ASSEMBLY BILL NO. 46–COMMITTEE
ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 9, 2026

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to governmental administration. (BDR 18-534)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: May have Fiscal Impact.
Effect on the State Highway Fund: No.

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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 governmental administration; reorganizing and clarifying the provisions governing contested cases; revising requirements relating to the consideration of a petition to request the adoption, filing, amendment or repeal of any regulation; revising the procedure and requirements for the recusal and replacement of members of a governing body of an agency hearing a contested case; prohibiting a member of the governing body of an agency from participating in certain actions in a contested case under certain circumstances; authorizing certain public bodies to restrict public comment concerning contested cases under certain circumstances; revising requirements relating to the service of certain documents; revising requirements related to the persons a regulatory body employs; eliminating the applicability of certain provisions governing meetings of public bodies to certain investigations; prescribing a standard of review for an award of attorney's fees and costs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law enacts the Nevada Administrative Procedure Act, which establishes procedural requirements for the adoption of regulations and adjudication of contested cases by certain agencies of the Executive Department of the State Government. (Chapter 233B of NRS) Existing law defines the term "contested case" to mean a proceeding in which the legal rights, duties or privileges of a party are required by law to be determined by an agency after an opportunity for hearing, or in which an administrative penalty may be imposed. (NRS 233B.032, 622A.020) **Section 3** of this bill clarifies that the term: (1) means a proceeding in which the legal rights, duties or privileges of a party are required by law to be determined by an agency after an opportunity for hearing; and (2) does not include the grant, denial or renewal of a license or a final decision of an agency approving or denying an application for issuance or renewal of a license, unless notice and opportunity for a hearing are required by law to be provided to the applicant. **Sections 9 and 16** of this bill make conforming changes to account for the reorganization of the definition of "contested case" in **section 3**. **Sections 19 and 20** of this bill make conforming changes to account for the reorganization of provisions governing contested cases in **section 9**.

Section 5 of this bill clarifies that the record in a contested case includes any decision, opinion or report by the governing body of the agency that presides at a hearing for a contested case.

Existing law requires an officer of an agency who is disqualified from participating in the adjudication of any contested case which is subject to judicial review to notify the appointing authority of the officer. The appointing authority is required to appoint a person to replace the officer within 5 working days after receiving the notice. (NRS 233B.122) **Section 6** of this bill instead provides that if a member of a governing body of any agency recuses himself or herself, the quorum of the governing body of the agency is reduced as though the member who recused himself or herself was not a member of the governing body of the agency. If the quorum of the governing body of the agency is reduced to less than three members, **section 6** requires the Chair of the governing body of the agency to send written notice to the appointing authority. **Section 6** further requires the appointing authority to appoint as many persons as necessary to serve in the place of the recused members to ensure that the quorum of the governing body of the agency is at least three members. **Section 6** requires each person appointed to serve in the place of a recused member to have the same qualifications required by law of the member the person replaces or, substantially similar qualifications, as determined by the appointing authority. **Section 6** applies the provisions governing the abstention of a public officer to a member of the governing body of an agency.

Existing law establishes a procedure for an agency to make a proposal for a decision in a contested case when a majority of the officials of the agency have not heard the case or read the record of the case. (NRS 233B.124) **Section 7** of this bill eliminates this procedure and instead prohibits a member of the governing body of an agency from participating in the continuation of the contested case and rendering the final decision until the member reads the record and reviews any exhibits and evidence admitted in the previous proceedings of the case.

Existing law prohibits certain persons from communicating about a contested case in certain circumstances. (NRS 233B.126, 622A.340) **Sections 8 and 18** of this bill authorize certain public bodies to restrict public comment at a meeting of the public body if the public comment concerns an issue of fact or law in a contested case until the public body has reached a final decision on the contested case and any pending judicial proceedings concerning the contested case have concluded. **Section 1** of this bill defines the term "public body." **Section 2** of this bill applies the definitions in existing law and **section 1** to the provisions of law governing administrative procedure.

Section 9 eliminates the requirement that the license of a person who is applying for a new license with reference to any activity of a continuing nature does not expire until the application for the new license has been determined by the agency or the last day for seeking review of the agency's order. (NRS 233B.127) **Section 9** also prohibits the Chair of a governing body of an agency from participating in the adjudication of a contested case if the Chair issues a summary suspension of a license in the contested case.

