlled
24 substances listed in schedules II, III and IV.

25 (b) Develop and disseminate to each dentist licensed pursuant to
26 this chapter or make available on the Internet website of the ~~{Board}~~
27 **Division** an explanation or a technical advisory bulletin to inform
28 those dentists of the requirements of this section and NRS 631.365,
29 639.23507 and 639.2391 to 639.23916, inclusive, and any
30 regulations adopted pursuant thereto. The ~~{Board}~~ **Division** shall
31 update the explanation or bulletin as necessary to include any
32 revisions to those provisions of law or regulations. The explanation
33 or bulletin must include, without limitation, an explanation of the
34 requirements that apply to specific controlled substances or
35 categories of controlled substances.

36 **Sec. 133.** NRS 631.365 is hereby amended to read as follows:

37 631.365 1. If the ~~{Board}~~ **Division** determines from an
38 investigation of a licensee that the health, safety or welfare of the
39 public or any patient served by the licensee is at risk of imminent or
40 continued harm because of the manner in which the licensee
41 prescribed, administered, dispensed or used a controlled substance,
42 the ~~{Board}~~ **Division** may summarily suspend the licensee's
43 authority to prescribe, administer or dispense a controlled substance
44 listed in schedule II, III or IV pending a determination upon the
45 conclusion of a hearing to consider a formal complaint against the



licensee. An order of summary suspension may be issued only by the ~~{Board, the President of the Board, the presiding officer of an investigative committee convened by the Board to conduct the investigation}~~ **Division** or the ~~{member,}~~ employee, investigator or other agent of the ~~{Board}~~ **Division** who conducted the investigation.

2. If an order to summarily suspend a licensee's authority to prescribe, administer or dispense a controlled substance listed in schedule II, III or IV is issued pursuant to subsection 1 by ~~{the presiding officer of an investigative committee of the Board or a member,}~~ **an** employee, investigator or other agent of the ~~{Board,}~~ **Division**, that person shall not participate in any further proceedings 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 the witness. If it appears to the court that the subpoena was regularly issued by or on behalf of the ~~{Board}~~ **Division** and there is no reasonable cause for the refusal or failure to comply, the court shall thereupon enter an order that the witness appear before the ~~{Board}~~ **Division** at the time and place fixed in the order and testify or produce the required books or papers, and upon failure to obey the order the witness must be dealt with as if in contempt of court.

4. The court may consider, in determining whether reasonable cause existed for the witness's refusal or failure to comply with the subpoena, such factors as:

(a) The burden or cost of compliance, financial or otherwise, to the witness;

(b) The time allowed for compliance;

(c) The extent of the information requested in relation to the nature of the underlying charge; and

(d) The extent of the statistical information necessary to investigate the charge adequately.

Sec. 135. NRS 631.368 is hereby amended to read as follows:

631.368 1. Except as otherwise provided in this section and NRS 239.0115, any records or information obtained during the course of an investigation by the ~~{Board}~~ **Division** or a review panel appointed pursuant to NRS 631.3635 and any record of the investigation or review are confidential.

2. The complaint or other document filed by 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 ~~{Board}~~ **Division** shall, to the extent feasible, communicate or cooperate with or provide any record or information described in subsection 1 to any ~~{other}~~ **entity** licensing ~~{board}~~ **entity** or any other agency that is investigating a person, including a law enforcement agency.



Sec. 136. NRS 631.375 is hereby amended to read as follows:

631.375 All artificial teeth, dentures or other removable dental appliances, at the time they are manufactured or sent to a laboratory for repair, must be identified with the name or social security number of the owner by:

1. Embedding the name or number in the material of the appliance;

2. Adding the name or number with an adhesive; or

3. Marking the appliance in any manner consistent with advances in technology and approved by the ~~{Board,}~~ *Division*.

Sec. 137. NRS 631.378 is hereby amended to read as follows:

631.378 1. Any person who furnishes information to the ~~{Board,}~~ *Division* concerning a licensee or an applicant for licensure, in good faith and without malicious intent, is immune from any civil action for furnishing that information.

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

(a) Any decision or action taken in good faith and without malicious intent in response to information acquired by the ~~{Board,}~~ *Division*.

(b) Disseminating information concerning a licensee or an applicant for licensure to any member of the public, ~~{other}~~ licensing ~~{board,}~~ *entity*, national association of registered boards, an agency of the Federal Government or of the State, the Attorney General or any law enforcement agency.

3. A defendant who is the prevailing party in a civil action brought pursuant to subsection 2 may recover the attorney's fees and costs incurred in defending the action.

Sec. 138. NRS 631.380 is hereby amended to read as follows:

631.380 All licenses and renewal certificates to practice dentistry or a specialty thereof heretofore issued by the Board *of Dental Examiners of Nevada* and in force on March 20, 1951, shall remain in force subject to the provisions of this chapter, and shall entitle the holders to practice their profession as therein designated.

Sec. 139. NRS 631.388 is hereby amended to read as follows:

631.388 A person who manages the business of a dental practice, office or clinic shall register with the ~~{Board,}~~ *Division*:

1. The name and business address of the person;

2. The address of the dental practice, office or clinic of the business which the person manages; and



3. The names of the licensed dentist or other entity not prohibited from owning or operating a dental practice, office or clinic whose business the person manages.

Sec. 140. NRS 631.391 is hereby amended to read as follows:

631.391 1. The ~~Board~~ **Division** shall adopt regulations prescribing the training that a dentist must receive before injecting:

(a) A neuromodulator that is derived from Clostridium botulinum;

(b) A neuromodulator that is biosimilar to or the bioequivalent of a neuromodulator described in paragraph (a); or

(c) Dermal or soft tissue fillers.

2. A dentist who has received the training prescribed pursuant to subsection 1 shall present proof of such training upon the request of a patient or any state or local governmental agency or agent thereof.

3. As used in this section “dermal or soft tissue filler” has the meaning ascribed to it in NRS 629.086.

Sec. 141. NRS 631.395 is hereby amended to read as follows:

631.395 A person is guilty of the illegal practice of dentistry, dental hygiene or dental therapy who:

1. Sells or barter, or offers to sell or barter, any diploma or document conferring or purporting to confer any dental degree, or any certificate or transcript made or purporting to be made pursuant to the laws regulating the licensing and registration of dentists, dental hygienists or dental therapists;

2. Purchases or procures by barter any such diploma, certificate or transcript, with the intent that it be used as evidence of the holder’s qualifications to practice dentistry, or in fraud of the laws regulating that practice;

3. With fraudulent intent, alters in a material regard any such diploma, certificate or transcript;

4. Uses or attempts to use any diploma, certificate or transcript, which has been purchased, fraudulently issued, counterfeited or materially altered, either as a license or color of license to practice dentistry, or in order to procure registration as a dentist, dental hygienist or dental therapist;

5. Practices dentistry under a false or assumed name;

6. Assumes the degree of “Doctor of Dental Surgery” or “Doctor of Dental Medicine” or appends the letters “D.D.S.” or “D.M.D.” or “R.D.H.” to his or her name, not having conferred upon him or her, by diploma from an accredited dental or dental hygiene college or school legally empowered to confer the title, the right to assume the title, or assumes any title or appends any letters to his or her name with the intent to represent falsely that he or she has received a dental degree or license;



7. Willfully makes, as an applicant for examination, license or registration under this chapter, a false statement in a material regard in an affidavit required by this chapter;

8. Within 10 days after a demand is made by the ~~Secretary-Treasurer,~~ **Division**, fails to furnish to the ~~Board~~ **Division** the names and addresses of all persons practicing or assisting in the practice of dentistry in the office of the person at any time within 60 days before the notice, together with a sworn statement showing under and by what license or authority the person and his or her employee are and have been practicing dentistry, but the affidavit must not be used as evidence against the person in any proceeding 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 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 *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. 148.** NRS 633.181 is hereby amended to read as follows:

9 633.181 The State Board of Osteopathic Medicine consists of
10 ~~[seven]~~ *eight* members appointed by the Governor.

11 **Sec. 149.** NRS 633.191 is hereby amended to read as follows:

12 633.191 1. Five members of the Board must:

13 (a) Be licensed under this chapter;

14 (b) Be actually engaged in the practice of osteopathic medicine
15 in this State; and

16 (c) Have been so engaged in this State for a period of more than
17 5 years preceding their appointment.

18 2. *One member of the Board must:*

19 (a) *Be licensed to practice as a physician assistant under this*
20 *chapter;*

21 (b) *Be actually engaged in practice as a physician assistant in*
22 *this State; and*

23 (c) *Have been so engaged in this State for a period of more*
24 *than 5 years preceding his or her appointment.*

25 3. One member of the Board must be a resident of the State of
26 Nevada and must represent the interests of persons or agencies that
27 regularly provide health care to patients who are indigent, uninsured
28 or unable to afford health care. This member must not be licensed
29 under the provisions of this chapter.

30 ~~[3-]~~ 4. The remaining member of the Board must be a resident
31 of the State of Nevada who is:

32 (a) Not licensed in any state to practice any healing art;

33 (b) Not the spouse or the parent or child, by blood, marriage or
34 adoption, of a person licensed in any state to practice any healing
35 art; and

36 (c) Not actively engaged in the administration of any medical
37 facility or facility for the dependent as defined in chapter 449 of
38 NRS.

39 **Sec. 150.** NRS 633.261 is hereby amended to read as follows:

40 633.261 1. All reasonable expenses incurred by the Board in
41 carrying out the provisions of this chapter shall be paid from the
42 fees which it receives, and no part of the salaries or expenses of the
43 Board may be paid out of the General Fund of the State Treasury.

44 2. ~~[All]~~ *Except as otherwise provided in subsection 3, all*
45 *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.~~

~~—3.—~~ Adopt regulations not inconsistent with the provisions of this chapter. The regulations may include a code of ethics regulating the professional conduct of licensees.

