

SENATE BILL NO. 219—COMMITTEE ON  
COMMERCE, LABOR AND ENERGY

(ON BEHALF OF THE LEGISLATIVE COMMITTEE  
ON HEALTH CARE)

MARCH 7, 2013

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Makes various changes relating to certain  
professional licensing boards. (BDR 54-503)

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

~

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

AN ACT relating to professional licensing boards; revising provisions relating to the reporting of certain information by certain professional licensing boards to law enforcement agencies; requiring, to the extent feasible, certain professional licensing boards to communicate or cooperate with or provide documents or other information to another licensing board or agency, or a law enforcement agency, that is investigating a person; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law establishes various licensing boards to regulate persons who  
2 practice medicine, perfusion or respiratory care, homeopathic medicine, dentistry or  
3 dental hygiene, nursing, osteopathic medicine, chiropractic, Oriental medicine,  
4 podiatry, optometry, audiology, speech pathology, pharmacy, physical therapy,  
5 occupational therapy and cosmetology, and persons who practice as dispensing  
6 opticians, hearing aid specialists or administrators of facilities for long-term care.  
7 (Title 54 of NRS)  
8 **Sections 1, 3, 5, 8, 10, 12, 14, 17, 19, 21, 23, 25, 27, 29, 32 and 35** of this bill  
9 require each of those various licensing boards to forward to the appropriate law  
10 enforcement agency any substantiated information submitted to the board  
11 concerning a person who, without the appropriate license or certificate, engages in  
12 or offers to engage in activity for which a license or certificate is required in this  
13 State. **Sections 2, 4, 6, 7, 9, 11, 13, 15, 18, 20, 22, 24, 26, 28, 30, 33 and 37** of this  
14 bill require, to the extent feasible, each of the boards to communicate or cooperate



15 with or provide documents or any other information to another licensing board or  
16 agency or any other agency that is investigating a person, including a law  
17 enforcement agency.

18 **Sections 31 and 36** of this bill require the State Board of Cosmetology and the  
19 Board of Examiners for Long-Term Care Administrators, respectively, to refer  
20 complaints concerning matters within the jurisdiction of certain other licensing  
21 boards to the other licensing boards.

---

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

1 **Section 1.** Chapter 630 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3 *The Board shall forward to the appropriate law enforcement*  
4 *agency any substantiated information submitted to the Board*  
5 *concerning a person who practices or offers to practice medicine,*  
6 *perfusion or respiratory care without the appropriate license*  
7 *issued pursuant to the provisions of this chapter.*

8 **Sec. 2.** NRS 630.336 is hereby amended to read as follows:

9 630.336 1. Any deliberations conducted or vote taken by the  
10 Board or any investigative committee of the Board regarding its  
11 ordering of a physician, perfusionist, physician assistant or  
12 practitioner of respiratory care to undergo a physical or mental  
13 examination or any other examination designated to assist the Board  
14 or committee in determining the fitness of a physician, perfusionist,  
15 physician assistant or practitioner of respiratory care are not subject  
16 to the requirements of NRS 241.020.

17 2. Except as otherwise provided in subsection 3 or 4, all  
18 applications for a license to practice medicine, perfusion or  
19 respiratory care, any charges filed by the Board, financial records of  
20 the Board, formal hearings on any charges heard by the Board or a  
21 panel selected by the Board, records of such hearings and any order  
22 or decision of the Board or panel must be open to the public.

23 3. Except as otherwise provided in NRS 239.0115, the  
24 following may be kept confidential:

25 (a) Any statement, evidence, credential or other proof submitted  
26 in support of or to verify the contents of an application;

27 (b) Any report concerning the fitness of any person to receive or  
28 hold a license to practice medicine, perfusion or respiratory care;  
29 and

30 (c) Any communication between:

31 (1) The Board and any of its committees or panels; and

32 (2) The Board or its staff, investigators, experts, committees,  
33 panels, hearing officers, advisory members or consultants and  
34 counsel for the Board.



1 4. Except as otherwise provided in subsection 5 and NRS  
2 239.0115, a complaint filed with the Board pursuant to NRS  
3 630.307, all documents and other information filed with the  
4 complaint and all documents and other information compiled as a  
5 result of an investigation conducted to determine whether to initiate  
6 disciplinary action are confidential.

7 5. The formal complaint or other document filed by the Board  
8 to initiate disciplinary action and all documents and information  
9 considered by the Board when determining whether to impose  
10 discipline are public records.