Section 10 of this bill clarifies that: (1) a petition for judicial review is required to name as respondent the agency that rendered the final decision and be served in accordance with the Nevada Rules of Civil Procedure; and (2) the petition for judicial review and any cross-petitions for judicial review are required to be served on the agency, the Attorney General or a person designated by the Attorney General and every party. (NRS 233B.130)

Existing law requires a petitioner or cross-petitioner who is seeking judicial review to serve and file a memorandum of points and authorities within 40 days after the agency gives written notice to the parties that the record of the proceeding under review has been filed with the court. (NRS 233B.133) **Section 11** of this bill instead requires the memorandum of points and authorities to be served and filed within 40 days after the party who filed the petition for judicial review transmitted the transcript of evidence or the agency that rendered the decision transmitted the remainder of the record of the proceeding, whichever is later.

Existing law prohibits a regulatory body from employing a person whose immediate relative is a licensee of the regulatory body, unless the regulatory body implements policies and procedures to prevent the person from participating in any activities that are directly related to the licensee. (NRS 622.210) **Section 12** of this bill additionally prohibits the regulatory body from employing a person who is an active or inactive licensee of the regulatory body. **Section 13** of this bill removes the prohibition that a person who is employed as an executive director or executive secretary, or in a position with similar powers and duties, is not the immediate relative of a member or employee of the regulatory body or a licensee of the regulatory body. (NRS 622.220)

Section 14 of this bill eliminates the applicability of certain provisions governing public meetings to proceedings relating to an investigation conducted to determine whether to proceed with disciplinary action against a licensee where the licensee requested that such proceedings be conducted pursuant to those provisions. (NRS 622.320)

Section 15 of this bill provides that the standard of review for an award of attorney's fees and costs to an agency is an abuse of discretion standard. (NRS 622.400)

Section 17 of this bill prescribes requirements for the service of a written notice of a contested case adjudicated by a regulatory body with the authority to regulate an occupation or profession. (NRS 622A.300)

Existing law authorizes a person to petition an agency to request the adoption, filing, amendment or repeal of any regulation. Existing law further requires an agency, within 30 days after the submission of such a petition, to either deny the petition in writing or initiate regulation-making proceedings. (NRS 233B.100) **Section 4** of this bill instead requires an agency that is governed by a public body to consider the petition at: (1) the next regularly scheduled meeting of the public body if the petition is submitted 30 days or more before such meeting; or (2) the second regularly scheduled meeting of the public body after the date the petition was filed, if the petition is submitted less than 30 days before a regularly scheduled meeting of the public body. **Section 4** further requires such an agency to either deny the petition or initiate regulation-making proceedings within 30 days after the meeting at which the petition is considered. If the agency is not governed by a

public body, **section 4** increases to 60 days the period of time the agency has to either deny the petition or initiate regulation-making proceedings.

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

Section 1. Chapter 233B of NRS is hereby amended by adding thereto a new section to read as follows:

"Public body" has the meaning ascribed to it in subsection 5 of NRS 241.015.

Sec. 2. NRS 233B.030 is hereby amended to read as follows:

233B.030 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 233B.031 to 233B.0385, inclusive, ***and section 1 of this act,*** have the meanings ascribed to them in those sections.

Sec. 3. NRS 233B.032 is hereby amended to read as follows:

233B.032 ***1.*** "Contested case" means a proceeding, including but not restricted to rate making and licensing, in which the legal rights, duties or privileges of a party are required by law to be determined by an agency after an opportunity for hearing ***.*** ~~[, or in which an administrative penalty may be imposed.]~~

2. Except as otherwise provided in this subsection, the term does not include the grant, denial or renewal of a license or a final decision of an agency approving or denying an application for issuance or renewal of a license, unless notice and an opportunity for a hearing are required by law to be provided to the applicant before the grant, denial or renewal of the license.

Sec. 4. NRS 233B.100 is hereby amended to read as follows:

233B.100 1. Any interested person may petition an agency requesting the adoption, filing, amendment or repeal of any regulation and shall accompany the petition with relevant data, views and arguments. Each agency shall prescribe by regulation the form for such petitions and the procedure for their submission, consideration and disposition. Upon submission of such a petition ~~[,]~~ ***:***

(a) If the agency is governed by a public body and the petition is submitted:

(1) Thirty days or more before a regularly scheduled meeting of the public body, the agency shall consider the petition at such meeting; or

(2) Less than 30 days before a regularly scheduled meeting of the public body, the agency shall consider the petition at the second regularly scheduled meeting of the public body after the date the petition was filed,

➥ ***within 30 days after the meeting at which the petition is considered, the agency shall either deny the petition in writing, stating its reasons, or initiate regulation-making proceedings.***

(b) If the agency is not governed by a public body, the agency shall within ~~[30]~~ ***60*** days either deny the petition in writing, stating its reasons, or initiate regulation-making proceedings.