~~{4.}~~ **3.** Compel the attendance of witnesses and the production of evidence by subpoena.

Sec. 156. NRS 634A.080 is hereby amended to read as follows:

634A.080 The ~~{Board}~~ *Division* shall:

1. ~~{Hold meetings at least once a year and at any other time at the request of the President or the majority of the members;~~

~~—2.— Have and use a common seal;~~

~~—3.— Deposit {in interest bearing accounts in the State of Nevada} all money received under the provisions of this chapter {which must be used to defray the expenses of the Board;~~

~~—4.— Operate on the basis of the fiscal year beginning July 1 and ending June 30; and~~

~~—5.— with the State Treasurer for credit to the Occupational Licensing Account created by section 14 of this act.~~

2. Keep ~~{a record of its proceedings}~~ *appropriate records concerning its activities under this chapter* which must be open to the public at all times and which must contain the name and business address of every registered licensee in this State.

Sec. 157. NRS 634A.083 is hereby amended to read as follows:

634A.083 Any ~~{member or}~~ agent *or employee* of the ~~{Board}~~ *Division* may enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices Oriental medicine and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing Oriental medicine without a license issued pursuant to the provisions of this chapter.



Sec. 158. NRS 634A.085 is hereby amended to read as follows:

634A.085 1. If a written complaint regarding a person who practices Oriental medicine is filed with the ~~{Board}~~ **Division**, the ~~{Board}~~ **Division** shall review the complaint. 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. If, from the complaint or from other records, it appears that the complaint is not frivolous, 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 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 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 doctor of Oriental medicine is temporarily exempt from licensure and may practice Oriental medicine 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 a doctor of Oriental medicine, the ~~Board~~ **Division** may grant an exemption of not more than 20 additional days for each competition or training session.

4. A doctor of Oriental medicine who is practicing Oriental medicine under an exemption described in this section shall not:

(a) Practice Oriental medicine at a medical facility;

(b) Provide services to persons who are not described in subsection 1 or 2, as applicable; or

(c) Practice Oriental medicine 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. 166. NRS 634A.165 is hereby amended to read as follows:

634A.165 1. The ~~{Board}~~ *Division* may adopt regulations for the issuance of temporary certificates to persons not licensed pursuant to this chapter. A temporary certificate may be issued:

(a) In connection with a bona fide educational seminar concerning Oriental medicine or acupuncture; or

(b) For the purpose of authorizing a person to engage in lecturing on or teaching Oriental medicine or acupuncture in this State on a short-term basis.

2. The ~~{Board}~~ *Division* may charge a fee for the issuance of a temporary certificate. The fee must not exceed an amount which adequately reimburses the ~~{Board}~~ *Division* for costs incurred in:

(a) Investigating an applicant under this section; and

(b) Monitoring a seminar, if the ~~{Board}~~ *Division* deems that action necessary.

Sec. 167. NRS 634A.167 is hereby amended to read as follows:

634A.167 1. To renew a license issued pursuant to this chapter, each person must, on or before February 1 of each year:

(a) Apply to the ~~{Board}~~ *Division* for renewal;

(b) Pay the annual fee for a license prescribed by the ~~{Board,}~~ *Division*, which must not exceed \$1,000;

(c) Submit evidence to the ~~{Board}~~ *Division* of completion of the requirements for continuing education; and

(d) Submit all information required to complete the renewal.

2. The ~~{Board}~~ *Division* shall, as a prerequisite for the renewal or reinstatement of a license, require each holder of a license to comply with the requirements for continuing education adopted by the ~~{Board,}~~ *Division*.

3. If the holder of a license fails to pay the fee or submit all required information by February 1 of each year, the license expires automatically. The license may be reinstated by payment of the required fee and submission of all required information within 90 days after the expiration of the license pursuant to this subsection.

Sec. 168. NRS 634A.170 is hereby amended to read as follows:

634A.170 The ~~{Board}~~ *Division* may refuse to issue or may suspend or revoke any license for any one or any combination of the following causes:

1. Conviction of:

(a) A felony relating to the practice of Oriental medicine;

(b) Any offense involving moral turpitude;



(c) A violation of any state or federal law regulating the possession, distribution or use of any controlled substance, as shown by a certified copy of the record of the court; or

(d) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

2. The obtaining of or any attempt to obtain a license or practice in the profession for money or any other thing of value, by fraudulent misrepresentations;

3. Gross or repeated malpractice, which may be evidenced by claims of malpractice settled against a practitioner;

4. Advertising by means of a knowingly false or deceptive statement;

5. Advertising, practicing or attempting to practice under a name other than one's own;

6. Habitual drunkenness or habitual addiction to the use of a controlled substance;

7. Using any false, fraudulent or forged statement or document, or engaging in any fraudulent, deceitful, dishonest or immoral practice in connection with the licensing requirements of this chapter;

8. Sustaining a physical or mental disability which renders 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;



1 19. Performing, assisting or advising in the injection of any
2 liquid silicone substance into the human body; and

3 20. Operation of a medical facility, as defined in NRS
4 449.0151, at any time during which:

5 (a) The license of the facility is suspended or revoked; or

6 (b) An act or omission occurs which results in the suspension or
7 revocation of the license pursuant to NRS 449.160.

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

10 **Sec. 169.** NRS 634A.175 is hereby amended to read as
11 follows:

12 634A.175 1. If the ~~{Board}~~ **Division** receives a copy of a
13 court order issued pursuant to NRS 425.540 that provides for the
14 suspension of all professional, occupational and recreational
15 licenses, certificates and permits issued to a person who is the
16 holder of a license issued pursuant to this chapter, the ~~{Board}~~
17 **Division** shall deem the license issued to that person to be
18 suspended at the end of the 30th day after the date on which the
19 court order was issued unless the ~~{Board}~~ **Division** receives a letter
20 issued to the holder of the license by the district attorney or other
21 public agency pursuant to NRS 425.550 stating that the holder of the
22 license has complied with the subpoena or warrant or has satisfied
23 the arrearage pursuant to NRS 425.560.

24 2. The ~~{Board}~~ **Division** shall reinstate a license issued
25 pursuant to this chapter that has been suspended by a district court
26 pursuant to NRS 425.540 if the ~~{Board}~~ **Division** receives a letter
27 issued by the district attorney or other public agency pursuant to
28 NRS 425.550 to the person whose license was suspended stating
29 that the person whose license was suspended has complied with the
30 subpoena or warrant or has satisfied the arrearage pursuant to
31 NRS 425.560.

32 **Sec. 170.** NRS 634A.180 is hereby amended to read as
33 follows:

34 634A.180 ~~{Notwithstanding the provisions of chapter 622A of~~
35 ~~NRS, if}~~ **If** the ~~{Board}~~ **Division** receives a report pursuant to
36 subsection 5 of NRS 228.420, a disciplinary proceeding regarding
37 the report must be commenced within 30 days after the ~~{Board}~~
38 **Division** receives the report.

39 **Sec. 171.** NRS 634A.185 is hereby amended to read as
40 follows:

41 634A.185 1. Except as otherwise provided in this section and
42 NRS 239.0115, a complaint filed with the ~~{Board,}~~ **Division**, all
43 documents and other information filed with the complaint and all
44 documents and other information compiled as a result of an
45 investigation conducted to determine whether to initiate disciplinary



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

4 2. ~~{The}~~ *Any* charging documents filed with the ~~{Board}~~
5 *Division* to initiate disciplinary action ~~{pursuant to chapter 622A of~~
6 ~~NRS}~~ and all documents and information considered by the ~~{Board}~~
7 *Division* when determining whether to impose discipline are public
8 records.

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

11 4. The ~~{Board}~~ *Division* shall, to the extent feasible,
12 communicate or cooperate with or provide any documents or other
13 information to any ~~{other}~~ licensing board or any other agency that
14 is investigating a person, including, without limitation, a law
15 enforcement agency.

16 **Sec. 172.** NRS 634A.225 is hereby amended to read as
17 follows:

18 634A.225 1. No seminar concerning Oriental medicine or
19 acupuncture may be conducted in this State except in accordance
20 with regulations prescribed by the ~~{Board}~~ *Division* for bona fide
21 educational seminars.

22 2. Any person who violates subsection 1 is guilty of a
23 misdemeanor.

24 **Sec. 173.** NRS 634A.228 is hereby amended to read as
25 follows:

26 634A.228 Unless the ~~{Board}~~ *Division* determines that
27 extenuating circumstances exist, the ~~{Board}~~ *Division* shall forward
28 to the appropriate law enforcement agency any substantiated
29 information submitted to the ~~{Board}~~ *Division* concerning a person
30 who practices or offers to practice Oriental medicine without a
31 license issued pursuant to the provisions of this chapter.

32 **Sec. 174.** NRS 634A.230 is hereby amended to read as
33 follows:

34 634A.230 1. Any person who represents himself or herself as
35 a practitioner of Oriental medicine, or any branch thereof, or who
36 engages in the practice of Oriental medicine, or any branch thereof,
37 in this State without holding a valid license issued by the ~~{Board}~~
38 *Division* is guilty of a gross misdemeanor, unless a greater penalty
39 is provided pursuant to NRS 200.830 or 200.840.

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

43 (a) Issue and serve on the person an order to cease and desist
44 until the person obtains from the ~~{Board}~~ *Division* the proper license
45 or otherwise demonstrates that he or she is no longer in violation of



1 subsection 1. An order to cease and desist must include a telephone
2 number with which the person may contact the ~~{Board}~~ *Division*.

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

11 (c) Assess against the person an administrative fine as provided
12 in NRS 634A.250.