11 6. ~~{This section does not prevent or prohibit the}~~ *The Board*  
12 ~~*{from communicating or cooperating with}*~~ *shall, to the extent*  
13 *feasible, communicate or cooperate with or provide any*  
14 *documents or other information* to any other licensing board or  
15 agency or any agency which is investigating a ~~{licensee.}~~ *person,*  
16 including a law enforcement agency. Such cooperation may include,  
17 without limitation, providing the board or agency with minutes of a  
18 closed meeting, transcripts of oral examinations and the results of  
19 oral examinations.

20 **Sec. 3.** NRS 630A.155 is hereby amended to read as follows:  
21 630A.155 The Board shall:

22 1. Regulate the practice of homeopathic medicine in this State  
23 and any activities that are within the scope of such practice, to  
24 protect the public health and safety and the general welfare of the  
25 people of this State.

26 2. Determine the qualifications of, and examine, applicants for  
27 licensure or certification pursuant to this chapter, and specify by  
28 regulation the methods to be used to check the background of such  
29 applicants.

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

31 4. Investigate and, if required, hear and decide in a manner  
32 consistent with the provisions of chapter 622A of NRS all  
33 complaints made against any homeopathic physician, advanced  
34 practitioner of homeopathy, homeopathic assistant or any agent or  
35 employee of any of them, or any facility where the primary practice  
36 is homeopathic medicine. If a complaint concerns a practice which  
37 is within the jurisdiction of another licensing board or any other  
38 possible violation of state law, the Board shall refer the complaint to  
39 the other licensing board.

40 5. *Forward to the appropriate law enforcement agency any*  
41 *substantiated information submitted to the Board concerning a*  
42 *person who practices or offers to practice homeopathic medicine*  
43 *without the appropriate license or certificate issued pursuant to*  
44 *the provisions of this chapter.*



1       6. Submit an annual report to the Legislature and make  
2 recommendations to the Legislature concerning the enactment of  
3 legislation relating to alternative and complementary integrative  
4 medicine, including, without limitation, homeopathic medicine.

5       **Sec. 4.** NRS 630A.555 is hereby amended to read as follows:

6       630A.555 1. Except as otherwise provided in this section and  
7 NRS 239.0115, a complaint filed with the Board, all documents  
8 and other information filed with the complaint and all documents  
9 and other information compiled as a result of an investigation  
10 conducted to determine whether to initiate disciplinary action  
11 against a person are confidential, unless the person submits a written  
12 statement to the Board requesting that such documents and  
13 information be made public records.

14       2. The charging documents filed with the Board to initiate  
15 disciplinary action pursuant to chapter 622A of NRS and all  
16 documents and information considered by the Board when  
17 determining whether to impose discipline are public records.

18       3. The ~~provisions of this section do not prohibit the~~ Board  
19 ~~from communicating or cooperating~~ *shall, to the extent feasible,*  
20 *communicate or cooperate* with or ~~providing~~ *provide* any  
21 documents or other information to any other licensing board or any  
22 other agency that is investigating a person, including, without  
23 limitation, a law enforcement agency.

24       **Sec. 5.** Chapter 631 of NRS is hereby amended by adding  
25 thereto a new section to read as follows:

26       *The Board shall forward to the appropriate law enforcement*  
27 *agency any substantiated information submitted to the Board*  
28 *concerning a person who practices or offers to practice dentistry*  
29 *or dental hygiene without the appropriate license or certificate*  
30 *issued pursuant to the provisions of this chapter.*

31       **Sec. 6.** NRS 631.368 is hereby amended to read as follows:

32       631.368 1. Except as otherwise provided in this section and  
33 NRS 239.0115, any records or information obtained during the  
34 course of an investigation by the Board and any record of the  
35 investigation are confidential.

36       2. The complaint or other document filed by the Board to  
37 initiate disciplinary action and all documents and information  
38 considered by the Board when determining whether to impose  
39 discipline are public records.

40       3. The Board ~~may~~ *shall, to the extent feasible, communicate*  
41 *or cooperate with or* provide any record or information described in  
42 subsection 1 to any other licensing board or ~~agency or~~ any *other*  
43 agency ~~which~~ *that* is investigating a person, ~~licensed pursuant to~~  
44 ~~this chapter,~~ including a law enforcement agency.



1     **Sec. 7.** NRS 632.405 is hereby amended to read as follows:

2     632.405 1. Except as otherwise provided in this section and  
3 NRS 239.0115, any records or information obtained during the  
4 course of an investigation by the Board and any record of the  
5 investigation are confidential.

6     2. The complaint or other document filed by the Board to  
7 initiate disciplinary action and all documents and information  
8 considered by the Board when determining whether to impose  
9 disciplinary action are public records.