2. Any regulation of any agency is subject to amendment or suspension by the Governor pursuant to the provisions of NRS 416.060.

Sec. 5. NRS 233B.121 is hereby amended to read as follows:

233B.121 1. In a contested case, all parties must be afforded an opportunity for hearing after reasonable notice.

2. The notice must include:

(a) A statement of the time, place and nature of the hearing.

(b) A statement of the legal authority and jurisdiction under which the hearing is to be held.

(c) A reference to the particular sections of the statutes and regulations involved.

(d) A short and plain statement of the matters asserted. If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon application, a more definite and detailed statement must be furnished.

3. Any party is entitled to be represented by counsel.

4. Opportunity must be afforded all parties to respond and present evidence and argument on all issues involved. An agency may by regulation authorize the payment of fees and reimbursement for mileage to witnesses in the same amounts and under the same conditions as for witnesses in the courts of this state.

5. Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order or default. If an informal disposition is made, the parties may waive the requirement for findings of fact and conclusions of law.

6. The voluntary surrender of a license in a contested case shall be deemed to constitute disciplinary action against the licensee.

7. The record in a contested case must include:

(a) All pleadings, motions and intermediate rulings.

(b) Evidence received or considered.

(c) A statement of matters officially noticed.

(d) Questions and offers of proof and objections, and rulings thereon.

(e) Proposed findings and exceptions.

(f) Any decision, opinion or report by the hearing officer ***or governing body of the agency*** presiding at the hearing.

8. Oral proceedings, or any part thereof, must be transcribed on request of any party. The party making the request shall pay all the costs for the transcription.

9. Findings of fact must be based exclusively on a preponderance of the evidence and on matters officially noticed.

Sec. 6. NRS 233B.122 is hereby amended to read as follows:

233B.122 1. No agency member who acts as an investigator or prosecutor in any contested case may take any part in the adjudication of such case.

2. If ~~[an officer]~~ ***a member of the governing body*** of an agency ~~[disqualifies]~~ ***recuses*** himself or herself ~~[or is disqualified from participating in the adjudication of any contested case in which a decision will be rendered which is subject to judicial review, the officer]~~ ***pursuant to subsection 1 or NRS 233B.127 or 281A.420, the quorum of the governing body of the agency shall be reduced as though the member who recused himself or herself was not a member of the governing body of the agency.***

3. If the quorum of the governing body of the agency is reduced to less than three members, the Chair of the governing body of the agency or his or her designee, shall send ~~[within 3 working days after the disqualification a]~~ ***written*** notice ~~[of it]~~ to the authority which appointed ~~[him or her]~~ ***the members who were recused*** to the agency. The appointing authority shall within ~~[5]~~ ***15*** working days after receiving the notice appoint a person to serve in the place of the ~~[disqualified officer]~~ ***recused member*** only for the purpose of participating in the adjudication of the contested case. ***The appointing authority shall appoint as many persons as necessary to ensure that the quorum of the governing body of the agency is at least three members.***

~~[3. The]~~

4. Each person appointed under subsection ~~[2]~~ ***3*** shall have the same qualifications required by law of the ~~[officer]~~ ***member of the governing body of the agency*** whom the person replaces ***, or substantially similar qualifications, as determined by the appointing authority,*** and is entitled to the same ***immunities,*** salary and per diem and travel expenses allowed to ~~[that officer.]~~ ***a member of the governing body of the agency.***

5. For the purposes of this section, the provisions of NRS 281A.420 apply to an agency member in the same manner as if the agency member were a public officer.