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

15 **Sec. 175.** NRS 634A.240 is hereby amended to read as
16 follows:

17 634A.240 1. The ~~{Board}~~ *Division* may maintain in any court
18 of competent jurisdiction a suit for an injunction against any person
19 who violates any provision of this chapter.

20 2. Such an injunction:

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

24 (b) Shall not relieve such person from any criminal prosecution
25 for the violation.

26 **Sec. 176.** NRS 634A.250 is hereby amended to read as
27 follows:

28 634A.250 In addition to any other penalties prescribed by law,
29 the ~~{Board}~~ *Division* may, after notice and a hearing, as required by
30 law, impose upon any person who violates any provision of this
31 chapter or the regulations adopted pursuant thereto an administrative
32 fine of not more than \$2,500.

33 **Sec. 177.** Chapter 635 of NRS is hereby amended by adding
34 thereto a new section to read as follows:

35 *The Board shall comply with:*

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

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

43 **Sec. 178.** NRS 635.040 is hereby amended to read as follows:

44 635.040 1. ~~{All}~~ *Except as otherwise provided in subsection*
45 *3, all* fees provided for in this chapter must be paid to the Treasurer



1 of the Board, who shall deposit the fees in banks, credit unions,
2 savings and loan associations or savings banks in this State. All of
3 the salaries and expenses for the operation of the Board must be
4 paid from the fees.

5 2. The Board shall deposit the money collected from the
6 imposition of civil penalties with the State Treasurer for credit to the
7 State General Fund, and may present a claim to the State Board of
8 Examiners for recommendation to the Interim Finance Committee if
9 money is needed to pay attorneys' fees or the costs of an
10 investigation, or both.

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

15 **Sec. 179.** Chapter 636 of NRS is hereby amended by adding
16 thereto a new section to read as follows:

17 *The Board shall comply with:*

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

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

25 **Sec. 180.** NRS 636.110 is hereby amended to read as follows:

26 636.110 1. Except as otherwise provided in ~~subsection~~
27 *subsections 3 and 4*, all money coming into possession of the
28 Board must be deposited by the Executive Director in a special fund
29 to be expended for payment of compensation and expenses of
30 members of the Board and for other necessary or proper purposes in
31 the administration of this chapter. The Executive Director shall
32 deposit the money in banks, credit unions, savings and loan
33 associations or savings banks in this State.

34 2. The Board may delegate to a hearing officer or panel its
35 authority to take any disciplinary action pursuant to this chapter,
36 impose and collect administrative fines and penalties therefor and
37 forward the money therefrom to the Executive Director for deposit
38 in banks, credit unions, savings and loan associations or savings
39 banks in this State.

40 3. If a hearing officer or panel is not authorized to take
41 disciplinary action pursuant to subsection 2 and the Board deposits
42 the money collected from the imposition of administrative fines and
43 penalties with the State Treasurer for credit to the State General
44 Fund, it may present a claim to the State Board of Examiners for
45 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 all expenses incurred in the administration of the provisions of this chapter.

2. 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, impose and collect administrative 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 administrative fines with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

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. 183. Chapter 637B 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. 184.** NRS 637B.145 is hereby amended to read as
9 follows:

10 637B.145 1. ~~[A]]~~ *Except as otherwise provided in*
11 *subsection 4, all* fees collected under the provisions of this chapter
12 must be paid to the Board to be used to defray the necessary
13 expenses of the Board. The Board shall deposit the fees in qualified
14 banks, credit unions, savings and loan associations or savings banks
15 in this State.

16 2. In a manner consistent with the provisions of chapter 622A
17 of NRS, the Board may delegate to a hearing officer or panel its
18 authority to take any disciplinary action pursuant to this chapter,
19 impose and collect civil penalties therefor and deposit the money
20 therefrom in banks, credit unions, savings and loan associations or
21 savings banks in this State.

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

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

33 **Sec. 185.** Chapter 639 of NRS is hereby amended by adding
34 thereto a new section to read as follows:

35 *The Board shall comply with:*

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

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

43 **Sec. 186.** NRS 639.081 is hereby amended to read as follows:

44 639.081 1. Except as otherwise provided in ~~[subsection]~~
45 *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



1 and it is necessary to use the original record, rather than a photocopy
2 of the record, for that purpose.

3 2. The person who removes an original record pursuant to
4 paragraph (b) of subsection 1 shall:

5 (a) Affix the name and address of the practitioner or pharmacist
6 to the back of the record;

7 (b) Affix his or her initials, cause an agent of the practitioner or
8 pharmacist to affix his or her initials and note the date of the
9 removal of the record on the back of the record;

10 (c) Affix to the back of the record his or her name and title and
11 the name and address of the agency for which the person is
12 removing the record; and

13 (d) Provide the practitioner or pharmacist with a photocopy of
14 both sides of the record, or allow the practitioner or pharmacist to
15 make such a photocopy, before removing the original record.

16 **Sec. 188.** Chapter 640 of NRS is hereby amended by adding
17 thereto a new section to read as follows:

18 *The Board shall comply with:*

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

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

26 **Sec. 189.** NRS 640.070 is hereby amended to read as follows:

27 640.070 1. ~~ALL~~ *Except as otherwise provided in subsection*
28 *5, all* fees collected under this chapter must be deposited by the
29 Board in banks, credit unions, savings and loan associations or
30 savings banks in the State of Nevada.

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

33 3. In a manner consistent with the provisions of chapter 622A
34 of NRS, the Board may delegate to a hearing officer or panel its
35 authority to take any disciplinary action pursuant to this chapter and
36 impose and collect administrative fines therefor. If the Board so
37 delegates its authority, the Board may deposit the money from the
38 fines in banks, credit unions, savings and loan associations or
39 savings banks in this State for the support of the Board. In addition,
40 the hearing officer or panel may assess a licensee against whom
41 disciplinary action is taken any costs and fees incurred by the Board
42 as a result of the hearing. The money from the reimbursed costs and
43 fees may also be deposited for use by the Board.

44 4. If a hearing officer or panel is not authorized to take
45 disciplinary action pursuant to subsection 3, the Board shall deposit



1 the money collected from the imposition of administrative fines in
2 the State General Fund. The Board may present a claim to the State
3 Board of Examiners for recommendation to the Interim Finance
4 Committee if money is needed to pay attorney's fees or the costs of
5 an investigation, or both.

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

10 **Sec. 190.** Chapter 640A of NRS is hereby amended by adding
11 thereto a new section to read as follows:

12 *The Board shall comply with:*

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

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

20 **Sec. 191.** NRS 640A.190 is hereby amended to read as
21 follows:

22 640A.190 1. The Board may by regulation establish
23 reasonable fees for:

24 (a) The examination of an applicant for a license;

25 (b) The initial issuance of a license, including a license by
26 endorsement;

27 (c) The issuance of a temporary license;

28 (d) The renewal of a license; and

29 (e) The late renewal of a license.

30 2. If an applicant submits an application for a license by
31 endorsement pursuant to NRS 640A.166, the Board shall collect not
32 more than one-half of the fee established pursuant to subsection 1
33 for the initial issuance of the license.

34 3. Except as otherwise provided in subsection 2, the fees must
35 be set in such an amount as to reimburse the Board for the cost of
36 carrying out the provisions of this chapter.

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

41 **Sec. 192.** Chapter 640B of NRS is hereby amended by adding
42 thereto a new section to read as follows:

43 *"Division" means the Division of Occupational Licensing of*
44 *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.

Sec. 196. NRS 640B.220 is hereby amended to read as follows:

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

~~—2.} All money received by the {Board} Division pursuant to this chapter must be deposited {in a bank or other financial institution in this State and paid out on its order for its expenses.~~

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

2. *The 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 related to that disciplinary action and deposit the money from the fines and penalties ~~{in a bank or other financial institution in this State.~~

~~—4. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 3, the Board shall deposit all money collected from the imposition of fines and penalties with the State Treasurer for credit to the State General Fund. If money has been deposited in the State General Fund pursuant to this~~



~~subsection, 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.] with the State Treasurer for credit to the Occupational Licensing Account created by section 14 of this act.~~

Sec. 197. NRS 640B.250 is hereby amended to read as follows:

640B.250 1. The ~~Board~~ *Division* shall prepare and maintain a separate list of:

- (a) The licensees.
- (b) The applicants for a license.
- (c) The licensees whose licenses have been revoked or suspended within the preceding year.

2. The ~~Board~~ *Division* shall, upon request, disclose the information included in each list and may charge a fee for a copy of a list.

3. The ~~Board~~ *Division* shall:

- (a) Prepare and maintain a record of its proceedings and transactions;

~~[(b) Adopt a seal of which each court in this State shall take judicial notice; and~~

~~—(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



1 hours of didactic education and training in dry needling approved by
2 the ~~[Board]~~ *Division*. Such hours may include didactic education
3 and training completed as part of a graduate-level program of study.

4 6. Procedures concerning the handling of needles used to
5 perform dry needling, including, without limitation, procedures for
6 the disposal of a needle after a single use.

7 7. Procedures to ensure that an athletic trainer does not engage
8 in needle retention.

9 **Sec. 199.** NRS 640B.270 is hereby amended to read as
10 follows:

11 640B.270 ~~[A member of the Board, an]~~ *An* employee *or agent*
12 of the ~~[Board or a person designated by the Board]~~ *Division* may
13 inspect any office or facility where a person is engaged in the
14 practice of athletic training to determine whether each person who is
15 engaged in the practice of athletic training in that office or facility is
16 in compliance with the provisions of this chapter and any
17 regulations adopted pursuant thereto.

18 **Sec. 200.** NRS 640B.300 is hereby amended to read as
19 follows:

20 640B.300 1. Except as otherwise provided in subsection 2,
21 unless he or she has been issued a license as an athletic trainer by
22 the ~~[Board]~~ *Division* pursuant to the provisions of this chapter, a
23 person shall not:

24 (a) Engage in the practice of athletic training;

25 (b) Hold himself or herself out as licensed or qualified to engage
26 in the practice of athletic training; or

27 (c) Use in connection with his or her name any title, words,
28 letters or other designation intended to imply or designate him or her
29 as a licensed athletic trainer.