10    3. ~~{This section does not prevent or prohibit the}~~ *The Board*  
11 ~~{from communicating or cooperating with}~~ *shall, to the extent*  
12 *feasible, communicate or cooperate with or provide any*  
13 *documents or other information to* another licensing board or any  
14 agency that is investigating a ~~{licensee,}~~ *person*, including a law  
15 enforcement agency.

16     **Sec. 8.** Chapter 633 of NRS is hereby amended by adding  
17 thereto a new section to read as follows:

18     *The Board shall forward to the appropriate law enforcement*  
19 *agency any substantiated information submitted to the Board*  
20 *concerning a person who practices or offers to practice*  
21 *osteopathic medicine or as a physician assistant without the*  
22 *appropriate license issued pursuant to the provisions of this*  
23 *chapter.*

24     **Sec. 9.** NRS 633.301 is hereby amended to read as follows:

25     633.301 1. The Board shall keep a record of its proceedings  
26 relating to licensing and disciplinary actions. Except as otherwise  
27 provided in this section, the record must be open to public  
28 inspection at all reasonable times and contain the name, known  
29 place of business and residence, and the date and number of the  
30 license of every osteopathic physician and every physician assistant  
31 licensed under this chapter.

32     2. Except as otherwise provided in this section and NRS  
33 239.0115, a complaint filed with the Board, all documents and other  
34 information filed with the complaint and all documents and other  
35 information compiled as a result of an investigation conducted to  
36 determine whether to initiate disciplinary action against a person are  
37 confidential, unless the person submits a written statement to the  
38 Board requesting that such documents and information be made  
39 public records.

40     3. The charging documents filed with the Board to initiate  
41 disciplinary action pursuant to chapter 622A of NRS and all other  
42 documents and information considered by the Board when  
43 determining whether to impose discipline are public records.

44     4. The ~~{provisions of this section do not prohibit the}~~ Board  
45 ~~{from communicating or cooperating}~~ *shall, to the extent feasible,*



1 *communicate or cooperate* with or ~~providing~~ *provide* any  
2 documents or other information to any other licensing board or any  
3 other agency that is investigating a person, including, without  
4 limitation, a law enforcement agency.

5 **Sec. 10.** Chapter 634 of NRS is hereby amended by adding  
6 thereto a new section to read as follows:

7 *The Board shall forward to the appropriate law enforcement*  
8 *agency any substantiated information submitted to the Board*  
9 *concerning a person who practices or offers to practice*  
10 *chiropractic or as a chiropractor's assistant without the*  
11 *appropriate license or certificate issued pursuant to the provisions*  
12 *of this chapter.*

13 **Sec. 11.** NRS 634.214 is hereby amended to read as follows:

14 634.214 1. Except as otherwise provided in this section and  
15 NRS 239.0115, a complaint filed with the Board, all documents  
16 and other information filed with the complaint and all documents  
17 and other information compiled as a result of the investigation  
18 conducted to determine whether to initiate disciplinary action are  
19 confidential and may be disclosed in whole or in part only as  
20 necessary in the course of administering this chapter or to a  
21 licensing board or agency or any other governmental agency,  
22 including, without limitation, a law enforcement agency, that is  
23 investigating a person who is licensed *or who performs acts for*  
24 *which a license or certificate is required* pursuant to the provisions  
25 of this chapter.

26 2. *The Board shall, to the extent feasible, communicate or*  
27 *cooperate with or provide any documents or other information to*  
28 *any other licensing board or any other agency that is investigating*  
29 *a person, including, without limitation, a law enforcement agency.*

30 3. The complaint or other document filed by the Board to  
31 initiate disciplinary action and all documents and information  
32 considered by the Board when determining whether to impose  
33 discipline are public records.

34 **Sec. 12.** Chapter 634A of NRS is hereby amended by adding  
35 thereto a new section to read as follows:

36 *The Board shall forward to the appropriate law enforcement*  
37 *agency any substantiated information submitted to the Board*  
38 *concerning a person who practices or offers to practice Oriental*  
39 *medicine without a license issued pursuant to the provisions of*  
40 *this chapter.*

41 **Sec. 13.** NRS 634A.185 is hereby amended to read as follows:

42 634A.185 1. Except as otherwise provided in this section and  
43 NRS 239.0115, a complaint filed with the Board, all documents  
44 and other information filed with the complaint and all documents  
45 and other information compiled as a result of an investigation



1 conducted to determine whether to initiate disciplinary action  
2 against a person are confidential, unless the person submits a written  
3 statement to the Board requesting that such documents and  
4 information be made public records.