Sec. 7. NRS 233B.124 is hereby amended to read as follows:

233B.124 Where, in ***the continuation of*** a contested case ~~[,]~~ ***or before the final decision in a contested case is rendered,*** a ~~[majority]~~ ***member*** of the ~~[officials]~~ ***governing body*** of the agency ~~[who are]~~ ***that is authorized*** to render the final decision ~~[have]~~ ***has***

not heard the case or read the record ~~[, the decision, if adverse to a party to the proceeding other than the agency itself, shall not be made until a proposal for decision is served upon the parties, and an opportunity is afforded to each party adversely affected to file, within 20 days, exceptions and present briefs and oral argument to the officials who are to render the decision. The proposal for decision shall contain a statement of the reasons therefor and of each issue of fact or law necessary to the proposed decision, prepared by the person who conducted the hearing or one who has read the record. The parties by written stipulation may waive compliance with this section.]~~ ***of previous proceedings in the case, the member shall not participate in the continuation of the contested case and the final decision may not be rendered until the member has read the record and reviewed any exhibits and evidence admitted in the previous proceedings of the case.***

Sec. 8. NRS 233B.126 is hereby amended to read as follows:

233B.126 ***1.*** Unless required for the disposition of ex parte matters authorized by law, members or employees of an agency assigned to render a decision or to make findings of fact and conclusions of law in a contested case shall not communicate, directly or indirectly, in connection with any issue of fact, with any person or party, nor, in connection with any issue of law, with any party or the party's representative, except upon notice and opportunity to all parties to participate. An agency member may, subject to the provisions of NRS 233B.123:

~~[1.]~~ ***(a)*** Communicate with other members of the agency.

~~[2.]~~ ***(b)*** Have the aid and advice of one or more personal assistants.

2. A public body may restrict public comment at a meeting of the public body if the public comment concerns an issue of fact or law in a contested case that is before the public body for adjudication. A public body shall not impose such a restriction on public comment after the public body has reached a final decision on the contested case and any pending judicial proceedings concerning the contested case have concluded.

Sec. 9. NRS 233B.127 is hereby amended to read as follows:

233B.127 1. ~~[The provisions of NRS 233B.121 to 233B.150, inclusive, do not apply to the grant, denial or renewal of a license unless notice and opportunity for hearing are required by law to be provided to the applicant before the grant, denial or renewal of the license.~~

~~2.]~~ When a licensee has made timely and sufficient application for the renewal of a license ~~, [or for a new license with reference to any activity of a continuing nature,]~~ the existing license does not expire until the application ***for renewal*** has been finally determined

by the agency and, in case the application ***for renewal*** is denied or the terms of the new license ***issued pursuant to the application for renewal*** limited, until the last day for seeking review of the agency order ***denying the application for renewal or limiting the terms of the new license*** or a later date fixed by order of the reviewing court.

~~[3.]~~ ***2.*** No revocation ~~[,]~~ ***or*** suspension ~~[, annulment or withdrawal]~~ of any license is lawful unless, before the institution of agency proceedings, the agency gave notice by certified mail to the licensee of facts or conduct which warrant the intended action, and the licensee was given an opportunity to show compliance with all lawful requirements for the retention of the license. If the agency finds that public health, safety or welfare imperatively require emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action. An agency's order of summary suspension may be issued by the agency or by the Chair of the governing body of the agency. If the order of summary suspension is issued by the Chair of the governing body of the agency, the Chair shall not participate in any further proceedings of the agency relating to that order ~~[.]~~ ***or any further adjudication of the contested case.*** Proceedings relating to the order of summary suspension must be instituted and determined within 45 days after the date of the order unless the agency and the licensee mutually agree in writing to a longer period.

Sec. 10. NRS 233B.130 is hereby amended to read as follows:

233B.130 1. Any party who is:

(a) Identified as a party of record by an agency in an administrative proceeding; and

(b) Aggrieved by a final decision in a contested case,

➥ is entitled to judicial review of the decision. Where appeal is provided within an agency, only the decision at the highest level is reviewable unless a decision made at a lower level in the agency is made final by statute. Any preliminary, procedural or intermediate act or ruling by an agency in a contested case is reviewable if review of the final decision of the agency would not provide an adequate remedy.

2. Petitions for judicial review must:

(a) Name as respondents the agency ***that rendered the final decision*** and all parties of record to the administrative proceeding;

(b) Be instituted by filing a petition in the district court in and for Carson City, in and for the county in which the aggrieved party resides or in and for the county where the agency proceeding occurred;

(c) Be served ***in accordance with Rule 5 of the Nevada Rules of Civil Procedure*** upon:

(1) The Attorney General, or a person designated by the Attorney General, at the Office of the Attorney General in Carson City; and

(2) The person serving in the office of administrative head of the named agency; and

(d) Be filed within 30 days after service of the final decision of the agency.

➥ Cross-petitions for judicial review must be filed within 10 days after service of a petition for judicial review.