30 2. A student athletic trainer or graduate student athletic trainer
31 may engage in the practice of athletic training while under the
32 supervision of a licensed athletic trainer.

33 3. If the ~~[Board]~~ *Division* determines that a person has
34 engaged, or is about to engage, in any act or practice that
35 constitutes, or will constitute, a violation of the provisions of this
36 section, the ~~[Board]~~ *Division* may make an application to an
37 appropriate court for an order enjoining that act or practice, and
38 upon a showing by the ~~[Board]~~ *Division* that the person has
39 engaged, or is about to engage, in that act or practice, the court shall
40 issue an injunction against that act or practice. Such an injunction
41 does not prevent a criminal prosecution for that act or practice.

42 **Sec. 201.** NRS 640B.310 is hereby amended to read as
43 follows:

44 640B.310 1. An applicant for a license as an athletic trainer
45 must:



(a) Be of good moral character;
(b) Have at least a bachelor's degree in a program of study approved by the ~~{Board;}~~ Division;

(c) Submit an application on a form provided by the ~~{Board;}~~ Division;

(d) Submit 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;

(e) Pay the fees prescribed by the ~~{Board}~~ Division pursuant to NRS 640B.410, which are not refundable; and

(f) Except as otherwise provided in subsection 2 and NRS 640B.320, pass the examination prepared by the National Athletic Trainers Association Board of Certification or its successor organization.

2. An applicant who submits proof of current certification as an athletic trainer by the National Athletic Trainers Association Board of Certification, or its successor organization, is not required to pass the examination required by paragraph (f) of subsection 1.

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 ~~{H-}~~ 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



1 in athletic training or a comparable area of study, as determined by
2 the ~~{Board;}~~ *Division*.

3 2. A person who is licensed as an athletic trainer and has not
4 earned a master's degree in athletic training or a comparable area of
5 study, as determined by the ~~{Board;}~~ *Division*, may perform passive
6 range of motion or passive joint range of motion.

7 **Sec. 207.** NRS 640B.400 is hereby amended to read as
8 follows:

9 640B.400 1. Each license to engage in the practice of athletic
10 training expires on June 30 of each year and may be renewed if,
11 before the license expires, the licensee submits to the ~~{Board;}~~
12 *Division*:

13 (a) An application on a form prescribed by the ~~{Board;}~~
14 *Division*;

15 (b) Proof of completion of the requirements for continuing
16 education prescribed by the ~~{Board;}~~ *Division* pursuant to NRS
17 640B.260; and

18 (c) The fee for the renewal of the license prescribed by the
19 ~~{Board;}~~ *Division* pursuant to NRS 640B.410.

20 2. A license that expires pursuant to the provisions of this
21 section may be restored if the applicant:

22 (a) Complies with the provisions of subsection 1;

23 (b) Submits to the ~~{Board;}~~ *Division* proof of his or her ability to
24 engage in the practice of athletic training; and

25 (c) Submits to the ~~{Board;}~~ *Division*:

26 (1) The fee for the restoration of an expired license; and

27 (2) For each year that the license was expired, the fee for the
28 renewal of a license prescribed by the ~~{Board;}~~ *Division* pursuant to
29 NRS 640B.410.

30 3. If the ~~{Board;}~~ *Division* determines that an applicant has not
31 submitted satisfactory proof of his or her ability to engage in the
32 practice of athletic training, the ~~{Board;}~~ *Division* may require the
33 applicant to:

34 (a) Pass an examination prescribed by the ~~{Board;}~~ *Division*;
35 and

36 (b) Engage in the practice of athletic training under the
37 supervision of a person designated by the ~~{Board;}~~ *Division* for a
38 period prescribed by the ~~{Board;}~~ *Division*.

39 **Sec. 208.** NRS 640B.410 is hereby amended to read as
40 follows:

41 640B.410 The ~~{Board;}~~ *Division* shall, by regulation, prescribe
42 the following fees which must not exceed:

43
44 Application for a license..... \$250
45 Examination for a license 350



1	Application for a license without examination.....	\$350
2	Annual renewal of a license	350
3	Restoration of an expired license	350
4	Issuance of a duplicate license	50

5 **Sec. 209.** NRS 640B.700 is hereby amended to read as
6 follows:

7 640B.700 1. The ~~{Board}~~ **Division** may refuse to issue a
8 license to an applicant or may take disciplinary action against a
9 licensee if, after notice and a hearing as required by law, the ~~{Board}~~
10 **Division** determines that the applicant or licensee:

11 (a) Has submitted false or misleading information to the ~~{Board}~~
12 **Division** or any agency of this State, any other state, the Federal
13 Government or the District of Columbia;

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

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

18 (d) Has an alcohol or other substance use disorder;

19 (e) Has violated the provisions of NRS 200.5093, 432B.220 or
20 432C.110;

21 (f) Is guilty of gross negligence in his or her practice as an
22 athletic trainer;

23 (g) Is not competent to engage in the practice of athletic
24 training;

25 (h) Has failed to provide information requested by the ~~{Board}~~
26 **Division** within 60 days after receiving the request;

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

29 (j) Has been disciplined in another state, a territory or
30 possession of the United States, or the District of Columbia for
31 conduct that would be a violation of the provisions of this chapter or
32 any regulations adopted pursuant thereto if the conduct were
33 committed in this State;

34 (k) Has solicited or received compensation for services that he
35 or she did not provide;

36 (l) If the licensee is on probation, has violated the terms of the
37 probation;

38 (m) Has terminated professional services to a client in a manner
39 that detrimentally affected that client; or

40 (n) Has operated a medical facility, as defined in NRS 449.0151,
41 at any time during which:

42 (1) The license of the facility was suspended or revoked; or

43 (2) An act or omission occurred which resulted in the
44 suspension or revocation of the license pursuant to NRS 449.160.



1 ↪ This paragraph applies to an owner or other principal responsible
2 for the operation of the facility.

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

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

15 3. The ~~{Board}~~ **Division** shall not issue a private reprimand to a
16 licensee.

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

19 **Sec. 210.** NRS 640B.710 is hereby amended to read as
20 follows:

21 640B.710 1. If the ~~{Board}~~ **Division** receives a copy of a
22 court order issued pursuant to NRS 425.540 that provides for the
23 suspension of all professional, occupational and recreational
24 licenses, certificates and permits issued to a licensee, the ~~{Board}~~
25 **Division** shall deem the license to be suspended at the end of the
26 30th day after the date the court order was issued unless the ~~{Board}~~
27 **Division** receives a letter issued to the licensee by the district
28 attorney or other public agency pursuant to NRS 425.550 stating
29 that the licensee has complied with the subpoena or warrant or has
30 satisfied the arrearage pursuant to NRS 425.560.

31 2. The ~~{Board}~~ **Division** shall reinstate a license that has been
32 suspended by a district court pursuant to NRS 425.540 if the
33 ~~{Board}~~ **Division** receives a letter issued by the district attorney or
34 other public agency pursuant to NRS 425.550 to the licensee stating
35 that the licensee has complied with the subpoena or warrant or has
36 satisfied the arrearage pursuant to NRS 425.560.

37 **Sec. 211.** NRS 640B.720 is hereby amended to read as
38 follows:

39 640B.720 1. ~~{In a manner consistent with the provisions of~~
40 ~~chapter 622A of NRS, the Board}~~ **The Division** may conduct
41 investigations and hold hearings to carry out its duties pursuant to
42 the provisions of this chapter.

43 2. In such a hearing ~~{:~~

44 ~~—(a) Any member of the Board may administer oaths and~~
45 ~~examine witnesses; and~~



1 —(b) ~~The Board or any member thereof~~ *the Division* may issue
2 subpoenas to compel the attendance of witnesses and the production
3 of books and papers.

4 3. Each witness who is subpoenaed to appear before the
5 ~~Board~~ *Division* is entitled to receive for his or her attendance the
6 same fees and mileage allowed by law to a witness in a civil case.
7 The amount must be paid by the party who requested the subpoena.
8 If any witness who has not been required to attend at the request of
9 any party is subpoenaed by the ~~Board~~ *Division*, his or her fees and
10 mileage must be paid from the money of the ~~Board~~ *Division*.

11 4. If any person fails to comply with the subpoena within 10
12 days after it is issued, the ~~Chair of the Board~~ *Division* may petition
13 a court of competent jurisdiction for an order of the court
14 compelling compliance with the subpoena.

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

21 6. If it appears to the court that the subpoena was regularly
22 issued by the ~~Board~~ *Division*, the court shall enter an order
23 compelling compliance with the subpoena. The failure of the person
24 to obey the order is a contempt of the court that issued the order.

25 **Sec. 212.** NRS 640B.730 is hereby amended to read as
26 follows:

27 640B.730 1. Except as otherwise provided in this section and
28 NRS 239.0115, a complaint filed with the ~~Board~~ *Division*, all
29 documents and other information filed with the complaint and all
30 documents and other information compiled as a result of an
31 investigation conducted to determine whether to initiate disciplinary
32 action against a person are confidential, unless the person submits a
33 written statement to the ~~Board~~ *Division* requesting that such
34 documents and information be made public records.

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

40 3. The provisions of this section do not prohibit the ~~Board~~ *Division*
41 *Division* from communicating or cooperating with or providing any
42 documents or other information to any other licensing board or any
43 other agency that is investigating a person, including, without
44 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



1 stimulating the scalp, face, neck or skin within the permissible scope
2 of practice for a barber or apprentice pursuant to that chapter.