5 2. The charging documents filed with the Board to initiate  
6 disciplinary action pursuant to chapter 622A of NRS and all  
7 documents and information considered by the Board when  
8 determining whether to impose discipline are public 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 ~~{provisions of this section do not prohibit the}~~ Board  
12 ~~{from communicating or cooperating}~~ shall, to the extent feasible,  
13 *communicate or cooperate* with or ~~{providing}~~ *provide* any  
14 documents or other information to any other licensing board or any  
15 other agency that is investigating a person, including, without  
16 limitation, a law enforcement agency.

17 **Sec. 14.** Chapter 635 of NRS is hereby amended by adding  
18 thereto a new section to read as follows:

19 *The Board shall forward to the appropriate law enforcement*  
20 *agency any substantiated information submitted to the Board*  
21 *concerning a person who practices or offers to practice podiatry or*  
22 *as a podiatry hygienist without the appropriate license issued*  
23 *pursuant to the provisions of this chapter.*

24 **Sec. 15.** NRS 635.158 is hereby amended to read as follows:

25 635.158 1. Except as otherwise provided in this section and  
26 NRS 239.0115, a complaint filed with the Board, all documents  
27 and other information filed with the complaint and all documents  
28 and other information compiled as a result of an investigation  
29 conducted to determine whether to initiate disciplinary action  
30 against a person are confidential, unless the person submits a written  
31 statement to the Board requesting that such documents and  
32 information be made public records.

33 2. The charging documents filed with the Board to initiate  
34 disciplinary action pursuant to chapter 622A of NRS and all  
35 documents and information considered by the Board when  
36 determining whether to impose discipline are public records.

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

39 4. The ~~{provisions of this section do not prohibit the}~~ Board  
40 ~~{from communicating or cooperating}~~ shall, to the extent feasible,  
41 *communicate or cooperate* with or ~~{providing}~~ *provide* 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.





1 5. The Board shall retain all complaints filed with the Board  
2 for at least 10 years, including, without limitation, any complaints  
3 not acted upon.

4 **Sec. 16.** Chapter 636 of NRS is hereby amended by adding  
5 thereto the provisions set forth as sections 17 and 18 of this act.

6 **Sec. 17.** *The Board shall forward to the appropriate law  
7 enforcement agency any substantiated information submitted to  
8 the Board concerning a person who practices or offers to practice  
9 optometry without a license issued pursuant to the provisions of  
10 this chapter.*

11 **Sec. 18.** *The Board shall, to the extent feasible, communicate  
12 or cooperate with or provide any documents or other information  
13 to any other licensing board or any other agency that is  
14 investigating a person, including a law enforcement agency.*

15 **Sec. 19.** Chapter 637 of NRS is hereby amended by adding  
16 thereto a new section to read as follows:

17 *The Board shall forward to the appropriate law enforcement  
18 agency any substantiated information submitted to the Board  
19 concerning a person who practices or offers to practice  
20 ophthalmic dispensing without a license issued pursuant to the  
21 provisions of this chapter.*

22 **Sec. 20.** NRS 637.085 is hereby amended to read as follows:

23 637.085 1. Except as otherwise provided in this section, all  
24 applications for licensure, financial records of the Board and records  
25 of hearings and any order or decision of the Board or a panel must  
26 be open to the public.

27 2. Except as otherwise provided in this section and NRS  
28 239.0115, the following may be kept confidential:

29 (a) Any statement, evidence, credential or other proof submitted  
30 in support of or to verify the contents of an application.

31 (b) Any report concerning the fitness of any person to receive or  
32 hold a license to practice ophthalmic dispensing.

33 (c) Any communication between:

34 (1) The Board and any of its committees or panels; and

35 (2) The Board or its staff, investigators, experts, committees,  
36 panels, hearing officers, advisory members or consultants and  
37 counsel for the Board.

38 (d) Any other information or records in the possession of the  
39 Board.

40 3. Except as otherwise provided in this section and NRS  
41 239.0115, a complaint filed with the Board, all documents and other  
42 information filed with the complaint and all documents and other  
43 information compiled as a result of an investigation conducted to  
44 determine whether to initiate disciplinary action against a person are  
45 confidential, unless the person submits a written statement to the





1 Board requesting that such documents and information be made  
2 public records.

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

7 5. The ~~{provisions of this section do not prohibit the}~~ Board  
8 ~~{from communicating or cooperating}~~ *shall, to the extent feasible,*  
9 *communicate or cooperate* with or ~~{providing}~~ *provide* any  
10 documents or other information to any other licensing board or any  
11 other agency that is investigating a person, including, without  
12 limitation, a law enforcement agency.

