

**PROPOSED REGULATION OF THE
NEVADA FUNERAL AND CEMETERY SERVICES BOARD**

LCB File No. R143-23

January 30, 2024

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

AUTHORITY: § 1, NRS 642.063 and 642.0696; § 2, NRS 642.060 and 642.063.

A REGULATION relating to funeral services; requiring funeral establishments and direct cremation facilities to submit monthly to the Nevada Funeral and Cemetery Services Board a report and certain regulatory fees relating to agreements for funeral services; authorizing the Board to request additional information about such reports; repealing certain provisions relating to practicing before the Board; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the Nevada Funeral and Cemetery Services Board to adopt regulations to carry out certain provisions of law governing funeral establishments and direct cremation facilities. (NRS 642.063) Existing law also requires the Board to collect a regulatory fee for each written and signed agreement for funeral services at the time the agreement for funeral services is fully executed. (NRS 642.0696) **Section 1** of this regulation requires each funeral establishment and direct cremation facility to submit to the Board each month a report of all written and signed agreements to furnish funeral services and each regulatory fee for such agreements received during the immediately preceding month. **Section 1** also authorizes the Board to request any additional information from a funeral establishment or direct cremation facility to verify the information provided in the report.

Existing law sets forth certain administrative procedures relating to contested cases which, with certain exceptions, apply to regulatory bodies which have authority to regulate certain occupations or professions. (Chapters 233B and 622A of NRS) Existing law further provides that a regulatory body may adopt certain procedures relating to contested cases so long as the procedures do not hinder the duty of the regulatory body to protect the public. (NRS 622A.130) Existing regulations set forth certain specific requirements for practice before the Board, including that: (1) all testimony considered by the Board at a hearing, with certain exceptions, be sworn testimony; (2) the member of the Board who is presiding at a hearing will follow certain preliminary procedures before the parties may make opening statements; and (3) evidence at a hearing will ordinarily be received in a certain order unless the Board modifies such order. (NAC 642.225, 642.230, 642.235) Existing regulations further: (1) set forth the procedure to request a rehearing of the Board; and (2) provide that the Board will conduct a rehearing in accordance with the procedure for hearings. (NAC 642.260) **Section 2** of this

regulation repeals these provisions from the Nevada Administrative Code. As a result, the applicable provisions of the Nevada Revised Statutes relating to contested cases which apply generally to regulatory bodies will apply to the Board. (NRS 622A.380, 622A.390)

Section 1. Chapter 642 of NAC is hereby amended by adding thereto a new section to read as follows:

1. Each funeral establishment and direct cremation facility shall submit to the Board on or before the 15th day of each month:

(a) A report on a form prescribed by the Board of all written and signed agreements to furnish funeral services entered into during the immediately preceding month; and

(b) Each regulatory fee for a written and signed agreement to furnish funeral services received pursuant to NRS 642.0696 during the immediately preceding month.

2. The Board may request from a funeral establishment or direct cremation facility any additional information necessary to verify the information provided in the report submitted pursuant to subsection 1, including, without limitation, a list or copies of the written and signed agreements to furnish services.

Sec. 2. NAC 642.225, 642.230, 642.235 and 642.260 are hereby repealed.

TEXT OF REPEALED SECTIONS

642.225 Oath or affirmation required for testimony. All testimony considered by the Board at a hearing, except facts which have been noticed by the Board or entered into the record

by stipulation of the parties, must be sworn testimony. Each witness shall declare, by oath or affirmation, that he or she will testify truthfully.

642.230 Preliminary procedure. The member of the Board who is presiding at a hearing will call the hearing to order, take the appearances of the parties and act upon any pending motions or petitions. The parties may then make opening statements.

642.235 Order of presentation: Generally.

1. Evidence at a hearing will ordinarily be received from the parties in the following order:
 - (a) The Board or person who filed the charge or petition.
 - (b) Members of the staff of the Board, if different from the petitioner.
 - (c) The respondent.
 - (d) Rebuttal by the person who filed the charge or petition.
 - (e) If permitted by the Board, closing statements.
2. The Board may modify the order in which evidence is received.

642.260 Rehearing.

1. Within 15 days after the Board renders a decision or order, the aggrieved party may apply for a rehearing by filing a written petition which sets forth the grounds for a rehearing. While the petition for a rehearing is pending, the aggrieved party shall comply with the decision or order of the Board, except upon order of the Board.

2. The Board will make a decision on a petition for a rehearing within 30 days after the effective date of the order or decision upon which the rehearing is requested. If the Board does not make a decision on the petition for a rehearing within 30 days, the petition shall be deemed denied.

3. The Board may order a rehearing on its own motion within 30 days after it renders a decision if it discovers that a mistake, fraud or misconception of fact existed when it rendered the original decision or order.

4. The Board will conduct a rehearing in accordance with the procedure for hearings.