3 (c) A person licensed or registered as an esthetician,
4 esthetician's apprentice, hair designer, hair designer's apprentice,
5 hair braider, shampoo technologist, cosmetologist or
6 cosmetologist's apprentice pursuant to chapter 644A of NRS if the
7 person is massaging, cleansing or stimulating the scalp, face, neck
8 or skin within the permissible scope of practice for an esthetician,
9 esthetician's apprentice, hair designer, hair designer's apprentice,
10 hair braider, shampoo technologist, cosmetologist or
11 cosmetologist's apprentice pursuant to that chapter.

12 (d) A person licensed or registered as a nail technologist or nail
13 technologist's apprentice pursuant to chapter 644A of NRS if the
14 person is massaging, cleansing or stimulating the hands, forearms,
15 feet or lower legs within the permissible scope of practice for a nail
16 technologist or nail technologist's apprentice.

17 (e) A person who is an employee of an athletic department of
18 any high school, college or university in this State and who, within
19 the scope of that employment, practices massage therapy,
20 reflexology or structural integration on athletes.

21 (f) Students enrolled in a school of massage therapy, reflexology
22 or structural integration recognized by the ~~[Board]~~ **Division**.

23 (g) A person who practices massage therapy, reflexology or
24 structural integration solely on members of his or her immediate
25 family.

26 (h) A person who performs any activity in a licensed brothel.

27 2. Except as otherwise provided in subsection 3 and NRS
28 640C.330, the provisions of this chapter preempt the licensure and
29 regulation of a massage therapist, reflexologist or structural
30 integration practitioner by a county, city or town, including, without
31 limitation, conducting a criminal background investigation and
32 examination of a massage therapist, reflexologist or structural
33 integration practitioner or applicant for a license to practice massage
34 therapy, reflexology or structural integration.

35 3. The provisions of this chapter do not prohibit a county, city
36 or town from requiring a massage therapist, reflexologist or
37 structural integration practitioner to obtain a license or permit to
38 transact business within the jurisdiction of the county, city or town,
39 if the license or permit is required of other persons, regardless of
40 occupation or profession, who transact business within the
41 jurisdiction of the county, city or town.

42 4. As used in this section, "immediate family" means persons
43 who are related by blood, adoption or marriage, within the second
44 degree of consanguinity or affinity.



1 **Sec. 219.** NRS 640C.210 is hereby amended to read as
2 follows:

3 640C.210 ~~{1.}~~ The ~~{Board}~~ *Division* may employ or contract
4 with inspectors, investigators, advisers, examiners and clerks and
5 any other persons required to carry out its duties and secure the
6 services of attorneys and other professional consultants as it may
7 deem necessary to carry out the provisions of this chapter.

8 ~~{2. Each employee of the Board is an at-will employee who
9 serves at the pleasure of the Board. The Board may discharge an
10 employee of the Board for any reason that does not violate public
11 policy, including, without limitation, making a false representation
12 to the Board.}~~

13 **Sec. 220.** NRS 640C.220 is hereby amended to read as
14 follows:

15 640C.220 The ~~{Board}~~ *Division* and ~~{any of its members and}~~
16 its staff and employees, including, without limitation, inspectors,
17 investigators, advisers, examiners, clerks, counsel, experts,
18 committees, panels, hearing officers and consultants, are immune
19 from civil liability for any act performed in good faith and without
20 malicious intent in the execution of any duties pursuant to this
21 chapter.

22 **Sec. 221.** NRS 640C.240 is hereby amended to read as
23 follows:

24 640C.240 1. ~~{Except as otherwise provided in subsection 5,
25 all reasonable expenses incurred by the Board in carrying out the
26 provisions of this chapter must be paid from the money that it
27 receives. No part of any expenses of the Board may be paid from the
28 State General Fund.~~

29 ~~—2. The Board may accept gifts, grants, donations and
30 contributions from any source to assist in carrying out the provisions
31 of this chapter.~~

32 ~~—3.} All money received by the {Board} Division pursuant to
33 this chapter must be deposited {in a bank or other financial
34 institution in this State and paid out upon the Board's order for its
35 expenses.~~

36 ~~—4.} with the State Treasurer for credit to the Occupational
37 Licensing Account created by section 14 of this act.~~

38 2. The ~~{Board}~~ *Division* may delegate to a hearing officer or
39 panel its authority to take any disciplinary action pursuant to this
40 chapter, impose and collect fines and penalties therefor, and deposit
41 the money therefrom ~~{in a bank or other financial institution in this
42 State.~~

43 ~~—5. If a hearing officer or panel is not authorized to take
44 disciplinary action pursuant to subsection 4 and the Board deposits
45 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 1. Establish the requirements for continuing education for the
2 renewal of a license;

3 2. Establish the requirements for the approval of a course of
4 continuing education, including, without limitation, a course on a
5 specialty technique of massage therapy, reflexology or structural
6 integration;

7 3. Establish the requirements for the approval of an instructor
8 of a course of continuing education;

9 4. Establish requirements relating to sanitation, hygiene and
10 safety relating to the practice of massage therapy, reflexology or
11 structural integration;

12 5. Except as otherwise provided in NRS 622.090, prescribe the
13 requirements for any practical or written examination for a license
14 that the ~~{Board}~~ Division may require, including, without limitation,
15 the passing grade for such an examination;

16 6. Establish the period within which the ~~{Board}~~ Division or its
17 designee must report the results of the investigation of an applicant;

18 7. Prescribe the form of a written administrative citation issued
19 pursuant to NRS 640C.755;

20 8. Establish the standards for the licensure of massage
21 therapists, reflexologists and structural integration practitioners
22 under this chapter; and

23 9. Prescribe the standards and curriculum for schools of
24 massage therapy, reflexology and structural integration in this State.

25 **Sec. 225.** NRS 640C.330 is hereby amended to read as
26 follows:

27 640C.330 1. The ~~{Board}~~ Division shall adopt regulations
28 that prescribe the requirements for the certification and operation of
29 a massage, reflexology and structural integration establishment,
30 including, without limitation, the:

31 (a) Requirements for a massage, reflexology and structural
32 integration establishment to obtain a certificate;

33 (b) Standards with which a massage, reflexology and structural
34 integration establishment must comply; and

35 (c) Establishment of fees pursuant to NRS 640C.520 for the
36 issuance and renewal of a certification of a massage, reflexology
37 and structural integration establishment.

38 2. The provisions of this section and any regulations adopted
39 pursuant thereto do not prohibit a local government from licensing
40 and regulating a massage, reflexology and structural integration
41 establishment, including, without limitation, in a manner that is
42 more stringent than the regulations adopted by the ~~{Board}~~ Division
43 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 integration issued by another state, territory or possession of the United States or the District of Columbia.

2. An applicant for a license issued by the ~~{Board}~~ Division pursuant to subsection 1 must submit to the ~~{Board:}~~ Division:

(a) A completed application on a form prescribed by the ~~{Board:}~~ Division:

(b) The fees prescribed by the ~~{Board}~~ Division pursuant to NRS 640C.520;

(c) A notarized statement signed by the applicant that states:

(1) Whether any disciplinary proceedings relating to his or her license to practice massage therapy, reflexology or structural integration have at any time been instituted against the applicant; and

(2) Whether the applicant has been arrested or convicted, within the immediately preceding 10 years, for any crime involving violence, prostitution or any other sexual offense; and

(d) 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, reflexology or structural integration during the immediately preceding 10 years verifying that:

(1) The applicant has not been involved in any disciplinary action relating to his or her license to practice massage therapy, reflexology or structural integration; and



(2) Disciplinary proceedings relating to his or her license to practice massage therapy, reflexology or structural integration are not pending.

3. The ~~{Board}~~ Division shall not issue a license pursuant to this section unless the state, territory or possession of the United States or the District of Columbia 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 to practice massage therapy, reflexology or structural integration set forth in this chapter.

Sec. 227. NRS 640C.426 is hereby amended to read as follows:

640C.426 1. The ~~{Board}~~ Division may issue a license by endorsement to practice massage therapy, reflexology or structural integration to an applicant who meets the requirements set forth in this section. An applicant may submit to the ~~{Board}~~ Division an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice massage therapy, reflexology or structural integration in the District of Columbia or any state or territory of the United States; 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.]~~

~~5.]~~ At any time before making a final decision on an application for a license by endorsement, the ~~Board~~ *Division* may grant a provisional license authorizing an applicant to practice as a massage therapist, reflexologist or structural integration practitioner in accordance with regulations adopted by the ~~Board~~ *Division*.