13 **Sec. 21.** Chapter 637A of NRS is hereby amended by adding  
14 thereto a new section to read as follows:

15 *The Board shall forward to the appropriate law enforcement*  
16 *agency any substantiated information submitted to the Board*  
17 *concerning a person who engages in the business of a hearing aid*  
18 *specialist or an apprentice to a hearing aid specialist without the*  
19 *appropriate license issued pursuant to the provisions of this*  
20 *chapter.*

21 **Sec. 22.** NRS 637A.315 is hereby amended to read as follows:

22 637A.315 1. Except as otherwise provided in this section and  
23 NRS 239.0115, a complaint filed with the Board, all documents  
24 and other information filed with the complaint and all documents  
25 and other information compiled as a result of an investigation  
26 conducted to determine whether to initiate disciplinary action  
27 against a person are confidential, unless the person submits a written  
28 statement to the Board requesting that such documents and  
29 information be made public records.

30 2. The charging documents filed with the Board to initiate  
31 disciplinary action pursuant to chapter 622A of NRS and all  
32 documents and information considered by the Board when  
33 determining whether to impose discipline are public records.

34 3. The ~~{provisions of this section do not prohibit the}~~ Board  
35 ~~{from communicating or cooperating}~~ *shall, to the extent feasible,*  
36 *communicate or cooperate* with or ~~{providing}~~ *provide* any  
37 documents or other information to any other licensing board or any  
38 other agency that is investigating a person, including, without  
39 limitation, a law enforcement agency.

40 **Sec. 23.** Chapter 637B of NRS is hereby amended by adding  
41 thereto a new section to read as follows:

42 *The Board shall forward to the appropriate law enforcement*  
43 *agency any substantiated information submitted to the Board*  
44 *concerning a person who practices or offers to practice audiology*



1 *or speech pathology without the appropriate license issued*  
2 *pursuant to the provisions of this chapter.*

3 **Sec. 24.** NRS 637B.288 is hereby amended to read as follows:

4 637B.288 1. Except as otherwise provided in this section and  
5 NRS 239.0115, a complaint filed with the Board, all documents  
6 and other information filed with the complaint and all documents  
7 and other information compiled as a result of an investigation  
8 conducted to determine whether to initiate disciplinary action  
9 against a person are confidential, unless the person submits a written  
10 statement to the Board requesting that such documents and  
11 information be made public records.

12 2. The charging documents filed with the Board to initiate  
13 disciplinary action pursuant to chapter 622A of NRS and all  
14 documents and information considered by the Board when  
15 determining whether to impose discipline are public records.

16 3. The ~~provisions of this section do not prohibit the~~ Board  
17 ~~from communicating or cooperating~~ shall, to the extent feasible,  
18 *communicate or cooperate* with or ~~providing~~ *provide*  
19 any documents or other information to any other licensing board or any  
20 other agency that is investigating a person, including, without  
21 limitation, a law enforcement agency.

22 **Sec. 25.** Chapter 639 of NRS is hereby amended by adding  
23 thereto a new section to read as follows:

24 *The Board shall forward to the appropriate law enforcement*  
25 *agency any substantiated information submitted to the Board*  
26 *concerning a person who practices or offers to practice pharmacy*  
27 *without the appropriate license, certificate or permit issued*  
28 *pursuant to the provisions of this chapter.*

29 **Sec. 26.** NRS 639.070 is hereby amended to read as follows:

30 639.070 1. The Board may:

31 (a) Adopt such regulations, not inconsistent with the laws of this  
32 State, as are necessary for the protection of the public, appertaining  
33 to the practice of pharmacy and the lawful performance of its duties.

34 (b) Adopt regulations requiring that prices charged by retail  
35 pharmacies for drugs and medicines which are obtained by  
36 prescription be posted in the pharmacies and be given on the  
37 telephone to persons requesting such information.

38 (c) Adopt regulations, not inconsistent with the laws of this  
39 State, authorizing the Executive Secretary of the Board to issue  
40 certificates, licenses and permits required by this chapter and  
41 chapters 453 and 454 of NRS.

42 (d) Adopt regulations governing the dispensing of poisons,  
43 drugs, chemicals and medicines.

44 (e) Regulate the practice of pharmacy.