3. The agency and any party desiring to participate in the judicial review must file a statement of intent to participate in the petition for judicial review and serve the statement upon the agency and every party within 20 days after service of the petition.

4. A petition for rehearing or reconsideration must be filed within 15 days after the date of service of the final decision. An order granting or denying the petition must be served on all parties at least 5 days before the expiration of the time for filing the petition for judicial review. If the petition is granted, the subsequent order shall be deemed the final order for the purpose of judicial review.

5. The petition for judicial review and any cross-petitions for judicial review must be served upon the agency ***, the Attorney General, or a person designated by the Attorney General,*** and every party within 45 days after the filing of the petition, unless, upon a showing of good cause, the district court extends the time for such service. If the proceeding involves a petition for judicial review or cross-petition for judicial review of a final decision of the State Contractors' Board, the district court may, on its own motion or the motion of a party, dismiss from the proceeding any agency or person who:

(a) Is named as a party in the petition for judicial review or cross-petition for judicial review; and

(b) Was not a party to the administrative proceeding for which the petition for judicial review or cross-petition for judicial review was filed.

6. The provisions of this chapter are the exclusive means of judicial review of, or judicial action concerning, a final decision in a contested case involving an agency to which this chapter applies.

Sec. 11. NRS 233B.133 is hereby amended to read as follows:

233B.133 1. A petitioner or cross-petitioner who is seeking judicial review must serve and file a memorandum of points and authorities within 40 days after ~~[the agency gives written notice to the parties that the record of the proceeding under review has been filed with the court.]~~ ***:***

(a) The party who filed the petition for judicial review transmitted the transcript of the evidence pursuant to paragraph (a) of subsection 1 of NRS 233B.131; or

(b) The agency that rendered the decision transmitted the remainder of the record of the proceeding pursuant to paragraph (b) of subsection 1 of NRS 233B.131,

➥ whichever is later.

2. The respondent or cross-petitioner shall serve and file a reply memorandum of points and authorities within 30 days after service of the memorandum of points and authorities.

3. The petitioner or cross-petitioner may serve and file reply memoranda of points and authorities within 30 days after service of the reply memorandum.

4. Within 7 days after the expiration of the time within which the petitioner is required to reply, any party may request a hearing. Unless a request for hearing has been filed, the matter shall be deemed submitted.

5. All memoranda of points and authorities filed in proceedings involving petitions for judicial review must be in the form provided for appellate briefs in Rule 28 of the Nevada Rules of Appellate Procedure.

6. The court, for good cause, may extend the times allowed in this section for filing memoranda.

Sec. 12. NRS 622.210 is hereby amended to read as follows:

622.210 ~~[Except as otherwise provided in NRS 622.220, a]~~ ***A*** regulatory body may not employ a person ***who is an active or inactive licensee of the regulatory body or*** whose immediate relative is ~~[a]~~ ***an active or inactive*** licensee of the regulatory body, unless the regulatory body implements policies and procedures to prevent the person who is employed by the regulatory body from participating in any activities that are directly related to ***the person or*** the licensee ~~[.]~~ ***, as applicable.***

Sec. 13. NRS 622.220 is hereby amended to read as follows:

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

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

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

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

~~4. Must not be the immediate relative of:~~

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

~~(b) A licensee of the regulatory body.~~**]**

Sec. 14. NRS 622.320 is hereby amended to read as follows:

622.320 1. The provisions of chapter 241 of NRS requiring a meeting to be noticed and open to members of the public do not apply to proceedings relating to an investigation conducted to determine whether to proceed with disciplinary action against a licensee **.** ~~**[**, unless the licensee requests that the proceedings be conducted pursuant to those provisions.~~**]**

2. If the regulatory body decides to proceed with disciplinary action against the licensee, all proceedings that are conducted after that decision and are related to that disciplinary action are subject to the provisions of chapter 241 of NRS.

Sec. 15. NRS 622.400 is hereby amended to read as follows:

622.400 1. Except as otherwise provided in this section, a regulatory body may recover from a person reasonable attorney's fees and costs that are incurred by the regulatory body as part of its investigative, administrative and disciplinary proceedings against the person if the regulatory body:

(a) Enters a final order in which it finds that the person has violated any provision of this title which the regulatory body has the authority to enforce, any regulation adopted pursuant thereto or any order of the regulatory body; or

(b) Enters into a consent or settlement agreement in which the regulatory body finds or the person admits or does not contest that the person has violated any provision of this title which the regulatory body has the authority to enforce, any regulation adopted pursuant thereto or any order of the regulatory body.