~~6.]~~ 5. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 228. NRS 640C.430 is hereby amended to read as follows:

640C.430 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license as a massage therapist, reflexologist or structural integration practitioner 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 massage therapist, reflexologist or structural integration practitioner 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 as a massage therapist, reflexologist or structural integration practitioner 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. 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] <i>Division</i> 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:



- 1 (a) Be at least 18 years of age;
- 2 (b) Except as otherwise provided in NRS 640C.426, submit to
- 3 the ~~{Board;}~~ **Division:**
- 4 (1) A completed application on a form prescribed by the
- 5 ~~{Board;}~~ **Division;**
- 6 (2) The fees prescribed by the ~~{Board;}~~ **Division** pursuant to
- 7 NRS 640C.520;
- 8 (3) Proof that the applicant has successfully completed a
- 9 program of massage therapy recognized by the ~~{Board;}~~ **Division;**
- 10 (4) A certified statement issued by the licensing authority in
- 11 each state, territory or possession of the United States or the District
- 12 of Columbia in which the applicant is or has been licensed to
- 13 practice massage therapy verifying that:
- 14 (I) The applicant has not been involved in any
- 15 disciplinary action relating to his or her license to practice massage
- 16 therapy; and
- 17 (II) Disciplinary proceedings relating to his or her license
- 18 to practice massage therapy are not pending;
- 19 (5) A complete set of fingerprints and written permission
- 20 authorizing the ~~{Board;}~~ **Division** to forward the fingerprints to the
- 21 Central Repository for Nevada Records of Criminal History for
- 22 submission to the Federal Bureau of Investigation for its report; and
- 23 (6) A statement authorizing the ~~{Board;}~~ **Division** or its
- 24 designee to conduct an investigation to determine the accuracy of
- 25 any statements set forth in the application; and
- 26 (c) In addition to any examination required pursuant to NRS
- 27 640C.320 and except as otherwise provided in NRS 640C.426, pass
- 28 a nationally recognized examination for testing the education and
- 29 professional competency of massage therapists that is approved by
- 30 the ~~{Board;}~~ **Division.**
- 31 3. The ~~{Board;}~~ **Division:**
- 32 (a) Shall recognize a program of massage therapy that is:
- 33 (1) Approved by the Commission on Postsecondary
- 34 Education; or
- 35 (2) Offered by a public college in this State or any other
- 36 state; and
- 37 (b) May recognize other programs of massage therapy.
- 38 4. Except as otherwise provided in NRS 640C.426, the ~~{Board~~
- 39 ~~or its designee}~~ **Division** shall:
- 40 (a) Conduct an investigation to determine:
- 41 (1) The reputation and character of the applicant;
- 42 (2) The existence and contents of any record of arrests or
- 43 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



1 their duties pursuant to this chapter. The provisions of this
2 paragraph do not prohibit the ~~{Board}~~ *Division* or its ~~{members-or}~~
3 employees from communicating or cooperating with or providing
4 any documents or other information to any ~~{other}~~ licensing board
5 or any other federal, state or local agency that is investigating a
6 person, including, without limitation, a law enforcement agency.

7 **Sec. 236.** NRS 640C.610 is hereby amended to read as
8 follows:

9 640C.610 1. The ~~{Board}~~ *Division* may issue a temporary
10 license to practice reflexology.

11 2. An applicant for a temporary license issued pursuant to this
12 section must:

13 (a) Be at least 18 years of age; and

14 (b) Submit to the ~~{Board}~~ *Division*:

15 (1) A completed application on a form prescribed by the
16 ~~{Board}~~ *Division*;

17 (2) The fees prescribed by the ~~{Board}~~ *Division* pursuant to
18 NRS 640C.520;

19 (3) Proof that the applicant has successfully completed a
20 program of reflexology recognized by the ~~{Board}~~ *Division* pursuant
21 to NRS 640C.600;

22 (4) Proof that the applicant:

23 (I) Has taken the examination required pursuant to NRS
24 640C.600; or

25 (II) Is scheduled to take such an examination within 90
26 days after the date of application;

27 (5) An affidavit indicating that the applicant has not
28 committed any of the offenses for which the ~~{Board}~~ *Division* may
29 refuse to issue a license pursuant to NRS 640C.700;

30 (6) A certified statement issued by the licensing authority in
31 each state, territory or possession of the United States or the District
32 of Columbia in which the applicant is or has been licensed to
33 practice reflexology verifying that:

34 (I) The applicant has not been involved in any
35 disciplinary action relating to his or her license to practice
36 reflexology; and

37 (II) Disciplinary proceedings relating to his or her license
38 to practice reflexology are not pending; and

39 (7) A complete set of fingerprints and written permission
40 authorizing the ~~{Board}~~ *Division* to forward the fingerprints to the
41 Central Repository for Nevada Records of Criminal History for
42 submission to the Federal Bureau of Investigation for its report.

43 3. A temporary license issued pursuant to this section expires
44 90 days after the date the ~~{Board}~~ *Division* issues the temporary
45 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.

Sec. 237. NRS 640C.620 is hereby amended to read as follows:

640C.620 1. The ~~{Board}~~ **Division** may issue a license to practice structural integration.

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 structural integration 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 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;

(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 structural integration practitioners that is approved by the ~~{Board.}~~ **Division.**

3. The ~~{Board.}~~ **Division:**

(a) Shall recognize a program of structural integration 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 structural integration.

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. 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**;



- 1 5. Has an alcohol or other substance use disorder;
- 2 6. Is, in the judgment of the ~~{Board,}~~ *Division*, guilty of gross
- 3 negligence in the practice of massage therapy, reflexology or
- 4 structural integration;
- 5 7. Is determined by the ~~{Board}~~ *Division* to be professionally
- 6 incompetent to engage in the practice of massage therapy,
- 7 reflexology or structural integration;
- 8 8. Has failed to provide information requested by the ~~{Board}~~
- 9 *Division* within 60 days after receiving the request;
- 10 9. Has, in the judgment of the ~~{Board,}~~ *Division*, engaged in
- 11 unethical or unprofessional conduct;
- 12 10. Has knowingly failed to report to the ~~{Board}~~ *Division* that
- 13 the holder of a license or other person has engaged in unethical or
- 14 unprofessional conduct as it relates to the practice of massage
- 15 therapy, reflexology or structural integration within 30 days after
- 16 becoming aware of that conduct;
- 17 11. Has been disciplined in another state, a territory or
- 18 possession of the United States or the District of Columbia for
- 19 conduct that would be a violation of the provisions of this chapter or
- 20 any regulations adopted pursuant thereto if the conduct were
- 21 committed in this State;
- 22 12. Has solicited or received compensation for services relating
- 23 to the practice of massage therapy, reflexology or structural
- 24 integration that he or she did not provide;
- 25 13. If the holder of the license is on probation, has violated the
- 26 terms of the probation;
- 27 14. Has engaged in false, deceptive or misleading advertising,
- 28 including, without limitation, falsely, deceptively or misleadingly
- 29 advertising that he or she has received training in a specialty
- 30 technique of massage, reflexology or structural integration for which
- 31 he or she has not received training, practicing massage therapy,
- 32 reflexology or structural integration under an assumed name and
- 33 impersonating a licensed massage therapist, reflexologist or
- 34 structural integration practitioner;
- 35 15. Has operated a medical facility, as defined in NRS
- 36 449.0151, at any time during which:
- 37 (a) The license of the facility was suspended or revoked; or
- 38 (b) An act or omission occurred which resulted in the
- 39 suspension or revocation of the license pursuant to NRS 449.160.
- 40 ➤ This subsection applies to an owner or other principal responsible
- 41 for the operation of the facility.
- 42 16. Has failed to comply with a written administrative citation
- 43 issued pursuant to NRS 640C.755 within the time permitted for
- 44 compliance set forth in the citation or, if a hearing is held pursuant
- 45 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



1 integration practitioner immediately by certified mail of the date of
2 the hearing. The hearing must be held and a final decision rendered
3 regarding whether to extend the period of the temporary suspension
4 as promptly as is practicable but not later than 30 days after the date
5 on which the ~~{Board}~~ **Division** provides notice of the initial
6 temporary suspension. After holding such a hearing, the ~~{Board}~~
7 **Division** may extend the period of the temporary suspension if the
8 ~~{Board}~~ **Division** finds, for good cause shown, that such action is
9 necessary to protect the health, safety or welfare of the public
10 pending proceedings for disciplinary action.

11 2. If a massage therapist, reflexologist or structural integration
12 practitioner is charged with or cited for prostitution or any other
13 sexual offense, the appropriate law enforcement agency shall report
14 the charge or citation to the ~~{Executive Director of the Board}~~
15 **Division**. Upon receiving such a report, the ~~{Executive Director}~~
16 **Division** shall immediately issue by certified mail to the massage
17 therapist, reflexologist or structural integration practitioner a cease
18 and desist order temporarily suspending the license of the massage
19 therapist, reflexologist or structural integration practitioner without
20 a prior hearing. The temporary suspension of the license is effective
21 immediately after the massage therapist, reflexologist or structural
22 integration practitioner receives notice of the cease and desist order
23 and must not exceed 15 business days. The massage therapist,
24 reflexologist or structural integration practitioner may file a written
25 request for a hearing to challenge the necessity of the temporary
26 suspension. The written request must be filed not later than 10
27 business days after the date on which the ~~{Executive Director}~~
28 **Division** mails the cease and desist order. If the massage therapist,
29 reflexologist or structural integration practitioner:

30 (a) Files a timely written request for a hearing, the ~~{Board}~~
31 **Division** shall extend the temporary suspension until a hearing is
32 held. The ~~{Board}~~ **Division** shall hold a hearing and render a final
33 decision regarding the necessity of the temporary suspension as
34 promptly as is practicable but not later than 15 business days after
35 the date on which the ~~{Board}~~ **Division** receives the written request.
36 After holding such a hearing, the ~~{Board}~~ **Division** may extend the
37 period of the temporary suspension if the ~~{Board}~~ **Division** finds, for
38 good cause shown, that such action is necessary to protect the
39 health, safety or welfare of the public pending proceedings for
40 disciplinary action.

41 (b) Does not file a timely written request for a hearing and the
42 ~~{Board}~~ **Division** wants to consider extending the period of the
43 temporary suspension, the ~~{Board}~~ **Division** shall schedule a hearing
44 and notify the massage therapist, reflexologist or structural
45 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 15 business days after the date on which the ~~{Executive Director}~~ **Division** mails the cease and desist order. 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.

3. If the ~~{Board or the Executive Director}~~ **Division** issues an order temporarily suspending the license of a massage therapist, reflexologist or structural integration practitioner pending proceedings for disciplinary action, a court shall not stay that order.

4. For purposes of this section, a person is deemed to have notice of a temporary suspension of his or her license:

(a) On the date on which the notice is personally delivered to the 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.