- 1 (f) Regulate the sale and dispensing of poisons, drugs, chemicals  
2 and medicines.
- 3 (g) Regulate the means of recordkeeping and storage, handling,  
4 sanitation and security of drugs, poisons, medicines, chemicals and  
5 devices, including, but not limited to, requirements relating to:
- 6 (1) Pharmacies, institutional pharmacies and pharmacies in  
7 correctional institutions;
- 8 (2) Drugs stored in hospitals; and
- 9 (3) Drugs stored for the purpose of wholesale distribution.
- 10 (h) Examine and register, upon application, pharmacists and  
11 other persons who dispense or distribute medications whom it  
12 deems qualified.
- 13 (i) Charge and collect necessary and reasonable fees for the  
14 expedited processing of a request or for any other incidental service  
15 the Board provides, other than those specifically set forth in this  
16 chapter.
- 17 (j) Maintain offices in as many localities in the State as it finds  
18 necessary to carry out the provisions of this chapter.
- 19 (k) Employ an attorney, inspectors, investigators and other  
20 professional consultants and clerical personnel necessary to the  
21 discharge of its duties.
- 22 (l) Enforce the provisions of NRS 453.011 to 453.552, inclusive,  
23 and enforce the provisions of this chapter and chapter 454 of NRS.
- 24 (m) Adopt regulations concerning the information required to be  
25 submitted in connection with an application for any license,  
26 certificate or permit required by this chapter or chapter 453 or 454  
27 of NRS.
- 28 (n) Adopt regulations concerning the education, experience and  
29 background of a person who is employed by the holder of a license  
30 or permit issued pursuant to this chapter and who has access to  
31 drugs and devices.
- 32 (o) Adopt regulations concerning the use of computerized  
33 mechanical equipment for the filling of prescriptions.
- 34 (p) Participate in and expend money for programs that enhance  
35 the practice of pharmacy.
- 36 2. *The Board shall, to the extent feasible, communicate or*  
37 *cooperate with or provide any documents or other information to*  
38 *any other licensing board or any other agency that is investigating*  
39 *a person, including, without limitation, a law enforcement agency.*
- 40 3. This section does not authorize the Board to prohibit open-  
41 market competition in the advertising and sale of prescription drugs  
42 and pharmaceutical services.



1       **Sec. 27.** Chapter 640 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3       *The Board shall forward to the appropriate law enforcement*  
4 *agency any substantiated information submitted to the Board*  
5 *concerning a person who practices or offers to practice physical*  
6 *therapy or as a physical therapist's assistant without the*  
7 *appropriate license issued pursuant to the provisions of this*  
8 *chapter.*

9       **Sec. 28.** NRS 640.075 is hereby amended to read as follows:

10       640.075 1. Except as otherwise provided in this section and  
11 NRS 239.0115, a complaint filed with the Board, all documents  
12 and other information filed with the complaint and all documents  
13 and other information compiled as a result of an investigation  
14 conducted to determine whether to initiate disciplinary action  
15 against a person are confidential, unless the person submits a written  
16 statement to the Board requesting that such documents and  
17 information be made public records.

18       2. The charging documents filed with the Board to initiate  
19 disciplinary action pursuant to chapter 622A of NRS and all  
20 documents and information considered by the Board when  
21 determining whether to impose discipline are public records.

22       3. The ~~provisions of this section do not prohibit the~~ Board  
23 ~~from communicating or cooperating~~ shall, to the extent feasible,  
24 *communicate or cooperate* with or ~~providing~~ *provide* any  
25 documents or other information to any other licensing board or any  
26 other agency that is investigating a person, including, without  
27 limitation, a law enforcement agency.

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

30       **Sec. 29.** NRS 640A.110 is hereby amended to read as follows:

31       640A.110 The Board shall:

32       1. Enforce the provisions of this chapter;

33       2. *Forward to the appropriate law enforcement agency any*  
34 *substantiated information submitted to the Board concerning a*  
35 *person who practices or offers to practice occupational therapy or*  
36 *as an occupational therapy assistant without the appropriate*  
37 *license issued pursuant to the provisions of this chapter;*

38       3. Maintain a record of its proceedings;

39       ~~3-~~ 4. Evaluate the qualifications of an applicant for a license  
40 as an occupational therapist or occupational therapy assistant and,  
41 upon payment of the appropriate fee, issue the appropriate license to  
42 a qualified applicant;

43       ~~4-~~ 5. Adopt regulations establishing standards of practice for  
44 persons licensed pursuant to this chapter and any other regulations  
45 necessary to carry out the provisions of this chapter; and



1 ~~5.1~~ 6. Require a person licensed pursuant to this chapter to  
2 submit to the Board such documentation or perform such practical  
3 demonstrations as the Board deems necessary to determine whether  
4 the licensee has acquired the skills necessary to perform physical  
5 therapeutic modalities.