2. A regulatory body may not recover any attorney's fees and costs pursuant to subsection 1 from a person who was subject to an investigative, administrative or disciplinary proceeding of the regulatory body unless the regulatory body submits an itemized statement of the fees and costs to the person.

3. ***The standard of review for an appeal of an award of attorney's fees and costs is an abuse of discretion standard.***

4. As used in this section, "costs" means:

(a) Costs of an investigation.

(b) Costs for photocopies, facsimiles, long distance telephone calls and postage and delivery.

(c) Fees for hearing officers and court reporters at any depositions or hearings.

(d) Fees for expert witnesses and other witnesses at any depositions or hearings.

(e) Fees for necessary interpreters at any depositions or hearings.

(f) Fees for service and delivery of process and subpoenas.

(g) Expenses for research, including, without limitation, reasonable and necessary expenses for computerized services for legal research.

Sec. 16. NRS 622A.020 is hereby amended to read as follows:

622A.020 ~~[1.]~~ "Contested case" and "case" have the meaning ascribed to "contested case" in NRS 233B.032.

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

Sec. 17. NRS 622A.300 is hereby amended to read as follows:

622A.300 1. To initiate the prosecution of a contested case, the prosecutor shall file a charging document with the regulatory body and serve the licensee with the charging document.

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

3. The regulatory body or hearing panel or officer shall provide the licensee with written notice of the case pursuant to NRS 233B.121 **.** ~~[and 241.0333.]~~ ***Such notice must be:***

(a) Delivered personally to the licensee at least 21 calendar days before the hearing; or

(b) Sent by certified mail to the last known address of the licensee at least 30 calendar days before the hearing.

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

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

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

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

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

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

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

7. The regulatory body or the hearing panel or officer, with the approval of the regulatory body, may consolidate two or more cases if it appears that the cases involve common issues of law or fact and the interests of the parties will not be prejudiced by the consolidation.

Sec. 18. NRS 622A.340 is hereby amended to read as follows:

622A.340 ***1.*** A party shall not communicate either directly or indirectly with any member of the regulatory body, any member of the hearing panel or the hearing officer about any issue of fact or law related to the case unless the communication:

~~[1.]~~ ***(a)*** Is part of a pleading, motion or other document that is properly filed and served on all parties; or

~~[2.]~~ ***(b)*** Occurs while all parties are present or occurs during a meeting or hearing for which all parties have been given proper notice, whether or not all parties are present at that meeting or hearing.

2. A regulatory body may restrict public comment at a meeting of the regulatory body if the public comment concerns an issue of fact or law in a contested case that is before the regulatory body for adjudication. A regulatory body shall not impose such a restriction on public comment once the regulatory body has reached a final decision on the contested case and any pending judicial proceedings concerning the contested case have concluded.

Sec. 19. NRS 630.326 is hereby amended to read as follows:

630.326 1. If an investigation by the Board regarding a physician, genetic counselor, perfusionist, physician assistant, anesthesiologist assistant or practitioner of respiratory care reasonably determines that the health, safety or welfare of the public or any patient served by the licensee is at risk of imminent or continued harm, the Board may:

(a) Summarily restrict the practice of the licensee, including, without limitation, restricting or suspending the ability of the licensee to prescribe and dispense controlled substances, practice in a specialty area, perform specific tasks or procedures or treat a specific population of patients pending the conclusion of a hearing to consider a formal charging document filed against the licensee; or

(b) In accordance with subsection ~~[3]~~ ***2*** of NRS 233B.127, summarily suspend the license of the licensee pending the conclusion of a hearing to consider a formal charging document against the licensee. The order of summary suspension may be

issued only by the Board or an investigative committee of the Board.

2. If the Board or an investigative committee of the Board issues an order summarily suspending the license of a licensee or restricting the practice of a licensee pursuant to subsection 1 and the Board requires the licensee to submit to a mental or physical examination or an examination testing his or her competence to practice, the examination must be conducted and the results obtained not later than 30 days after the order is issued.

Sec. 20. NRS 645B.720 is hereby amended to read as follows:

645B.720 Before conducting a hearing, the Commissioner may, to the fullest extent permitted by the Constitution of the United States and the Constitution of this State:

1. Order a summary suspension of a license pursuant to subsection ~~[3]~~ ***2*** of NRS 233B.127; and

2. Take any other action against a licensee or other person that is necessary to protect the health, safety or welfare of the public.

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