1 **Sec. 245.** NRS 640C.740 is hereby amended to read as
2 follows:

3 640C.740 1. If ~~{any member of the Board or the Executive~~
4 ~~Director}~~ *the Administrator of the Division or any employee of the*
5 *Division* becomes aware of any ground for initiating disciplinary
6 action against a holder of a license, the ~~{member or Executive~~
7 ~~Director}~~ *Administrator or employee* shall file a written complaint
8 with the ~~{Board.}~~ *Division.*

9 2. The complaint must specifically:

10 (a) Set forth the relevant facts; and

11 (b) Charge one or more grounds for initiating disciplinary
12 action.

13 3. As soon as practicable after the filing of the complaint, an
14 investigation of the complaint must be conducted to determine
15 whether the allegations in the complaint merit the initiation of
16 disciplinary proceedings against the holder of the license.

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

20 **Sec. 246.** NRS 640C.745 is hereby amended to read as
21 follows:

22 640C.745 1. When conducting an investigation of a massage
23 therapist, reflexologist or structural integration practitioner pursuant
24 to this chapter, the ~~{Board or the Executive Director}~~ *Division* may
25 request from the appropriate governmental agency or court of
26 competent jurisdiction records relating to any conviction of the
27 massage therapist, reflexologist or structural integration practitioner
28 for a crime involving violence, prostitution or any other sexual
29 offense. Such records include, without limitation, a record of
30 criminal history as defined in NRS 179A.070.

31 2. Upon receiving a request from the ~~{Board or the Executive~~
32 ~~Diretor}~~ *Division* pursuant to subsection 1, the governmental
33 agency or court of competent jurisdiction shall provide the requested
34 records to the ~~{Board or the Executive Director}~~ *Division* as soon as
35 reasonably practicable. The governmental agency or court of
36 competent jurisdiction may redact from the records produced
37 pursuant to this subsection any information relating to the agency or
38 court that is deemed confidential by the agency or court. Upon
39 receiving the records from the governmental agency or court, the
40 ~~{Board and the Executive Director.}~~ *Division:*

41 (a) Shall maintain the confidentiality of the records if such
42 confidentiality is required by federal or state law; and

43 (b) May use the records for the sole and limited purpose of
44 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



1 been suspended or revoked by the ~~[Board,]~~ **Division**, the person
2 shall not:

3 (a) Engage in the practice of massage therapy, reflexology or
4 structural integration;

5 (b) Use in connection with his or her name the words or letters
6 "L.M.T.," "licensed massage therapist," "licensed massage
7 technician," "M.T.," "massage technician," "massage therapist,"
8 "licensed reflexologist," "reflexologist," "licensed structural
9 integration practitioner" or "structural integration practitioner," or
10 any other letters, words or insignia indicating or implying that he or
11 she is licensed to practice massage therapy, reflexology or structural
12 integration, or in any other way, orally, or in writing or print, or by
13 sign, directly or by implication, use the word "massage,"
14 "reflexology" or "structural integration," or represent himself or
15 herself as licensed or qualified to engage in the practice of massage
16 therapy, reflexology or structural integration; or

17 (c) List or cause to have listed in any directory, including,
18 without limitation, a telephone directory, his or her name or the
19 name of his or her company under the heading "massage," "massage
20 therapy," "massage therapist," "massage technician," "reflexologist"
21 or "structural integration practitioner," or any other term that
22 indicates or implies that he or she is licensed or qualified to practice
23 massage therapy, reflexology or structural integration.

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

26 **Sec. 253.** NRS 640C.930 is hereby amended to read as
27 follows:

28 640C.930 1. A person shall not advertise as a massage
29 therapist, reflexologist or structural integration practitioner in this
30 State unless the person is licensed to practice massage therapy,
31 reflexology or structural integration pursuant to this chapter.

32 2. A person licensed to practice massage therapy, reflexology
33 or structural integration pursuant to this chapter shall not
34 disseminate, as part of any advertising by the massage therapist,
35 reflexologist or structural integration practitioner, any false or
36 misleading statement or representation of material fact that is
37 intended, directly or indirectly, to induce another person to use the
38 services of the massage therapist, reflexologist or structural
39 integration practitioner.

40 3. All advertising by a licensed massage therapist, reflexologist
41 or structural integration practitioner must include his or her name
42 and the name of his or her company, if applicable. All advertising in
43 a telephone directory or a newspaper must also include the number
44 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. 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. 255. NRS 641.111 is hereby amended to read as follows:

641.111 ~~1. All~~ *1. Except as otherwise provided in subsection 2, all* money coming into possession of the Board must be kept or deposited by the Secretary-Treasurer in banks, credit unions, savings and loan associations or savings banks in the State of Nevada to be expended for payment of compensation and expenses of board members and for other necessary or proper purposes in the administration of this chapter.

2. 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. 256. Chapter 641A 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.



1 **Sec. 257.** NRS 641A.205 is hereby amended to read as
2 follows:

3 641A.205 ~~[AH]~~ *1. Except as otherwise provided in*
4 *subsection 2, all* money coming into possession of the Board must
5 be kept or deposited by the Secretary-Treasurer in banks, credit
6 unions, savings and loan associations or savings banks in the State
7 of Nevada to be expended for payment of compensation and
8 expenses of the members and employees of the Board and for other
9 necessary or proper purposes in the administration of this chapter.

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

14 **Sec. 258.** Chapter 641B of NRS is hereby amended by adding
15 thereto a new section to read as follows:

16 *The Board shall comply with:*

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

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

24 **Sec. 259.** NRS 641B.150 is hereby amended to read as
25 follows:

26 641B.150 1. Except as otherwise provided in subsection 4,
27 all reasonable expenses incurred by the Board in carrying out the
28 provisions of this chapter must be paid from the money which it
29 receives. No part of the salaries or expenses of the Board may be
30 paid out of the State General Fund.

31 2. ~~[AH]~~ *Except as otherwise provided in subsection 5, all*
32 money received by the Board must be deposited in qualified banks,
33 credit unions, savings and loan associations or savings banks in this
34 State and paid out on its order for its expenses.

35 3. In a manner consistent with the provisions of chapter 622A
36 of NRS, the Board may delegate to a hearing officer or panel its
37 authority to take any disciplinary action pursuant to this chapter,
38 impose and collect fines and penalties therefor and deposit the
39 money therefrom in banks, credit unions, savings and loan
40 associations or savings banks in this State.

41 4. If a hearing officer or panel is not authorized to take
42 disciplinary action pursuant to subsection 3 and the Board deposits
43 the money collected from the imposition of fines with the State
44 Treasurer for credit to the State General Fund, it may present a
45 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. 260. Chapter 641C 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. 261. NRS 641C.190 is hereby amended to read as follows:

641C.190 1. Except as otherwise provided in subsection 4, all expenses incurred by the Board in carrying out the provisions of this chapter must be paid from the money which it receives. No part of the salaries or expenses of the Board may be paid out of the State General Fund.

2. ~~[AHH]~~ *Except as otherwise provided in subsection 5, all* money received by the Board must be deposited in a bank, credit union or other financial institution in this State and paid out on its order for its expenses.

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, impose and collect fines and penalties therefor and deposit the money therefrom in a bank, credit union or other financial institution in this State.

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 fines with the State Treasurer for credit to the State General Fund. If money is so deposited, 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. 262. (Deleted by amendment.)

Sec. 263. (Deleted by amendment.)

Sec. 264. (Deleted by amendment.)

Sec. 265. (Deleted by amendment.)

Sec. 266. (Deleted by amendment.)

Sec. 267. (Deleted by amendment.)

Sec. 268. (Deleted by amendment.)

Sec. 269. (Deleted by amendment.)

Sec. 270. (Deleted by amendment.)

Sec. 271. (Deleted by amendment.)

Sec. 272. (Deleted by amendment.)

Sec. 273. (Deleted by amendment.)

Sec. 274. (Deleted by amendment.)

Sec. 275. (Deleted by amendment.)

Sec. 276. (Deleted by amendment.)

Sec. 277. (Deleted by amendment.)

Sec. 278. (Deleted by amendment.)

Sec. 279. (Deleted by amendment.)

Sec. 280. (Deleted by amendment.)

Sec. 281. (Deleted by amendment.)

Sec. 282. (Deleted by amendment.)

Sec. 283. (Deleted by amendment.)

Sec. 284. (Deleted by amendment.)

Sec. 285. (Deleted by amendment.)

Sec. 286. (Deleted by amendment.)

Sec. 287. (Deleted by amendment.)

Sec. 288. (Deleted by amendment.)

Sec. 289. (Deleted by amendment.)

Sec. 290. (Deleted by amendment.)

Sec. 291. (Deleted by amendment.)

Sec. 292. (Deleted by amendment.)

Sec. 293. (Deleted by amendment.)

Sec. 294. (Deleted by amendment.)

Sec. 295. (Deleted by amendment.)

Sec. 296. (Deleted by amendment.)

Sec. 297. (Deleted by amendment.)

Sec. 298. (Deleted by amendment.)

Sec. 299. (Deleted by amendment.)

Sec. 300. (Deleted by amendment.)

Sec. 301. (Deleted by amendment.)

Sec. 302. (Deleted by amendment.)

Sec. 303. NRS 644A.880 is hereby amended to read as follows:

644A.880 1. If the Board determines that a complaint filed with the Board concerns a matter within the jurisdiction of another



* S B 3 3 5 R 1 *

1 licensing board, the Board shall refer the complaint to the other
2 licensing board within 5 days after making the determination.