6 **Sec. 30.** NRS 640A.220 is hereby amended to read as follows:

7 640A.220 1. Except as otherwise provided in this section and  
8 NRS 239.0115, a complaint filed with the Board, all documents  
9 and other information filed with the complaint and all documents  
10 and other information compiled as a result of an investigation  
11 conducted to determine whether to initiate disciplinary action  
12 against a person are confidential, unless the person submits a written  
13 statement to the Board requesting that such documents and  
14 information be made public records.

15 2. The charging documents filed with the Board to initiate  
16 disciplinary action pursuant to chapter 622A of NRS and all  
17 documents and information considered by the Board when  
18 determining whether to impose discipline are public records.

19 3. The ~~provisions of this section do not prohibit the~~ Board  
20 ~~from communicating or cooperating~~ shall, to the extent feasible,  
21 *communicate or cooperate* with or ~~providing~~ *provide* any  
22 documents or other information to any other licensing board or any  
23 other agency that is investigating a person, including, without  
24 limitation, a law enforcement agency.

25 4. The Board shall retain all complaints filed with the Board  
26 for at least 10 years, including, without limitation, any complaints  
27 not acted upon.

28 **Sec. 31.** Chapter 644 of NRS is hereby amended by adding  
29 thereto a new section to read as follows:

30 1. *If the Board determines that a complaint filed with the*  
31 *Board concerns a matter within the jurisdiction of another*  
32 *licensing board, the Board shall refer the complaint to the other*  
33 *licensing board within 5 days after making the determination.*

34 2. *The Board may refer a complaint pursuant to subsection 1*  
35 *orally, electronically or in writing.*

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

38 (a) *A complaint which concerns a person who or entity which*  
39 *is licensed, certified or otherwise regulated by the Board or by*  
40 *another licensing board; and*

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

44 4. *The provisions of this section do not prevent the Board*  
45 *from acting upon a complaint which concerns a matter within the*



1 *jurisdiction of the Board regardless of whether the Board refers*  
2 *the complaint pursuant to subsection 1.*

3 *5. The Board or an officer or employee of the Board is*  
4 *immune from any civil liability for any decision or action taken in*  
5 *good faith and without malicious intent in carrying out the*  
6 *provisions of this section.*

7 *6. As used in this section, "licensing board" means a board*  
8 *created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A,*  
9 *635, 636, 637, 637A, 637B, 639, 640, 640A, 640B, 640C, 640D,*  
10 *640E, 641, 641A, 641B, 641C, 643, 644 or 654 of NRS.*

11 **Sec. 32.** NRS 644.090 is hereby amended to read as follows:  
12 644.090 The Board shall:

13 1. Hold examinations to determine the qualifications of all  
14 applicants for a license, except as otherwise provided in this chapter,  
15 whose applications have been submitted to it in proper form.

16 2. Issue licenses to such applicants as may be entitled thereto.

17 3. License establishments for hair braiding, cosmetological  
18 establishments and schools of cosmetology.

19 4. Report to the proper prosecuting ~~officers all violations~~  
20 *officer or law enforcement agency each violation* of this chapter  
21 coming within its knowledge.

22 5. Inspect schools of cosmetology, establishments for hair  
23 braiding and cosmetological establishments to ensure compliance  
24 with the statutory requirements and adopted regulations of the  
25 Board. This authority extends to any member of the Board or its  
26 authorized employees.

27 **Sec. 33.** NRS 644.446 is hereby amended to read as follows:

28 644.446 1. Except as otherwise provided in this section and  
29 NRS 239.0115, a complaint filed with the Board, all documents  
30 and other information filed with the complaint and all documents  
31 and other information compiled as a result of an investigation  
32 conducted to determine whether to initiate disciplinary action  
33 against a person are confidential, unless the person submits a written  
34 statement to the Board requesting that such documents and  
35 information be made public records.

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

40 3. The ~~provisions of this section do not prohibit the~~ Board  
41 ~~from communicating or cooperating~~ *shall, to the extent feasible,*  
42 *communicate or cooperate* with or ~~providing~~ *provide* any  
43 documents or other information to any other licensing board or any  
44 other agency that is investigating a person, including, without  
45 limitation, a law enforcement agency.



1     **Sec. 34.** Chapter 654 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 35 and 36 of this act.

3     **Sec. 35.** *The Board shall forward to the appropriate law*  
4 *enforcement agency any substantiated information submitted to*  
5 *the Board concerning a person who acts in the capacity of a*  
6 *nursing facility administrator or an administrator of a residential*  
7 *facility for groups without the appropriate license issued pursuant*  
8 *to the provisions of this chapter.*

9     **Sec. 36.** 1. *If the Board determines that a complaint filed*  
10 *with the Board concerns a matter within the jurisdiction of*  
11 *another licensing board, the Board shall refer the complaint to the*  
12 *other licensing board within 5 days after making the*  
13 *determination.*

14     2. *The Board may refer a complaint pursuant to subsection 1*  
15 *orally, electronically or in writing.*

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

18     (a) *A complaint which concerns a person who or entity which*  
19 *is licensed, certified or otherwise regulated by the Board or by*  
20 *another licensing board; and*

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

24     4. *The provisions of this section do not prevent the Board*  
25 *from acting upon a complaint which concerns a matter within the*  
26 *jurisdiction of the Board regardless of whether the Board refers*  
27 *the complaint pursuant to subsection 1.*

28     5. *The Board or an officer or employee of the Board is*  
29 *immune from any civil liability for any decision or action taken in*  
30 *good faith and without malicious intent in carrying out the*  
31 *provisions of this section.*

32     6. *As used in this section, "licensing board" means a board*  
33 *created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A,*  
34 *635, 636, 637, 637A, 637B, 639, 640, 640A, 640B, 640C, 640D,*  
35 *640E, 641, 641A, 641B, 641C, 643, 644 or 654 of NRS.*

36     **Sec. 37.** NRS 654.110 is hereby amended to read as follows:

37     654.110 1. In a manner consistent with the provisions of  
38 chapter 622A of NRS, the Board shall:

39     (a) Develop, impose and enforce standards which must be met  
40 by persons to receive licenses as nursing facility administrators or  
41 administrators of residential facilities for groups. The standards  
42 must be designed to ensure that nursing facility administrators or  
43 persons acting as administrators of residential facilities for groups  
44 will be persons who are of good character and otherwise suitable,  
45 and who, by training or experience in their respective fields of





1 administering health care facilities, are qualified to serve as nursing  
2 facility administrators or administrators of residential facilities for  
3 groups.

4 (b) Develop and apply appropriate techniques, including  
5 examinations and investigations, for determining whether a person  
6 meets those standards.

7 (c) Issue licenses to persons determined, after the application of  
8 appropriate techniques, to meet those standards.

9 (d) Revoke or suspend licenses previously issued by the Board  
10 in any case if the person holding the license is determined  
11 substantially to have failed to conform to the requirements of the  
12 standards.

13 (e) Establish and carry out procedures designed to ensure that  
14 persons licensed as nursing facility administrators or administrators  
15 of residential facilities for groups will, during any period they serve  
16 as such, comply with the requirements of the standards.

17 (f) Receive, investigate and take appropriate action with respect  
18 to any charge or complaint filed with the Board to the effect that any  
19 person licensed as a nursing facility administrator or an  
20 administrator of a residential facility for groups has failed to comply  
21 with the requirements of the standards. The Board shall initiate an  
22 investigation of any charge or complaint filed with the Board within  
23 30 days after receiving the charge or complaint.

24 (g) Conduct a continuing study of:

25 (1) Facilities for skilled nursing, facilities for intermediate  
26 care and their administrators; and

27 (2) Residential facilities for groups and their administrators,  
28 ↪ with a view to the improvement of the standards imposed for the  
29 licensing of administrators and of procedures and methods for the  
30 enforcement of the standards.

31 (h) Conduct or approve, or both, a program of training and  
32 instruction designed to enable all persons to obtain the qualifications  
33 necessary to meet the standards set by the Board for qualification as  
34 a nursing facility administrator or an administrator of a residential  
35 facility for groups.

36 2. Except as otherwise provided in this section, all records kept  
37 by the Board, not otherwise privileged or confidential, are public  
38 records.

39 3. Except as otherwise provided in this section and NRS  
40 239.0115, a complaint filed with the Board, all documents and other  
41 information filed with the complaint and all documents and other  
42 information compiled as a result of an investigation conducted to  
43 determine whether to initiate disciplinary action against a person are  
44 confidential, unless the person submits a written statement to the



- 1 Board requesting that such documents and information be made  
2 public records.
- 3 4. The charging documents filed with the Board to initiate  
4 disciplinary action pursuant to chapter 622A of NRS and all other  
5 documents and information considered by the Board when  
6 determining whether to impose discipline are public records.
- 7 5. The ~~provisions of this section do not prohibit the~~ Board  
8 ~~from communicating or cooperating~~ *shall, to the extent feasible,*  
9 *communicate or cooperate* with or ~~providing~~ *provide* any  
10 documents or other information to any other licensing board or any  
11 other agency that is investigating a person, including, without  
12 limitation, a law enforcement agency.