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

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

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

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

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

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

21 6. As used in this section, “licensing board” means:

22 (a) A board created pursuant to chapter 630, ~~[630A, 631,]~~ 632,
23 633, 634, ~~[634A,]~~ 635, 636, 637, 637B, 639, 640, 640A, ~~[640B,~~
24 ~~640C,]~~ 640D, 640E, 641, 641A, 641B, 641C, 643, 644A or 654 of
25 NRS; ~~[and]~~

26 (b) The Division of Public and Behavioral Health of the
27 Department of Health and Human Services ~~[;]~~ *and*

28 *(c) The Division of Occupation Licensing of the Department of*
29 *Business and Industry.*

30 **Sec. 304.** NRS 654.185 is hereby amended to read as follows:

31 654.185 1. If the Board determines that a complaint filed
32 with the Board concerns a matter within the jurisdiction of another
33 licensing board, the Board shall refer the complaint to the other
34 licensing board within 5 days after making the determination.

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

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

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

42 (b) A complaint which concerns a person who or entity which is
43 licensed, certified or otherwise regulated solely by another licensing
44 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, licensing, disciplinary or other proceeding to which the information is relevant.

(c) The Nevada Gaming Control Board.

(d) The State Board of Nursing.

(e) The Private Investigator's Licensing Board to investigate an applicant for a license.

(f) A public administrator or a person employed or contracted with pursuant to NRS 253.125, as applicable, to carry out the duties as prescribed in chapter 253 of NRS.

(g) A public guardian to investigate a protected person or proposed protected person or persons who may have knowledge of assets belonging to a protected person or proposed protected person.

(h) Any agency of criminal justice of the United States or of another state or the District of Columbia.

(i) Any public utility subject to the jurisdiction of the Public Utilities Commission of Nevada when the information is necessary to conduct a security investigation of an employee or prospective employee or to protect the public health, safety or welfare.

(j) Persons and agencies authorized by statute, ordinance, executive order, court rule, court decision or court order as construed by appropriate state or local officers or agencies.

(k) Any person or governmental entity which has entered into a contract to provide services to an agency of criminal justice relating to the administration of criminal justice, if authorized by the contract, and if the contract also specifies that the information will be used only for stated purposes and that it will be otherwise confidential in accordance with state and federal law and regulation.

(l) Any reporter or editorial employee who is employed or affiliated with a newspaper, press association or commercially operated, federally licensed radio or television station who requests a record of a named person or aggregate information for statistical purposes, excluding any personal identifying information, in a professional capacity for communication to the public.

(m) Prospective employers if the person who is the subject of the information has given written consent to the release of that information by the agency which maintains it.

(n) For the express purpose of research, evaluative or statistical programs pursuant to an agreement with an agency of criminal justice.

(o) An agency which provides child welfare services, as defined in NRS 432B.030.



(p) The Division of Welfare and Supportive Services of the Department of Health and Human Services or its designated representative, as needed to ensure the safety of investigators and 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



1 division or other entity within the Department or to act or take on a
2 function that would contravene a rule of court or a statute.

3 3. May:

4 (a) Establish uniform policies for the Department, consistent
5 with the policies and statutory responsibilities and duties of the
6 divisions and other entities within the Department, relating to
7 matters concerning budgeting, accounting, planning, program
8 development, personnel, information services, dispute resolution,
9 travel, workplace safety, the acceptance of gifts or donations, the
10 management of records and any other subject for which a uniform
11 departmental policy is necessary to ensure the efficient operation of
12 the Department.

13 (b) Provide coordination among the divisions and other entities
14 within the Department, in a manner which does not encroach upon
15 their statutory powers and duties, as they adopt and enforce
16 regulations, execute agreements, purchase goods, services or
17 equipment, prepare legislative requests and lease or use office space.

18 (c) Define the responsibilities of any person designated to carry
19 out the duties of the Director relating to financing, industrial
20 development or business support services.

21 4. May, within the limits of the financial resources made
22 available to the Director, promote, participate in the operation of,
23 and create or cause to be created, any nonprofit corporation,
24 pursuant to chapter 82 of NRS, which he or she determines is
25 necessary or convenient for the exercise of the powers and duties of
26 the Department. The purposes, powers and operation of the
27 corporation must be consistent with the purposes, powers and duties
28 of the Department.

29 5. For any bonds which the Director is otherwise authorized to
30 issue, may issue bonds the interest on which is not exempt from
31 federal income tax or excluded from gross revenue for the purposes
32 of federal income tax.

33 6. May, except as otherwise provided by specific statute, adopt
34 by regulation a schedule of fees and deposits to be charged in
35 connection with the programs administered by the Director pursuant
36 to chapters 348A and 349 of NRS. Except as otherwise provided by
37 specific statute, the amount of any such fee or deposit must not
38 exceed 2 percent of the principal amount of the financing.

39 7. May designate any person within the Department to perform
40 any of the duties or responsibilities, or exercise any of the authority,
41 of the Director on his or her behalf.

42 8. May negotiate and execute agreements with public or private
43 entities which are necessary to the exercise of the powers and duties
44 of the Director or the Department.



9. May establish a trust account in the State Treasury for depositing and accounting for money that is held in escrow or is on deposit with the Department for the payment of any direct expenses incurred by the Director in connection with any bond programs administered by the Director. The interest and income earned on 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



1 Authority pursuant to NRS 706.758, the Commission shall issue an
2 order to the appropriate provider of telephone service to disconnect
3 the telephone number.

4 2. Compliance in good faith by a provider of telephone service
5 with an order of the Commission to terminate service issued
6 pursuant to this section shall constitute a complete defense to any
7 civil or criminal action brought against the provider of telephone
8 service arising from the termination of service.

9 3. As used in this section, “provider of telephone service” has
10 the meaning ascribed to it in NRS 707.355.

11 **Sec. 310.** NRS 707.355 is hereby amended to read as follows:

12 707.355 1. Each provider of telephone service in this State
13 shall, when notified that:

14 (a) A court has ordered the disconnection of a telephone number
15 pursuant to NRS 706.2855; or

16 (b) The Public Utilities Commission of Nevada has ordered the
17 disconnection of a telephone number pursuant to NRS 703.175, after
18 receiving a request to disconnect the telephone number from the
19 State Contractors’ Board pursuant to NRS 624.720, the ~~Board of~~
20 ~~Massage Therapy~~ *Division of Occupational Licensing of the*
21 *Department of Business and Industry* pursuant to NRS 640C.930
22 or the Nevada Transportation Authority pursuant to NRS 706.758,
23 ➤ take such action as is necessary to carry out the order of the court
24 or the Public Utilities Commission of Nevada.

25 2. A provider of telephone service shall not:

26 (a) Forward or offer to forward the telephone calls of a
27 telephone number disconnected from service pursuant to the
28 provisions of this section; or

29 (b) Provide or offer to provide a recorded message that includes
30 the new telephone number for a business whose telephone number
31 was disconnected from service pursuant to the provisions of this
32 section.

33 3. As used in this section, “provider of telephone service”
34 includes, but is not limited to:

35 (a) A public utility furnishing telephone service.

36 (b) A provider of cellular or other service to a telephone that is
37 installed in a vehicle or is otherwise portable.

38 **Sec. 311.** 1. Any administrative regulations adopted by an
39 officer or an agency whose name has been changed or whose
40 responsibilities have been transferred pursuant to the provisions of
41 this act to another officer or agency remain in force until amended
42 by the officer or agency to which the responsibility for the adoption
43 of the regulations has been transferred.

44 2. Any contracts or other agreements entered into by an officer
45 or agency whose name has been changed or whose responsibilities



1 have been transferred pursuant to the provisions of this act to
2 another officer or agency are binding upon the officer or agency to
3 which the responsibility for the administration of the provisions of
4 the contract or other agreement has been transferred. Such contracts
5 and other agreements may be enforced by the officer or agency to
6 which the responsibility for the enforcement of the provisions of the
7 contract or other agreement has been transferred.

8 3. Any action taken by an officer or agency whose name has
9 been changed or whose responsibilities have been transferred
10 pursuant to the provisions of this act to another officer or agency
11 remains in effect as if taken by the officer or agency to which the
12 responsibility for the enforcement of such actions has been
13 transferred.

14 **Sec. 312.** Any person who, on December 31, 2021, serves as a
15 member of the:

16 1. Nevada Board of Homeopathic Medical Examiners pursuant
17 to chapter 630A of NRS;

18 2. Board of Dental Examiners of Nevada pursuant to chapter
19 631 of NRS;

20 3. State Board of Oriental Medicine pursuant to chapter 634A
21 of NRS;

22 4. Board of Athletic Trainers pursuant to chapter 640B of
23 NRS; or

24 5. Board of Massage Therapy pursuant to chapter 640C of
25 NRS,

26 ➤ shall be deemed to be a member of an advisory board appointed
27 by the Administrator of the Division of Occupational Licensing of
28 the Department of Business and Industry pursuant to section 9 of
29 this act on January 1, 2022.

30 **Sec. 313.** The Legislative Counsel shall:

31 1. In preparing the reprint and supplements to the Nevada
32 Revised Statutes, appropriately change any references to an officer,
33 agency or other entity whose name is changed or whose
34 responsibilities are transferred pursuant to the provisions of this act
35 to refer to the appropriate officer, agency or other entity.

36 2. In preparing supplements to the Nevada Administrative
37 Code, appropriately change any references to an officer, agency or
38 other entity whose name is changed or whose responsibilities are
39 transferred pursuant to the provisions of this act to refer to the
40 appropriate officer, agency or other entity.

41 **Sec. 314.** NRS 630A.020, 630A.100, 630A.110, 630A.120,
42 630A.130, 630A.135, 630A.140, 630A.150, 630A.170, 630A.175,
43 630A.180, 631.020, 631.120, 631.130, 631.140, 631.150, 631.195,
44 631.205, 634A.030, 634A.040, 634A.050, 634A.060, 640B.025,
45 640B.170, 640B.190, 640B.200, 640B.210, 640C.030, 640C.150,



640C.160, 640C.170, 640C.180, 640C.190, 640C.200 and 640C.230 are hereby repealed.

Sec. 315. 1. This act becomes effective on January 1, 2022.

2. 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.

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.

